



House of Representatives

General Assembly

File No. 154

January Session, 2003

Substitute House Bill No. 6582

House of Representatives, April 2, 2003

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PYROTECHNIC AND OTHER FIRE HAZARDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-306 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 When the local fire marshal ascertains that there exists in any
4 building, or upon any premises, combustible or explosive matter,
5 dangerous accumulation of rubbish or any flammable material
6 especially liable to fire, which is so situated as to endanger life or
7 property, or finds obstructions or conditions that present a fire hazard
8 to the occupants or interfere with their egress in case of fire, or a
9 condition in violation of the statutes relating to fire prevention or
10 safety, or any regulation made pursuant thereto, the remedy of which
11 requires construction or a change in structure, he shall order such
12 materials to be forthwith removed or the conditions remedied by the
13 owner or occupant of such building or premises, and all such
14 construction and changes shall be in conformance with all building

15 codes, ordinances, rules and regulations of the municipality involved
16 and such owner or occupant shall be subject to the penalties prescribed
17 by section 29-295 and, in addition thereto, may suffer a penalty of fifty
18 dollars a day for each day of neglect for each violation, to be recovered
19 in a proper action in the name of the state. Upon failure of an owner or
20 occupant to abate such hazard or remedy such condition within a
21 reasonable period of time as specified by the local fire marshal, such
22 local fire marshal shall promptly notify in writing the prosecuting
23 attorney having jurisdiction in the municipality in which such hazard
24 exists of all the facts pertaining thereto, and such official shall
25 promptly take such action as the facts may require, and a copy of such
26 notification shall be forwarded promptly to the State Fire Marshal. The
27 local fire marshal may request the chief executive officer or any official
28 of the municipality authorized to institute actions on behalf of the
29 municipality in which the hazard exists, or the State Fire Marshal, for
30 the purpose of closing or restricting from public service or use such
31 place or premises until such hazard has been remedied, to apply to any
32 court of equitable jurisdiction for an injunction against such owner or
33 occupant; or the State Fire Marshal, on his own initiative, may apply to
34 such court for such injunction. If the local fire marshal or local police
35 determines that there exists in a building a risk of death or injury from
36 overcrowding or from the indoor use of pyrotechnics, such fire
37 marshal or police officer may issue a verbal or written order to
38 immediately vacate the building. A violation of such order shall be
39 subject to the penalties under section 29-295. When such hazard is
40 found to exist upon premises supervised or licensed by a state
41 department or agency, the State Fire Marshal shall promptly notify the
42 administrator of such department or agency of his findings and shall
43 issue orders for the elimination of such hazard. The provisions of this
44 section shall not apply to any building, structure or premises used in
45 the carrying on of manufacturing.

46 Sec. 2. Section 29-381 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective from passage*):

48 (a) No owner, proprietor, manager or agent of any theater, concert

49 or music hall or assembly hall or of any building, auditorium or rooms
50 used for public gatherings shall permit any person to occupy any aisle
51 in any such theater, concert or music hall, assembly hall or other
52 building used for such purpose, or permit any person to occupy the
53 back or sides of any such building or room used as aforesaid, to such
54 an extent as to prevent the free and unobstructed passage to and from
55 the entrance to any aisle or any of the exits in such place; but the
56 provisions of this section shall not apply to town halls which are on the
57 ground floor. Any person who violates any provision of this section
58 shall be fined not more than fifty dollars.

59 (b) Before any performance or event at any theater, concert or music
60 hall or assembly hall or at any building, auditorium or room used for
61 public gatherings of more than one hundred persons, the owner,
62 proprietor, manager or agent of such theater, hall, building,
63 auditorium or room shall make a public announcement that describes
64 the location of emergency exits.

65 Sec. 3. (NEW) (*Effective from passage*) Each place of public assembly,
66 as defined in the State Fire Safety Code, shall have (1) a main entrance
67 sufficient to allow the emergency exit of two-thirds of the capacity of
68 such place of assembly, and (2) exit signs at floor level at all emergency
69 exits.

70 Sec. 4. Subsection (b) of section 29-357 of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective from*
72 *passage*):

73 (b) The State Fire Marshal shall adopt reasonable regulations, in
74 accordance with chapter 54, for the granting of permits for supervised
75 displays of fireworks or for the indoor use of pyrotechnics for special
76 effects by municipalities, fair associations, amusement parks, other
77 organizations or groups of individuals or artisans in pursuit of their
78 trade. Such permit may be issued upon application to said State Fire
79 Marshal and after (1) inspection of the site of such display or use by
80 the local fire marshal to determine compliance with the requirements
81 of such regulations, (2) approval of the chiefs of the police and fire

82 departments, or, if there is no police or fire department, of the first
83 selectman, of the municipality wherein the display is to be held as is
84 provided in this section, and (3) the filing of a bond by the applicant as
85 provided in section 29-358. No such display shall be handled or fired
86 by any person until such person has been granted a certificate of
87 competency by the State Fire Marshal, in respect to which a fee of fifty
88 dollars shall be payable to the State Treasurer when issued and which
89 may be renewed every three years upon payment of a fee of thirty
90 dollars to the State Treasurer, provided such certificate may be
91 suspended or revoked by said marshal at any time for cause. Such
92 certificate of competency shall attest to the fact that such operator is
93 competent to fire a display. Such display shall be of such a character
94 and so located, discharged or fired as in the opinion of the chiefs of the
95 police and fire departments or such selectman, after proper inspection,
96 will not be hazardous to property or endanger any person or persons.
97 No display shall take place in a building that does not have an
98 automatic fire extinguishing system on each floor unless such display
99 is approved by the State Fire Marshal. In an aerial bomb, no salute,
100 report or maroon may be used that is composed of a formula of
101 chlorate of potash, sulphur, black needle antimony and dark
102 aluminum. Formulas that may be used in a salute, report or maroon
103 are as follows: (A) Perchlorate of potash, black needle antimony and
104 dark aluminum and (B) perchlorate of potash, dark aluminum and
105 sulphur. No high explosive such as dynamite, fulminate of mercury or
106 other stimulator for detonating shall be used in any aerial bomb or
107 other pyrotechnics. Application for permits shall be made in writing at
108 least fifteen days prior to the date of display, on such notice as the
109 State Fire Marshal by regulation prescribes, on forms furnished by
110 him, and a fee of thirty-five dollars shall be payable to the State
111 Treasurer with each such application. After such permit has been
112 granted, sales, possession, use and distribution of fireworks for such
113 display shall be lawful for that purpose only. No permit granted
114 hereunder shall be transferable. Any permit issued under the
115 provisions of this section may be suspended or revoked by the State
116 Fire Marshal or the local fire marshal for violation by the permittee of

117 any provision of the general statutes, any regulation or any ordinance
118 relating to fireworks.

119 Sec. 5. Section 19a-343 of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective from passage*):

121 (a) For the purposes of sections 19a-343 to 19a-343h, inclusive, a
122 person creates or maintains a public nuisance if such person erects,
123 establishes, maintains, uses, owns or leases any real property or
124 portion thereof for any of the purposes enumerated in subdivisions (1)
125 to [(10)] (11), inclusive, of subsection (c) of this section.

126 (b) The state has the exclusive right to bring an action to abate a
127 public nuisance under this section and sections 19a-343a to 19a-343h,
128 inclusive, involving any real property or portion thereof, commercial
129 or residential, including single or multifamily dwellings, provided
130 there have been three or more arrests, or the issuance of three or more
131 arrest warrants indicating a pattern of criminal activity and not
132 isolated incidents, for conduct on the property documented by a law
133 enforcement officer for any of the offenses enumerated in subdivisions
134 (1) to [(10)] (11), inclusive, of subsection (c) of this section within the
135 three hundred sixty-five days preceding commencement of the action.

136 (c) Three or more arrests, or the issuance of three or more arrest
137 warrants indicating a pattern of criminal activity and not isolated
138 incidents, for the following offenses shall constitute the basis for
139 bringing an action to abate a public nuisance:

140 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88
141 or 53a-89.

142 (2) Promoting an obscene performance or obscene material under
143 section 53a-196 or 53a-196b, employing a minor in an obscene
144 performance under section 53a-196a or importing or possessing child
145 pornography under section 53a-196c or 53a-196d.

146 (3) Transmission of gambling information under section 53-278b or
147 53-278d or maintaining of a gambling premises under section 53-278e.

148 (4) Offenses for the sale of controlled substances, possession of
 149 controlled substances with intent to sell, or maintaining a drug factory
 150 under section 21a-277, 21a-278 or 21a-278a or use of the property by
 151 persons possessing controlled substances under section 21a-279.
 152 Nothing in this section shall prevent the state from also proceeding
 153 against property under section 21a-259 or 54-36h.

154 (5) Unauthorized sale of alcoholic liquor under section 30-74 or
 155 disposing of liquor without a permit under section 30-77.

156 (6) Violations of the inciting injury to persons or property law under
 157 section 53a-179a.

158 (7) Maintaining a motor vehicle chop shop under section 14-149a.

159 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,
 160 53a-56 or 53a-56a.

161 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of
 162 subsection (a) of section 53a-60 or section 53a-60a.

163 (10) Sexual assault under section 53a-70 or 53a-70a.

164 (11) Violations of the State Fire Safety Code or any fire statute.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

PS Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - Revenue Gain	Less than \$1,000	Less than \$1,000
Correction, Dept.; Public Safety, Dept.; Judicial Dept.; Pub. Defender Serv. Com.; Criminal Justice, Div.	GF - None	None	None
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill enhances both the regulation of indoor use of pyrotechnics and the legal obligation of proprietors who permit such use. Passage of these portions of the bill would not result in any fiscal impact to the state or municipalities.

The bill also makes it a crime (violation of fire safety code) for any person to fail to immediately vacate a building once a fire marshal or police officer has instructed them to do so due to a determination that there is a risk of death or injury from overcrowding or indoor pyrotechnics use. In FY 02, there were 140 violations of fire safety codes and 51 convictions. Three offenders paid fines totaling \$400. Between October 2001 and March 2003, one person was incarcerated for this crime for a period of one month. It is anticipated that the bill would potentially generate a minimal amount of revenues from fines (less than \$1,000 annually). Criminal justice agencies could handle any caseload increase without the need for additional appropriations.

OLR Bill Analysis

sHB 6582

AN ACT CONCERNING PYROTECHNIC AND OTHER FIRE HAZARDS**SUMMARY:**

This bill allows local fire marshals or police officers to order people, verbally or in writing, to vacate a building immediately when they determine there is a risk of death or injury from overcrowding or indoor pyrotechnics use. A violation of the order carries a fine of \$200 to \$1,000, imprisonment for up to six months, or both.

The bill prohibits fireworks or pyrotechnics displays in buildings that do not have automatic fire sprinklers on each floor, unless the state fire marshal approves the display.

It requires that before any event or performance at any theater; concert, music, or assembly hall; or any building, auditorium, or room used for public gatherings of more than 100 people, the owner, proprietor, manager, or agent make a public announcement of the location of emergency exits.

The bill also requires places of public assembly as defined in the state fire safety code to have (1) a main entrance through which two-thirds of the people the building is designed to accommodate may exit during an emergency and (2) floor-level exit signs at all emergency exits.

Finally, the bill adds violations of the state fire safety code or "any fire statute" to the nuisance abatement statutes. By law, courts may order abatement when they find by clear and convincing evidence that a nuisance exists.

EFFECTIVE DATE: Upon passage

BACKGROUND***Fire Marshal's Authority Under Law***

By law, fire marshals may order building owners to remedy any situation that presents a fire hazard. But they do not appear to have the authority to close a building on the spot for such hazards or failure to obey the order.

Nuisance Crimes

By law, the state may bring a nuisance action if there have been at least three arrest warrants or arrests for certain crimes, including:

1. murder or capital murder;
2. 1st or 2nd degree manslaughter or 2nd degree manslaughter with a gun;
3. 1st degree assault, sexual assault, or aggravated sexual assault;
4. 2nd degree assault involving serious physical injury;
5. 1st degree assault of an aged, blind, or disabled person; and
6. 2nd degree assault with a firearm.

The law also allows the state to bring such actions when at least three warrants have been issued for crimes like prostitution; transmitting gambling information; selling, possessing with intent to sell, or producing illegal drugs; or selling or disposing of liquor without a permit that already constitute a nuisance, provided arrests have been made on at least three occasions.

Places of Public Assembly

Under the state fire safety code, assembly occupancies include buildings designed to accommodate 50 or more people for such purposes as worship, entertainment, eating and drinking, and amusement. They include armories, assembly halls, auditoriums, bowling lanes, college and university classrooms that accommodate 50 or more students, conference rooms, courtrooms, dance halls, libraries, mortuary chapels, motion picture theaters, museums, passenger stations and air terminals, churches, skating rinks, and theaters (State Fire Safety Code § 4-1.2).

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute

Yea 22 Nay 0