



General Assembly

**Substitute Bill No. 6582**

*January Session, 2003*

**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 Section 29-306 of the general statutes is repealed and the  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.*