



General Assembly

January Session, 2003

Amendment

LCO No. 6390

HB0658206390HDO

Offered by:

REP. DARGAN, 115th Dist.

REP. LAWLOR, 99th Dist.

SEN. NEWTON, 23rd Dist.

REP. LEONE, 148th Dist.

REP. ORANGE, 48th Dist.

REP. PANARONI, 102nd Dist.

REP. STONE, 134th Dist.

REP. GREENE, 105th Dist.

REP. COLLINS, 117th Dist.

REP. KALINOWSKI, 100th Dist.

REP. PETERS, 30th Dist.

To: Subst. House Bill No. 6582

File No. 154

Cal. No. 136

"AN ACT CONCERNING PYROTECHNIC AND OTHER FIRE HAZARDS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 29-306 of the general statutes is repealed and the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

5 When the local fire marshal ascertains that there exists in any
6 building, or upon any premises, combustible or explosive matter,
7 dangerous accumulation of rubbish or any flammable material
8 especially liable to fire, which is so situated as to endanger life or
9 property, or finds obstructions or conditions that present a fire hazard
10 to the occupants or interfere with their egress in case of fire, or a

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

46 to immediately vacate the building. A violation of such order shall be
47 subject to the penalties under section 29-295.

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

50 (a) No owner, proprietor, manager or agent of any theater, concert
51 or music hall or assembly hall or of any building, auditorium or rooms
52 used for public gatherings shall permit any person to occupy any aisle
53 in any such theater, concert or music hall, assembly hall or other
54 building used for such purpose, or permit any person to occupy the
55 back or sides of any such building or room used as aforesaid, to such
56 an extent as to prevent the free and unobstructed passage to and from
57 the entrance to any aisle or any of the exits in such place; but the
58 provisions of this section shall not apply to town halls which are on the
59 ground floor.

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

66 (c) Any person who violates any provision of this section shall be
67 fined not more than fifty dollars.

68 Sec. 3. (NEW) (*Effective from passage*) Each place of public assembly,
69 as defined in the State Fire Safety Code, constructed after the effective
70 date of this section or renovated after the effective date of this section
71 to increase capacity or change its occupancy, as defined in the State
72 Building Code, shall have a main entrance sufficient to allow the
73 emergency exit of two-thirds of the capacity of such place of assembly.

74 Sec. 4. Section 19a-343 of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

97 (2) Promoting an obscene performance or obscene material under
98 section 53a-196 or 53a-196b, employing a minor in an obscene
99 performance under section 53a-196a or importing or possessing child
100 pornography under section 53a-196c or 53a-196d.

101 (3) Transmission of gambling information under section 53-278b or
102 53-278d or maintaining of a gambling premises under section 53-278e.

103 (4) Offenses for the sale of controlled substances, possession of
104 controlled substances with intent to sell, or maintaining a drug factory
105 under section 21a-277, 21a-278 or 21a-278a or use of the property by
106 persons possessing controlled substances under section 21a-279.

107 Nothing in this section shall prevent the state from also proceeding
108 against property under section 21a-259 or 54-36h.

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

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

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

114 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,
115 53a-56 or 53a-56a.

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

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

119 (11) Fire safety violations under section 29-292, subsection (b) of
120 section 29-310, or section 29-315, 29-317, 29-320, 29-325, 29-329, 29-337,
121 29-349 or 29-357.

122 Sec. 5. Section 19a-510a of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective from passage*):

124 (a) The attending physician, the director of a health care institution,
125 his designee, or any health care provider shall report the provision of
126 treatment for (1) a second or third degree burn to five per cent or more
127 of the body, (2) any burn to the upper respiratory tract, (3) laryngeal
128 edema due to the inhalation of superheated air, [and] (4) each case of a
129 burn injury which is likely to or may result in death, and (5) any injury
130 resulting from the use of fireworks, immediately, by telephone, to the
131 local fire marshal of the jurisdiction where the incident which caused
132 the burn occurred, and within forty-eight hours, in writing, to the State
133 Fire Marshal's Office on forms provided by that office. The report shall
134 be sent to the Bureau of State Fire Marshal and Safety Services which
135 shall compile the information and publish a statistical abstract to be

136 submitted annually to local fire marshals and the General Assembly.

137 (b) Nothing in this section shall be construed to remove the primary
138 responsibility for fire investigations from the appropriate local
139 jurisdiction.

140 (c) For purposes of this section "health care provider" means any
141 person, corporation, facility or institution licensed by this state to
142 provide health care or professional services, or an officer, employee or
143 agent thereof acting in the course and scope of his employment.

144 Sec. 6. (NEW) (*Effective from passage*) (a) Whenever the State Fire
145 Marshal or a local fire marshal determines that there is reason to
146 believe any fireworks are being sold, used or possessed in violation of
147 any of the provisions of section 29-357 of the general statutes, as
148 amended by this act, the State Fire Marshal or such local fire marshal
149 may issue a written or printed stop sale, use or removal order to any
150 person who owns, controls or has custody of such fireworks, and after
151 receipt of such order no person shall sell, use or remove the fireworks
152 described in the order except in accordance with the provisions of the
153 order.

154 (b) Any fireworks distributed, sold, offered for sale or delivered for
155 transportation or transported into or within the state for the purpose of
156 sale shall be subject to seizure and condemnation upon application of
157 the State Fire Marshal or a local fire marshal to the superior court for
158 the judicial district of Hartford if they are being sold, used or
159 possessed in violation of section 29-357 of the general statutes, as
160 amended by this act.

161 (c) If the fireworks are condemned, the court shall order the
162 forfeiture and destruction of such fireworks. When any article is
163 ordered condemned, court costs, legal fees and storage and other
164 proper expenses shall be awarded against the person, if any, who
165 intervenes as claimant of the article or who is responsible for the
166 condition which leads to its condemnation.

167 Sec. 7. Section 29-357 of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective from passage*):

169 (a) Except as provided in subsection (b) of this section, no person,
170 firm or corporation shall offer for sale, expose for sale, sell at retail or
171 use or explode or possess with intent to sell, use or explode any
172 fireworks, except, notwithstanding the provisions of section 29-356,
173 any person who is sixteen years of age or older may offer for sale,
174 expose for sale, sell at retail, purchase, use or possess with intent to sell
175 or use sparklers of not more than one hundred grams of pyrotechnic
176 mixture per item, which are nonexplosive and nonaerial.

177 (b) The State Fire Marshal shall adopt reasonable regulations, in
178 accordance with chapter 54, for the granting of permits for supervised
179 displays of fireworks or for the indoor use of pyrotechnics for special
180 effects by municipalities, fair associations, amusement parks, other
181 organizations or groups of individuals or artisans in pursuit of their
182 trade. Such permit may be issued upon application to said State Fire
183 Marshal and after (1) inspection of the site of such display or use by
184 the local fire marshal to determine compliance with the requirements
185 of such regulations, (2) approval of the chiefs of the police and fire
186 departments, or, if there is no police or fire department, of the first
187 selectman, of the municipality wherein the display is to be held as is
188 provided in this section, and (3) the filing of a bond by the applicant as
189 provided in section 29-358. No such display shall be handled or fired
190 by any person until such person has been granted a certificate of
191 competency by the State Fire Marshal, in respect to which a fee of fifty
192 dollars shall be payable to the State Treasurer when issued and which
193 may be renewed every three years upon payment of a fee of thirty
194 dollars to the State Treasurer, provided such certificate may be
195 suspended or revoked by said marshal at any time for cause. Such
196 certificate of competency shall attest to the fact that such operator is
197 competent to fire a display. Such display shall be of such a character
198 and so located, discharged or fired as in the opinion of the chiefs of the
199 police and fire departments or such selectman, after proper inspection,
200 will not be hazardous to property or endanger any person or persons.

201 In an aerial bomb, no salute, report or maroon may be used that is
202 composed of a formula of chlorate of potash, sulphur, black needle
203 antimony and dark aluminum. Formulas that may be used in a salute,
204 report or maroon are as follows: (A) Perchlorate of potash, black
205 needle antimony and dark aluminum, and (B) perchlorate of potash,
206 dark aluminum and sulphur. No high explosive such as dynamite,
207 fulminate of mercury or other stimulator for detonating shall be used
208 in any aerial bomb or other pyrotechnics. Application for permits shall
209 be made in writing at least fifteen days prior to the date of display, on
210 such notice as the State Fire Marshal by regulation prescribes, on forms
211 furnished by him, and a fee of thirty-five dollars shall be payable to the
212 State Treasurer with each such application. After such permit has been
213 granted, sales, possession, use and distribution of fireworks for such
214 display shall be lawful for that purpose only. No permit granted
215 hereunder shall be transferable. Any permit issued under the
216 provisions of this section may be suspended or revoked by the State
217 Fire Marshal or the local fire marshal for violation by the permittee of
218 any provision of the general statutes, any regulation or any ordinance
219 relating to fireworks.

220 (c) The State Fire Marshal may grant variations or exemptions from,
221 or approve equivalent or alternate compliance with, particular
222 provisions of any regulation issued under the provisions of subsection
223 (b) of this section where strict compliance with such provisions would
224 entail practical difficulty or unnecessary hardship or is otherwise
225 adjudged unwarranted, provided any such variation, exemption,
226 approved equivalent or alternate compliance shall, in the opinion of
227 the State Fire Marshal, secure the public safety and shall be made in
228 writing.

229 (d) Any person, firm or corporation violating the provisions of this
230 section shall be fined not more than one hundred dollars or
231 imprisoned not more than ninety days or be both fined and
232 imprisoned, except that (1) any person, firm or corporation violating
233 the provisions of subsection (a) of this section by offering for sale,
234 exposing for sale or selling at retail or possessing with intent to sell any

235 fireworks with a value exceeding ten thousand dollars shall be guilty
 236 of a class A misdemeanor, and (2) any person, firm or corporation
 237 violating any provision of subsection (b) of this section or any
 238 regulation adopted thereunder shall be guilty of a class A
 239 misdemeanor, except if death or injury results from any such violation,
 240 such person, firm or corporation shall be fined not more than ten
 241 thousand dollars or imprisoned not more than ten years, or both.

242 Sec. 8. Subsection (i) of section 19a-343a of the general statutes is
 243 repealed and the following is substituted in lieu thereof (*Effective from*
 244 *passage*):

245 (i) At the evidentiary hearing upon the public nuisance complaint,
 246 the state shall have the burden of proving by clear and convincing
 247 evidence of the existence of a public nuisance upon the real property as
 248 defined in section 19a-343, as amended by this act. If the state presents
 249 clear and convincing evidence that there have been three or more
 250 arrests, or the issuance of three or more arrest warrants indicating a
 251 pattern of criminal activity and not isolated incidents, for conduct on
 252 the real property or any portion thereof documented by a law
 253 enforcement officer for any of the offenses enumerated in subdivisions
 254 (1) to [(10)] (11), inclusive, of subsection (c) of section 19a-343, as
 255 amended by this act, within the three hundred sixty-five days
 256 preceding commencement of the action, this shall create a rebuttable
 257 presumption of the existence of a public nuisance. Any defendant may
 258 offer evidence by way of an affirmative defense that [he] such
 259 defendant has taken reasonable steps to abate the public nuisance, but
 260 has been unable to abate the nuisance. "

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>
Sec. 6	<i>from passage</i>

Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>