



# Senate

General Assembly

**File No. 474**

February Session, 2006

Substitute Senate Bill No. 363

*Senate, April 11, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING APPEALS REGARDING THE STATE FIRE CODE AND REVISIONS TO THE STATE BUILDING CODE.**

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

1 Section 1. Section 29-309 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 The Codes and Standards Committee shall establish a procedure  
4 whereby any person determined to have the right to appeal may  
5 appeal a decision of the local fire marshal or State Fire Marshal relating  
6 to the enforcement of any provision of the general statutes concerning  
7 fire prevention and safety or the State Fire Safety Code not more than  
8 thirty days after the receipt of notice of the decision by the person  
9 aggrieved by such decision. Such procedure shall include the  
10 committee and shall be established in accordance with the provisions  
11 of chapter 54. Any person aggrieved by a decision made in accordance  
12 with such procedure may appeal therefrom to the superior court for  
13 the judicial district wherein the premises concerned are located. Any  
14 officer, department, board or bureau of the municipality charged with

15 the enforcement of an order, requirement or decision of the State Fire  
16 Marshal or the Codes and Standards Committee shall have the right to  
17 appeal under this section.

18 Sec. 2. (NEW) (Effective October 1, 2006) The State Building Inspector  
19 and the Codes and Standards Committee shall revise the State  
20 Building Code to require all outdoor swimming pools, regardless of  
21 the date of construction, to be surrounded with a barrier.

22 Sec. 3. (NEW) (Effective October 1, 2006) Not later than January 1,  
23 2007, the State Building Inspector and the State Fire Marshal, in  
24 conjunction with the Codes and Standards Committee, shall make  
25 amendments to the State Building Code and the State Fire Safety Code  
26 concerning floor proximity path marking devices or related devices  
27 intended for installation as a system to identify the path of emergency  
28 egress. The amendments shall require that a path marking system be  
29 installed within eighteen inches of the floor, provide a visible  
30 delineation of the path of travel along the designated exit access and be  
31 essentially continuous, except as interrupted by doorways, hallways,  
32 corridors or other such architectural features. The amendments shall  
33 provide which materials may be used for path marking, and such  
34 materials shall include, but not be limited to, electrical photo  
35 luminescent or self-luminous material. The amendments shall require  
36 installation of a path marking system in new construction in (1) Group  
37 A occupancies with an occupant load of more than three hundred  
38 persons, (2) Group B medical occupancies, (3) Group E occupancies, (4)  
39 Group I-1 occupancies, (5) Group I-2 occupancies, (6) Group R-1 hotels  
40 and motels, and (7) Group R-2 dormitories.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	29-309
Sec. 2	October 1, 2006	New section
Sec. 3	October 1, 2006	New section

**PS** Joint Favorable Subst. C/R **JUD**

**JUD**      *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:** None

**Municipal Impact:**

Municipalities	Effect	FY 07 \$	FY 08 \$
All Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

**Explanation**

**Section 1** of the bill permits certain appeals to the superior court. It is anticipated that few such appeals would be undertaken and consequently any workload increase associated with the handling of these cases by the Judicial Department could be accommodated within budgeted resources.

**Section 2** requires the state building code to be revised to retroactively require all swimming pools to be surrounded by a barrier. The requirement will not result in a fiscal impact to the Department of Public Safety (DPS), but could result in an impact to municipalities. Local building officials would be required to inspect all properties in their jurisdiction to determine if every pool (both new and existing) is surrounded by a barrier. There could be a workload increase to municipalities, which could result in an additional cost.

**Section 3** requires the State Fire Marshall, State Building Inspector, and the Codes and Standards Committee to amend the State Building and State Fire Code to include the requirements of floor proximity path lighting for emergency exits. The requirement to develop standards for proximity path lighting would result in a workload increase for the State Fire Marshall and the State Building Inspector, but is not anticipated to result in a fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 363*****AN ACT CONCERNING APPEALS REGARDING THE STATE FIRE CODE AND REVISIONS TO THE STATE BUILDING CODE.*****SUMMARY:**

This bill requires the state building inspector and the Codes and Standards Committee to revise the State Building Code to require barriers around all outdoor swimming pools, irrespective of when they were constructed.

The bill gives municipal boards, officers, bureaus, and departments charged with enforcing fire code orders, decisions, or requirements the same right as other people currently have to appeal the state fire marshal's decisions to the state Codes and Standards Committee, and the committee's decisions to the Superior Court.

By January 1, 2007, the bill requires the state building inspector and the state fire marshal, in conjunction with the committee, to amend the state building and fire safety codes and set standards for floor "proximity path marking systems" or related devices in certain types of occupancies. The systems' purpose is to identify and illuminate exit routes.

EFFECTIVE DATE: October 1, 2006

**APPEALS OF FIRE CODE DECISIONS**

The Codes and Standards Committee works with the state fire marshal and state building inspector to enforce the state building and fire safety codes. By law, it must establish a procedure allowing people aggrieved by local fire marshals' decisions to appeal to the committee, and people aggrieved by the committee's decisions to appeal to Superior Court. In practice, code enforcement officials or offices are

unable to appeal these decisions based apparently on the committee's interpretation that they are not aggrieved parties. The bill specifically gives any municipal board, bureau, officer, or department charged with enforcing an order, requirement, or decision of the state fire marshal or the committee the right to appeal.

### **PATH MARKING SYSTEMS**

The bill requires the state building inspector and the state fire marshal, in conjunction with the committee, to amend the state building and fire safety codes' provisions on floor proximity path marking devices or related devices, which are intended to mark and show emergency exit routes. The amendments must require the system to (1) be installed within 18 inches of the floor; (2) provide a visible clearly marked path of travel along the designated exit route; and (3) be essentially continuous, except when interrupted by doorways, hallways, corridors, or other such architectural features. They must also provide the type of material that may be used for path marking and may include electrical photo luminescent or self-luminous material.

The bill applies to new:

1. Group A occupancies (e.g., night clubs, theaters, churches, and stadiums) with an occupant load of more than 300 people;
2. Group B medical occupancies;
3. Group E (educational) occupancies;
4. Group I-1 occupancies (e.g., convalescent homes, drug centers, and half-way houses);
5. Group I-2 occupancies (e.g., hospitals and nursing homes);
6. Group R-1 hotels and motels; and
7. Group R-2 dormitories.

Both codes already require proximity exit signs in all of the above occupancies (except Group E). They must be located so that the bottom of the sign is not less than six inches or more than 18 inches above the finished floor.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference

Yea 20 Nay 0 (03/07/2006)

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (03/27/2006)