



House Bill No. 5802

Public Act No. 08-65

AN ACT CONCERNING THE STATE FIRE PREVENTION CODE.

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

Section 1. Section 29-291a of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) The State Fire Marshal, in coordination with the advisory committee established under subsection (b) of this section, shall adopt and administer a [state] State Fire Prevention Code based on a nationally recognized fire prevention code. Said code shall be used to enhance the enforcement capabilities of local fire marshals and for the purposes of prevention of fire and other related emergencies. Said code shall be adopted not later than October 1, 2008, and shall be revised thereafter as deemed necessary to incorporate any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions.

(b) There is established an advisory committee consisting of nine persons appointed by the State Fire Marshal. The State Fire Marshal shall appoint two members selected from a list of individuals submitted by the Codes and Standards Committee from the membership of said committee and seven members representing local

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fire marshals, deputy fire marshals and fire inspectors selected from a list of individuals submitted by the Connecticut Fire Marshals Association.

(c) The State Fire Marshal may issue official interpretations of the State Fire Prevention Code, including interpretations of the applicability of any provision of the code, upon the request of any person. The State Fire Marshal shall compile and index each interpretation and shall publish such interpretations at periodic intervals not exceeding four months.

Sec. 2. Section 29-305 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) Each local fire marshal and the State Fire Marshal, for the purpose of satisfying themselves that all pertinent statutes and regulations are complied with, may inspect in the interests of public safety all buildings, [and] facilities, [of public service, all buildings and facilities used for manufacturing and all occupancies] processes, equipment, systems and other areas regulated by the State Fire Safety Code and the State Fire Prevention Code within their respective jurisdictions.

(b) Each local fire marshal shall inspect or cause to be inspected, at least once each calendar year or as often as prescribed by the State Fire Marshal pursuant to subsection [(b)] (e) of this section, in the interests of public safety, all buildings and facilities of public service and all occupancies regulated by the State Fire Safety Code within the local fire marshal's jurisdiction, except residential buildings designed to be occupied by one or two families which shall be inspected, upon complaint or request of an owner or occupant, only for the purpose of determining whether the requirements specified in said [code] codes relative to smoke detection and warning equipment have been

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satisfied.

(c) Upon receipt by the State Fire Marshal of information from an authentic source that any other building or facility within the State Fire Marshal's jurisdiction is hazardous to life safety from fire, the State Fire Marshal shall inspect such building or facility.

(d) Upon receipt by the local fire marshal of information from an authentic source that any other building or facility within the local fire marshal's jurisdiction is hazardous to life safety from fire, the local fire marshal shall inspect such building or facility. In each case in which the local fire marshal conducts an inspection, the local fire marshal shall be satisfied that all pertinent statutes and regulations are complied with, and shall keep a record of such investigations. Such local fire marshal or a designee shall have the right of entry at all reasonable hours into or upon any premises within the local fire marshal's jurisdiction for the performance of the fire marshal's duties except that occupied dwellings and habitations, exclusive of common use passageways and rooms in tenement houses, hotels and rooming houses, may only be entered for inspections between the hours of 9:00 a.m. and 5:00 p.m., except in the event of any emergency requiring immediate attention for safety to life, or in the interests of public safety. Each local fire marshal shall make a monthly report to the authority which appointed the local fire marshal and shall be paid for his or her services in making such inspections of buildings [and] facilities, processes, equipment, systems and other areas the compensation agreed upon with such appointing authority.

[(b)] (e) The State Fire Marshal may adopt amendments to the State Fire Safety Code and the State Fire Prevention Code regarding requirements for the frequency of inspections of different building uses regulated by the [code] codes and set forth a schedule of inspections, except for inspections of residential buildings designed to be occupied by three or more families, that are less frequent than

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yearly if the interests of public safety can be met by less frequent inspections.

Sec. 3. Section 29-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) When the local fire marshal ascertains that there exists in any building, or upon any premises, (1) combustible or explosive matter, dangerous accumulation of rubbish or any flammable material especially liable to fire, [which] that is so situated as to endanger life or property, [or finds] (2) obstructions or conditions that present a fire hazard to the occupants or interfere with their egress in case of fire, or (3) a condition in violation of the statutes relating to fire prevention or safety, or any regulation made pursuant thereto, the remedy of which requires construction or a change in structure, the local fire marshal shall order such materials to be immediately removed or the conditions remedied by the owner or occupant of such building or premises. [, and all] Any such removal or remedy [construction and changes] shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. [and such owner or occupant shall be subject to the penalties prescribed by section 29-295 and, in addition thereto, may suffer a penalty of fifty dollars a day for each day of neglect for each violation, to be recovered in a proper action in the name of the state.] Any person, firm or corporation which violates any provision of this subsection shall be fined not more than one hundred dollars or be imprisoned not more than three months, or both, and, in addition, may be fined fifty dollars a day for each day's continuance of each violation, to be recovered in a proper action in the name of the state.

(b) Upon failure of an owner or occupant to abate [such] a hazard or remedy [such] a condition pursuant to subsection (a) of this section within a reasonable period of time as specified by the local fire marshal, such local fire marshal shall promptly notify in writing the

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prosecuting attorney having jurisdiction in the municipality in which such hazard exists of all the facts pertaining thereto, and such official shall promptly take such action as the facts may require, and a copy of such notification shall be forwarded promptly to the State Fire Marshal. The local fire marshal may request the chief executive officer or any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists, or the State Fire Marshal, for the purpose of closing or restricting from public service or use such place or premises until such hazard has been remedied, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant; or the State Fire Marshal, on his own initiative, may apply to such court for such injunction. When such hazard is found to exist upon premises supervised or licensed by a state department or agency, the State Fire Marshal shall promptly notify the administrator of such department or agency of his findings and shall issue orders for the elimination of such hazard. [The provisions of this section shall not apply to any building, structure or premises used in the carrying on of manufacturing.]

(c) If the local fire marshal or a local police officer determines that there exists in a building a risk of death or injury from [overcrowding, blockage of required exiting or from the indoor use of pyrotechnics] (1) blocked, insufficient or impeded egress, (2) failure to maintain or the shutting off of any fire protection or fire warning system required by the State Fire Safety Code or State Fire Prevention Code, (3) the storage of any flammable or explosive material without a permit or in quantities in excess of any allowable limits pursuant to a permit, (4) the use of any firework or pyrotechnic device without a permit, or (5) exceeding the occupancy limit established by the State Fire Marshal or a local fire marshal, such fire marshal or police officer may issue a verbal or written order to immediately vacate the building. Such fire marshal or police officer shall notify the State Fire Marshal if such marshal or officer anticipates that any of the conditions specified in

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subdivisions (1) to (5), inclusive, of this subsection cannot be abated in four hours or less. A violation of such order shall be subject to the penalties under section 29-295 of the 2008 supplement to the general statutes.

Sec. 4. Section 29-309 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

The Codes and Standards Committee shall establish a procedure whereby any person determined to have the right to appeal may appeal a decision of the local fire marshal or State Fire Marshal relating to the enforcement of any provision of the general statutes concerning [fire prevention and safety or] the State Fire Safety Code not more than thirty days after the receipt of notice of the decision by the person aggrieved by such decision. Such procedure shall include the committee and shall be established in accordance with the provisions of chapter 54. Any person aggrieved by a decision made in accordance with such procedure may appeal therefrom to the superior court for the judicial district wherein the premises concerned are located.

Sec. 5. (NEW) (*Effective October 1, 2008*) The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of the State Fire Prevention Code where strict compliance with such provisions would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided any such variation or exemption or approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety. Any application for a variation or exemption or equivalent or alternate compliance received by a local fire marshal shall be forwarded to the State Fire Marshal by first class mail not later than fifteen business days after the receipt of such application by the local fire marshal and accompanied by a letter containing the local fire marshal's comments on the merits of the application.

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Sec. 6. (NEW) (*Effective October 1, 2008*) The State Fire Marshal shall review a decision by a local fire marshal upon the request of any person determined to have the right to appeal or when the State Fire Marshal has reason to believe that such official has misconstrued or misinterpreted any provision of the State Fire Prevention Code adopted pursuant to section 29-291a of the 2008 supplement to the general statutes. If upon review and after consultation with such official the State Fire Marshal determines that a provision of the code has been misconstrued or misinterpreted, the State Fire Marshal shall issue an interpretation of such code and may issue any order the State Fire Marshal deems appropriate. Any such determination or order shall be in writing and sent to such local fire marshal by registered mail, return receipt requested. Any person aggrieved by a decision made by the State Fire Marshal in accordance with this section or a decision of the State Fire Marshal relating to the enforcement of the State Fire Prevention Code may appeal such decision to the superior court for the judicial district where the premises concerned are located.

Sec. 7. (NEW) (*Effective October 1, 2008*) (a) When the State Fire Marshal or a local fire marshal ascertains that there exists in any building, or upon any premises, a condition that violates the State Fire Prevention Code, the State Fire Marshal or local fire marshal shall order such condition remedied by the owner or occupant of such building or premises. Any such remedy shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. Such owner or occupant shall be subject to the penalties prescribed by section (e) of this section and, in addition, may be fined fifty dollars a day for each day's continuance of each violation, to be recovered in a proper action in the name of the state.

(b) Upon failure of an owner or occupant to abate or remedy a violation pursuant to subsection (a) of this section within a reasonable period of time specified by the State Fire Marshal or the local fire

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marshal, the local fire marshal shall promptly notify, in writing, the prosecuting attorney having jurisdiction in the municipality in which such violation or condition exists of all of the relevant facts. The local fire marshal may request the chief executive officer, any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists or the State Fire Marshal, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant for the purpose of closing or restricting from public service or use the place or premises containing the violation or condition until the violation or condition has been remedied, or the State Fire Marshal may apply for such an injunction without such request.

(c) The State Fire Marshal or any local fire marshal empowered to enforce the State Fire Prevention Code may, as an alternative to issuing an order pursuant to subsection (a) of this section, give the owner or occupant a written citation for any violation of the State Fire Prevention Code. No such citation may be issued if the owner or occupant has been previously issued a citation for the same violation by the State Fire Marshal or the local fire marshal within six months prior to the current violation. Such citation shall contain the name and address, if known, of the owner or occupant, the specific offense charged and the time and place of the violation. The citation shall be signed by the State Fire Marshal or local fire marshal and shall be signed by the owner or occupant in acknowledgement that such citation has been received. The State Fire Marshal or local fire marshal shall, if practicable, deliver a copy of the citation to the owner or occupant at the time and place of the violation or shall use some other reasonable means of notification. Any person who is issued a citation for violation of any provision of the State Fire Prevention Code in accordance with this subsection shall be fined not more than two hundred fifty dollars.

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(d) If a local fire marshal issues a citation pursuant to subsection (c) of this section, the state shall remit to the municipalities in which the violations occurred ninety per cent of the proceeds of the fine and shall remit to the State Treasurer the remaining ten per cent. If the State Fire Marshal issues a citation pursuant to said subsection, the state shall remit to the State Treasurer the entire proceeds of the fine. Each clerk of the Superior Court or the Chief Court Administrator, on or before the thirtieth day of January, April, July and October in each year, shall certify to the Comptroller the amount due for the previous quarter under this subsection to each municipality served by the office of the clerk or official.

(e) In addition to the fine prescribed in subsection (a) of this section, any person who violates any provision of the State Fire Prevention Code shall be fined not less than two hundred dollars or more than one thousand dollars or be imprisoned not more than six months, or both.

Approved May 12, 2008