



General Assembly

February Session, 2008

Raised Bill No. 5802

LCO No. 2511

* HB05802PS 030608 *

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING THE STATE FIRE PREVENTION CODE.

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

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2 statutes is repealed and the following is substituted in lieu thereof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

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

14 (b) There is established an advisory committee consisting of nine
15 persons appointed by the State Fire Marshal. The State Fire Marshal
16 shall appoint two members selected from a list of individuals

17 submitted by the Codes and Standards Committee from the
18 membership of said committee and seven members representing local
19 fire marshals, deputy fire marshals and fire inspectors selected from a
20 list of individuals submitted by the Connecticut Fire Marshals
21 Association.

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

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29 is repealed and the following is substituted in lieu thereof (*Effective*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

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

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

49 satisfied.

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

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

74 [(b)] (e) The State Fire Marshal may adopt amendments to the State
75 Fire Safety Code and the State Fire Prevention Code regarding
76 requirements for the frequency of inspections of different building
77 uses regulated by the [code] codes and set forth a schedule of
78 inspections, except for inspections of residential buildings designed to
79 be occupied by three or more families, that are less frequent than
80 yearly if the interests of public safety can be met by less frequent
81 inspections.

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

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

107 (b) Upon failure of an owner or occupant to abate [such] a hazard
108 or remedy [such] a condition pursuant to subsection (a) of this section
109 within a reasonable period of time as specified by the local fire
110 marshal, such local fire marshal shall promptly notify in writing the
111 prosecuting attorney having jurisdiction in the municipality in which
112 such hazard exists of all the facts pertaining thereto, and such official
113 shall promptly take such action as the facts may require, and a copy of
114 such notification shall be forwarded promptly to the State Fire

115 Marshal. The local fire marshal may request the chief executive officer
116 or any official of the municipality authorized to institute actions on
117 behalf of the municipality in which the hazard exists, or the State Fire
118 Marshal, for the purpose of closing or restricting from public service or
119 use such place or premises until such hazard has been remedied, to
120 apply to any court of equitable jurisdiction for an injunction against
121 such owner or occupant; or the State Fire Marshal, on his own
122 initiative, may apply to such court for such injunction. When such
123 hazard is found to exist upon premises supervised or licensed by a
124 state department or agency, the State Fire Marshal shall promptly
125 notify the administrator of such department or agency of his findings
126 and shall issue orders for the elimination of such hazard. [The
127 provisions of this section shall not apply to any building, structure or
128 premises used in the carrying on of manufacturing.]

129 (c) If the local fire marshal or a local police officer determines that
130 there exists in a building a risk of death or injury from [overcrowding,
131 blockage of required exiting or from the indoor use of pyrotechnics] (1)
132 blocked, insufficient or impeded egress, (2) failure to maintain or the
133 shutting off of any fire protection or fire warning system required by
134 the State Fire Safety Code or State Fire Prevention Code, (3) the storage
135 of any flammable or explosive material without a permit or in
136 quantities in excess of any allowable limits pursuant to a permit (4) the
137 use of any firework or pyrotechnic device without a permit, or (5)
138 exceeding the occupancy limit established by the State Fire Marshal or
139 a local fire marshal, such fire marshal or police officer may issue a
140 verbal or written order to immediately vacate the building. Such fire
141 marshal or police officer shall notify the State Fire Marshal if such
142 marshal or officer anticipates that any of the conditions specified in
143 subdivisions (1) to (5), inclusive, of this subsection cannot be abated in
144 four hours or less. A violation of such order shall be subject to the
145 penalties under section 29-295 of the 2008 supplement to the general
146 statutes.

147 Sec. 4. Section 29-309 of the general statutes is repealed and the

148 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

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

174 Sec. 6. (NEW) (*Effective October 1, 2008*) The State Fire Marshal shall
175 review a decision by a local fire marshal upon the request of any
176 person determined to have the right to appeal or when the State Fire
177 Marshal has reason to believe that such official has misconstrued or
178 misinterpreted any provision of the State Fire Prevention Code
179 adopted pursuant to section 29-291a of the 2008 supplement to the
180 general statutes. If upon review and after consultation with such

181 official the State Fire Marshal determines that a provision of the code
182 has been misconstrued or misinterpreted, the State Fire Marshal shall
183 issue an interpretation of such code and may issue any order the State
184 Fire Marshal deems appropriate. Any such determination or order
185 shall be in writing and sent to such local fire marshal by registered
186 mail, return receipt requested. Any person aggrieved by a decision
187 made by the State Fire Marshal in accordance with this section or a
188 decision of the State Fire Marshal relating to the enforcement of the
189 State Fire Prevention Code may appeal such decision to the superior
190 court for the judicial district where the premises concerned are located.

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

202 (b) Upon failure of an owner or occupant to abate or remedy a
203 violation pursuant to subsection (a) of this section within a reasonable
204 period of time specified by the State Fire Marshal or the local fire
205 marshal, the local fire marshal shall promptly notify, in writing, the
206 prosecuting attorney having jurisdiction in the municipality in which
207 such violation or condition exists of all of the relevant facts. The local
208 fire marshal may request the chief executive officer, any official of the
209 municipality authorized to institute actions on behalf of the
210 municipality in which the hazard exists or the State Fire Marshal, to
211 apply to any court of equitable jurisdiction for an injunction against
212 such owner or occupant for the purpose of closing or restricting from
213 public service or use the place or premises containing the violation or

214 condition until the violation or condition has been remedied, or the
215 State Fire Marshal may apply for such an injunction without such
216 request.

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

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

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

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2008</i> | 29-291a |
| Sec. 2 | <i>October 1, 2008</i> | 29-305 |
| Sec. 3 | <i>October 1, 2008</i> | 29-306 |
| Sec. 4 | <i>October 1, 2008</i> | 29-309 |
| Sec. 5 | <i>October 1, 2008</i> | New section |
| Sec. 6 | <i>October 1, 2008</i> | New section |
| Sec. 7 | <i>October 1, 2008</i> | New section |

PS *Joint Favorable*