



General Assembly

January Session, 2011

Committee Bill No. 5495

LCO No. 3443

03443HB05495PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT ESTABLISHING A DECONSTRUCTION PERMITTING
PROCESS.**

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

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) As used in sections 1
2 to 13, inclusive, of this act, the term "license" includes the whole or part
3 of any permit that the Department of Public Safety issues under
4 authority of the general statutes, and that (1) requires a person to place
5 his or her name on a list maintained by the department before such
6 person may engage in the business of deconstructing buildings, (2)
7 requires a person to demonstrate competence by examination or other
8 means, and (3) may be revoked or suspended by the department for
9 cause.

10 (b) No person shall engage in the business of deconstructing
11 buildings without a license obtained from the Department of Public
12 Safety. An applicant for an initial license shall file an application with
13 the Department of Public Safety, furnish evidence of expertise and
14 financial responsibility and pay a fee of four hundred forty dollars for
15 a class B license and nine hundred forty dollars for a class A license.
16 Each license shall be valid for twelve months from date of issuance and

17 shall be renewable on application of the licensee upon payment of an
18 annual fee of two hundred fifty dollars for a class B license and seven
19 hundred fifty dollars for a class A license. The department may refuse
20 to issue any such license for cause, and may revoke or refuse to renew
21 any such license for failure to carry out and conform to the provisions
22 of sections 1 to 13, inclusive, of this act, any regulations adopted
23 pursuant to section 12 of this act, or for any violation of title 22a of the
24 general statutes. The department shall not refuse to issue a license or a
25 renewal of such license, and shall not revoke a license, without
26 granting the opportunity for a hearing conducted by the Department
27 of Public Safety in accordance with the provisions of chapter 54 of the
28 general statutes.

29 (c) The provisions of this section shall not apply to (1) a person who
30 is engaged in the deconstruction, transportation and reconstruction of
31 historic buildings for historical purposes or in the deconstruction of
32 farm buildings or in the renovation, alteration or reconstruction of a
33 single-family residence, (2) the removal of underground petroleum
34 storage tanks, (3) the burning of a building or structure as part of an
35 organized fire department training exercise, or (4) the deconstruction
36 of a single-family residence or outbuilding by an owner of such
37 structure if such residence or outbuilding does not exceed a height of
38 thirty feet, provided (A) the owner shall be present on site while such
39 deconstruction work is in progress and shall be held personally liable
40 for any injury to individuals or damage to public or private property
41 caused by such deconstruction, and (B) such deconstruction shall be
42 permitted only with respect to buildings that have clearance from
43 other structures, roads or highways equal to or greater than the height
44 of the structure subject to deconstruction. The local building official
45 may require additional clearance when deemed necessary for safety.

46 Sec. 2. (NEW) (*Effective October 1, 2011*) Any person aggrieved by a
47 decision of the Department of Public Safety refusing to grant or renew
48 or revoking any license as defined in section 1 of this act may appeal
49 from such decision pursuant to section 4-183 of the general statutes.

50 Such appeal shall be privileged in assignment for trial.

51 Sec. 3. (NEW) (*Effective October 1, 2011*) The local building official of
52 each municipality shall administer sections 1 to 13, inclusive, of this
53 act. Each such official shall have experience in building deconstruction,
54 construction or structural engineering, shall be generally informed on
55 deconstruction practices and requirements and on the equipment
56 necessary for the safety of persons engaged in deconstruction and the
57 public and shall have a thorough knowledge of the general statutes
58 and regulations of the department concerning deconstruction. Such
59 official shall pass upon any question relative to the manner of
60 deconstruction or materials or equipment to be used in the
61 deconstruction of buildings or structures.

62 Sec. 4. (NEW) (*Effective October 1, 2011*) Any person aggrieved by
63 any order or decision of a building official relating to sections 1 to 13,
64 inclusive, of this act may, not later than ten days after such order or
65 decision, appeal from such decision to the superior court for the
66 judicial district in which such person resides, and such appeal shall be
67 a privileged matter to be heard by the court as soon after the return
68 day as is practicable.

69 Sec. 5. (NEW) (*Effective October 1, 2011*) No person shall deconstruct
70 any building, structure or part of such building or structure without
71 obtaining a permit for the particular deconstruction undertaking from
72 the building official of the municipality in which such building or part
73 is located unless such person is exempted from the licensing
74 requirement under subsection (c) of section 1 of this act. No person
75 shall be eligible to receive a permit under this section unless he or she
76 furnishes to the building official written evidence (1) of financial
77 responsibility in the form of a certificate of insurance specifying the
78 deconstruction purposes and providing liability coverage for bodily
79 injury of at least one hundred thousand dollars per person with an
80 aggregate of at least three hundred thousand dollars, and for property
81 damage of at least fifty thousand dollars per accident with an

82 aggregate of at least one hundred thousand dollars; each such
83 certificate shall provide that the municipality and its agents shall be
84 saved harmless from any claim or claims arising out of the negligence
85 of the applicant or the applicant's agents or employees in the course of
86 the deconstruction operations; (2) in the form of a certificate of notice
87 executed by all public utilities having service connections within the
88 premises proposed to be deconstructed, stating that such utilities have
89 severed such connections and service; and (3) that the applicant is the
90 holder of a current valid license issued under the provisions of section
91 1 of this act, except in the case of (A) a person who is engaged in the
92 deconstruction, transportation and reconstruction of historic buildings
93 for historical purposes or who is engaged in the deconstruction of farm
94 buildings or in the renovation, alteration or reconstruction of a single-
95 family residence, or (B) an owner who is engaged in the deconstruction
96 of a single-family residence or outbuilding, as provided in subsection
97 (c) of section 1 of this act. No permit shall be issued under this section
98 unless signed by the owner and the deconstruction contractor. Each
99 such permit shall contain a printed intention on the part of the signers
100 to comply with the provisions of sections 1 to 13, inclusive, of this act.

101 (b) In addition to the powers granted pursuant to sections 1 to 13,
102 inclusive, of this act, any municipality may, by ordinance, impose a
103 waiting period of not more than one hundred eighty days before
104 granting any permit for the deconstruction of any building or structure
105 or any part of such building or structure.

106 Sec. 6. (NEW) (*Effective October 1, 2011*) No person shall commence
107 any deconstruction operation unless such person first notifies each
108 adjoining property owner by registered or certified mail at such
109 owner's last address according to the records of the assessor of the
110 municipality in which such deconstruction operation is planned.

111 Sec. 7. (NEW) (*Effective October 1, 2011*) (a) No person shall
112 deconstruct any building or structure or part of such building or
113 structure without providing adequate safety measures for all workers

114 and suitable protection for the public.

115 (b) No person shall deconstruct any building or structure, without
116 causing to be erected and maintained, for the duration of the
117 deconstruction operations, a fence or barricade meeting the
118 requirements of this section. Each such fence or barricade shall (1) be
119 adequate for safety; (2) be not less than eight feet high; (3) extend along
120 the street line for the entire length of the building or structure facing
121 on the street, with each end returning back to the building line; and (4)
122 be solid for its entire length, except for such openings, provided with
123 sliding doors swinging inward, as may be necessary for the proper
124 execution of the work. The local building official may waive the
125 requirements of this subsection or may make such further
126 requirements as such official deems necessary for the protection of the
127 public, the adjoining properties or any personal property of such
128 owners and such property's use.

129 Sec. 8. (NEW) (*Effective October 1, 2011*) No person shall deconstruct
130 any building or structure or part of such building or structure, when
131 such building, structure or part (1) is within six feet of a street line, (2)
132 is twelve feet or more in height, (3) is within six feet of an area which
133 the owner or lessee provides and invites the public to use as the public
134 would a public way, or (4) when the distance between such street line
135 or area and such building, structure or part is more than six feet but
136 less than one-half the total height of the object to be deconstructed,
137 without causing to be erected and maintained a sidewalk shed meeting
138 the requirements of this section. Such shed shall: (A) Extend for the full
139 length of the building on all street fronts; (B) remain in place for the
140 duration of the deconstruction operations; (C) be not less than four feet
141 wide and six feet eight inches high in the clear; (D) be watertight; and
142 (E) be adequately lighted for pedestrian traffic. When the roof of any
143 such shed is used for the storage of material or for the performance of
144 work of any kind, adequate railings, not less than three feet high, and
145 solid toe boards, not less than six inches high, shall be affixed along the
146 open sides and ends of such roof. The roof of such shed shall be of

147 sufficient strength and stability safely to sustain the weight of
148 materials that may be placed thereon and the shocks incidental to the
149 handling, preparation for use, trucking or delivery of materials. The
150 requirements of this section, as such requirements relate to street lines,
151 shall not apply in any case in which all such streets are officially closed
152 to pedestrian and vehicular traffic. The building official may waive
153 any of the requirements of this section if the object to be deconstructed
154 is more than forty feet from any street line or area used as a public way
155 and deconstruction is accomplished by the removal of one story at a
156 time.

157 Sec. 9. (NEW) (*Effective October 1, 2011*) No person shall use
158 deconstruction procedures that involve hazard or risk to the general
159 public or unnecessary danger to the workers of a deconstruction
160 project, and no person shall use deconstruction procedures not in
161 accordance with industry standards.

162 Sec. 10. (NEW) (*Effective October 1, 2011*) No person shall
163 deconstruct any structure or building without making suitable
164 provision for the disposal of all accumulated materials. No person
165 shall overload any part of the protective structures erected during the
166 deconstruction operations by storage, materials or debris to an extent
167 beyond the live load capacity. No person shall, during deconstruction
168 operations, allow materials to accumulate that would, by their nature,
169 upon removal, cause an excessive amount of dust, dirt or debris in the
170 air, without suitably wetting down such accumulated materials with
171 water, dehydrated lime or some similar agent.

172 Sec. 11. (NEW) (*Effective October 1, 2011*) No person shall allow any
173 basement, cellar, hole or the like to remain uncovered or opened as a
174 result of the deconstruction of any building, structure or part thereof.
175 Each person who, in a deconstruction operation, uncovers or opens
176 such a basement, cellar, hole or the like shall fill the same to grade and
177 remove all excess materials, rubbish and debris from the premises. If a
178 new building, structure or part thereof is to be erected on the site of

179 such deconstructed premises, the building official may waive any of
 180 the provisions of this section.

181 Sec. 12. (NEW) (*Effective October 1, 2011*) The Commissioner of
 182 Public Safety shall adopt regulations, in accordance with the
 183 provisions of chapter 54 of the general statutes, as may be necessary, in
 184 order to carry out the purposes of sections 2 to 13, inclusive, of this act
 185 and section 29-415 of the general statutes, as amended by this act, and
 186 as necessary to define terms used within sections 1 to 13, inclusive, of
 187 this act, including, but not limited to, "deconstruction".

188 Sec. 13. (NEW) (*Effective October 1, 2011*) Any person who violates
 189 any provision of sections 1 to 12, inclusive, of this act, shall be fined
 190 not more than five hundred dollars or imprisoned not more than one
 191 year, or both.

192 Sec. 14. Section 29-415 of the general statutes is repealed and the
 193 following is substituted in lieu thereof (*Effective October 1, 2011*):

194 The provisions of this part and sections 1 to 13, inclusive, of this act
 195 shall not apply to the structures, such as distribution and transmission
 196 poles, towers and fixtures, steam plant, gas plant, gas tank or holder,
 197 water tank or electric substation, of any public service company as
 198 defined in section 16-1 whose operations are under the jurisdiction of
 199 the Department of Public Utility Control.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section
Sec. 7	<i>October 1, 2011</i>	New section
Sec. 8	<i>October 1, 2011</i>	New section

Sec. 9	October 1, 2011	New section
Sec. 10	October 1, 2011	New section
Sec. 11	October 1, 2011	New section
Sec. 12	October 1, 2011	New section
Sec. 13	October 1, 2011	New section
Sec. 14	October 1, 2011	29-415

Statement of Purpose:

To require individuals performing deconstruction activities go through state-approved training programs, similar to those required for a demolition permit, in order to set standards for the renovation of existing buildings and for the health and safety of people working in renovation settings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MEGNA, 97th Dist.; REP. LEMAR, 96th Dist.
REP. WALKER, 93rd Dist.; SEN. LOONEY, 11th Dist.

H.B. 5495