



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FIRE, EMERGENCY AND BUILDING SERVICES
OFFICE OF STATE FIRE MARSHAL

Policy Directive # 10
Replaces: 5/2009
Administered by: OSFM

Date: September 22, 2009
Duration: Until Revised
Authority: Deputy State Fire Marshal

SUBJECT: Restricting the Use of a Building – Immediate Hazard

PURPOSE:

- (1) To establish a uniform enforcement platform for fire marshal's and police officers with guidance on the application of CGS 29-306 (c) for the issuance of a verbal or written order to immediately vacate a building for certain specified conditions that they determine to exist in a building and that place the occupants at risk for injury or death from these conditions.
- (2) Establish a uniform method of notifying the state fire marshal that such an order has been issued, and what minimum information must be reported to the state fire marshal.

DISCUSSION:

Public Act PA 08-65 made changes to CGS 29-306, these changes have given the fire marshal and police officers broader powers to restrict the use of a building when certain hazard conditions exist. These powers are designed to be of an immediate nature not requiring the normal injunctive process. There is a check and balance in place requiring notification be made to the State Fire Marshal of such action if the condition can not be remedied in four hours or less. This notification provides the state fire marshal with a chance to review the order and the circumstances that led up to its issuance and provides him with a mechanism to uphold, modify or reverse the order to assure uniform application.

Pursuant to the requirements of CGS 29-306 (c) if a local fire marshal or police officer determines that there exists in a building a risk of death or injury from:

- 1) Blocked, insufficient or impeded egress
- 2) Failure to maintain or shutting off any fire protection or warning system required by the State Fire Safety Code or the 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 fireworks or pyrotechnic device without a permit
- 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.

The fire marshal or police officer shall notify or submit a copy of the order to the State Fire Marshal if the fire marshal or police officer anticipates that any of the conditions specified by 1-5 above that caused the order to be issued can not be corrected in four hours or less from the time of issuance of the order.

Pursuant to section 4 of PA 09-177 effective 10/1/2009, if the hazard cannot be abated in four (4) hours or less, the state fire marshal shall be notified and shall review the order, and after consultation with the local fire marshal or police officer determine whether to:

- 1) Uphold the order, or
- 2) Modify the order, or
- 3) Reverse the order

With any further conditions the state fire marshal deems appropriate.

A violation of the order shall be subject to:

- 1) A fine not less than \$200.00 (two-hundred dollars) or more than \$1000.00 (one-thousand dollars),
or
- 2) Imprisoned not more than 6 (six) months, or
- 3) Both of the above.

POLICY:

When a local fire marshal or police officer utilizes the power authorized by CGS 29-306 (c), and if the conditions cannot be remedied in four hours or less, such official shall immediately notify the state fire marshal of their actions. If this notification is to be made during normal business hours (M-F 8:00 am – 4:00pm) the Bureau of Investigation and Enforcement is to be notified at 860-685-8460. Requests after business hours should be made to the Department of Public Safety Headquarters Message Center at 1-800-842-0200 (24 hours). This notification shall include at a minimum, the following information:

- 1) The name of the establishment
- 2) The address of the establishment
- 3) The name of the local fire marshal or police officer issuing the order.
- 4) The circumstances that led up to the issuance of the order.
- 5) If an incident occurred to summon the local fire or police department.
- 6) If any injuries or fatalities have occurred.

Upon notification by either the Message Center or state fire marshal staff, the duty sergeant of the Bureau of Investigation and Enforcement will immediately contact the notifying agency to determine the nature of the action taken. If the Duty Sergeant deems either appropriate or necessary a staff representative from the state fire marshal shall be dispatched to the location to conduct further investigation to determine if the order should be upheld, modified, or reversed.