

**Fire Official 2012  
Enforcement Review**




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**DCJ HOUSING  
PROSECUTORS (11/12)**



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**Performance Objectives**

Students will be able to:

1. Know and understand Connecticut Statutes/Regulations concerning code compliant fire inspections and procedure for abating violations.
2. Review code official's right of entry onto the premises and the application procedure for an administrative search warrant.
3. Define the procedures to follow when ordering the abatement of a fire hazard.

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## Performance Objectives

4. Describe the preparation of arrest warrant application and affidavit.
5. Explain the procedure for referring a case for criminal and what occurs during criminal prosecution.
6. Define the difference between civil and criminal enforcement processes.

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## HOW ARE WE GOING TO MEET THE OBJECTIVES?

*WHAT WE ARE GOING TO COVER:*

- GOALS
- AUTHORITY
- RIGHT OF ENTRY/DENIAL OF ENTRY
- INSPECTION
- ABATEMENT PROCEDURE
- REINSPECTION
- REFERRAL FOR CRIMINAL PROSECUTION
- PENDANCY OF CRIMINAL CASE
- CIVIL AND CRIMINAL COURT

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## GOALS OF ENFORCEMENT

1. **COMPLIANCE**  
*Using the abatement process.*
2. **CORRECT HUMAN BEHAVIOR**  
*Introduce the importance of fire safety to landlords, tenants and the surrounding community.*

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## GAINING COMPLIANCE

- ◆ Communication

“The single biggest problem in communication is the illusion that it has taken place.”

**George Bernard Shaw**

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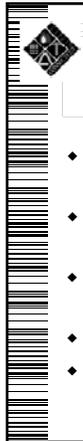
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## WHERE DOES YOUR AUTHORITY COME FROM?

- ◆ Connecticut General Statutes 29-297 and 29-298
- ◆ Other Connecticut General Statutes as applicable.
- ◆ Connecticut State Fire Code and Fire Prevention Code
- ◆ Office of the State Fire Marshal
- ◆ DPS Directives and Addendums

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## CT GENERAL STATUTES

- ◆ Connecticut General Statutes (CGS) that you should be familiar with include, but are not limited to, those sections located in Title 29, Chapter 541: Building, Fire and Demolition Codes. Fire Marshals and Fire Hazards. Safety of Public and Other Structures.
- ◆ It includes Part II Fire Marshals and Fire Hazards, Fire Safety and Fire Prevention Code.
- ◆ CGS §29-291- §29-370.

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 **CGS 29-298(c)**

- ◆ (c) “Each certified deputy marshal, fire inspector, other inspector or investigator shall act under the direction of and supervision of the local fire marshal while enforcing the Fire Safety Code and the provisions of this chapter. The local fire marshal may authorize, in writing, such deputy fire marshal or fire inspector to issue any permit or order under the provisions of this part or to certify compliance with the provisions of the Fire Safety Code, on his behalf.”

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 **CGS 29-305 REVISED**

- ◆ “Inspections by local fire marshals. Reports. Schedule of inspections .”

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 **Inspections**

- ◆ CGS 29-305
  - (a) allows inspection by each local fire marshal and the State Fire Marshal in the interest of public safety on anything Fire Safety or Fire Prevention code regulated .
  - (b) requires local marshal conduct inspection once per year or as often as prescribed by the State Fire Marshal as set forth in subsection (e).

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### Inspections, cont.

- ◆ CGS 29-305, cont.
  - (c) requires the State Fire Marshal to inspect a building or facility within the SFM's jurisdiction, reported by an authentic source to have a hazard to life safety from fire.

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### Inspections, cont.

- ◆ CGS 29-305, cont.
  - (d) requires the local fire marshal to inspect a building or facility within the LFM's jurisdiction, reported by an authentic source to have a hazard to life safety from fire. Further requires on each case where the LFM conducts an inspection, the LFM shall be satisfied that all pertinent statutes and regulations are complied with. The LFM must keep a record of such investigations.

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### Inspections, cont.

- ◆ CGS 29-305, cont.
  - (d) further allows a right of entry for the LFM or a designee at all reasonable hours into or upon any premises under the LFM's jurisdiction
    - 9 a.m. – 5 p.m. inspections allowed on occupied dwellings and habitations unless it is an emergency. No limit on inspection in common use passageways, rooms in tenement houses, hotels and rooming houses.

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## Inspections, cont.

- ◆ CGS 29-305, cont.
  - (e) Allows the State Fire Marshal to adopt amendments to the State Fire and Prevention Codes regarding frequency of inspection requirements on all but three or more family occupancies if the interest of public safety can be met by less frequent inspections.

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## Before you get there...

*Two **fundamental questions** must be answered:*

- a. Do I have jurisdiction?
- b. Does the code apply?

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## What does this mean?

- ◆ Jurisdiction: Do I have authority here?
- ◆ Code Application: Is this the type of structure that is covered by code?

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 **INSPECTION PROCESS ENFORCEMENT**

Legal Aspects Of Entry by Code Officials:

Before entering the property to conduct a code compliance inspection:

- Public official must have authority to inspect &
- Have permission of the proper person to enter private property unless otherwise allowed by law.

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 **INSPECTION PROCESS ENFORCEMENT**

◆ THE LAW states you can inspect but what else is needed?

- 1. CONSENT**
  - *By person with authority.*
- 2. LEGAL AUTHORITY**

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 **INSPECTION PROCESS ENFORCEMENT**

**SEARCH WARRANTS :**  
**AUTHORITY CGS 54-33a:**

*When cooperation ceases and access to the property is denied, an administrative search warrant is required before entry and inspection can be accomplished.*

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**INSPECTION PROCESS ENFORCEMENT**

♦ State v. Burke ( 1990, CT App. Court) Admin. search warrant upheld for fire inspection. Cites Camara v. Municipal Court, (1967, U.S. Supreme Court):

“Probable cause to issue a warrant to inspect for safety code violation exists if reasonable legislative or administrative standards for conducting an area inspection are satisfied.”

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**INSPECTION PROCESS ENFORCEMENT**

An administrative search warrant is similar to a search and seizure warrant except no seizure takes place and there is no requirement to show probable cause that a violation exists. All that there is to be demonstrated to a judge is that the official has a lawful right to inspect and that the premises is within your jurisdiction.

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**INSPECTION PROCESS ENFORCEMENT**

The administrative warrant affidavit and application is a simple form to complete and must be signed by two co-affiants and sworn to before a judge of the superior court.

Preparation of the affidavit is not complex, nor should it be.

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**INSPECTION PROCESS ENFORCEMENT**

The following elements are to be written into every affidavit:

1. Your credentials and credibility.
2. Your authority to inspect.
3. The locations to be inspected.
4. What the inspection is intended to determine.
5. Why are you requesting the warrant.

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**Review of warrant**

- ◆ Prosecutor must review all administrative search warrants before submitted to a judge.



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**When the application is complete,**

- ◆ You will submit for review to the prosecutor.
- ◆ If the application is approved by a prosecutor, it must be taken to the judge for review.
  - Remember, both affiants must go together to apply for the warrant and to swear or affirm before the reviewing judge.

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 **INSPECTION PROCESS ENFORCEMENT**

Once the administrative search warrant is secured, have the warrant served by a police officer.  
Execution and should be no later than 10 days after the warrant is issued.

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 **CGS 29-306 REVISED**

♦ **“Abatement of fire hazards: Penalties. Notification. Order to vacate. .”**

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 **INSPECTION PROCESS ENFORCEMENT**

**THE ABATEMENT PROCESS:**

- ♦ Definition of abatement from Black's Law Dictionary: *A reduction, decrease, or the removal of a nuisance.*
- ♦ Authority to abate is derived from Connecticut General Statute 29-306. The statute can be best understood when broken down into its elements:

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 **Abatement of fire hazards and penalty.**

- ◆ CGS 29-306
  - (a) requires the LFM to order the remedy of enumerated fire hazards found in *any* building or premises. Further allows a penalty of one hundred dollars, three months incarceration or both against any person who violates the order. Also allows a fifty dollar a day civil penalty.

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 **Notification**

- ◆ CGS 29-306, cont.
  - (b) requires the LFM notify the prosecuting attorney if the owner or occupant fail to abate a hazard as reasonably ordered by the LFM.
  - (b) further requires the SFM be notified of the referral to the prosecutor.
  - (c) allows civil injunction to close or restrict use

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 **Order to vacate**

- ◆ CGS 29-306, cont.
  - (c) allows local fire marshal or police officer to order any building vacated, where one or more of the *enumerated violations* exist, *and* the LFM or PO determine that there exists in the building a *risk of death or injury*. They are known as the “five deadly sins”, and include:

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 **Order to vacate, cont.**

- ◆ CGS 29-306(c), cont.
  - Blocked, insufficient or impeded egress
  - Required fire protection or warning system shut off or maintenance failure
  - Un-permitted flammable or explosive material or in excess of permitted quantities
  - Un-permitted fireworks or pyrotechnics
  - Exceeding occupancy limit established by FM

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 **Relocation**

- ◆ CGS 8-266, et seq.
  - Uniform Relocation Act applies in circumstances involving removal of persons from use or occupancy of buildings.
  - Affixes to shut down of a premises under CGS 29-306.
  - Requires referral to Uniform Relocation Act administrator for your town, city or district for assistance to affected occupants.

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 **Notice to State Fire Marshal**

- ◆ CGS 29-306(c), cont.
  - requires notification to the State Fire Marshal if (any of the 5) conditions ordered abated cannot be abated in 4 hours or less.

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 **Directive 10**

- ◆ Policy Directive 10
  - Effective May 1, 2009
  - Restricting use of a building
    - Immediate hazard
    - 5 deadly sins
    - Correction > 4 hours
    - SFM to:
      - Uphold
      - Modify
      - Reverse
    - After hours CSP MS 1-800-842-0200

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 **Policy Directive 10 cont'd**

- ◆ Name of Establishment
- ◆ Address
- ◆ Name of official issuing the order
- ◆ Circumstances
- ◆ If an incident occurred
- ◆ Injuries/fatalities

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 **Penalty**

- ◆ CGS 29-306(c), cont.
  - any person who violates an order under this subsection faces a penalty of up to one thousand dollars, six months incarceration or both per CGS 29-295.

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## Fire watch

- ◆ CGS 29-143a
  - Local fire marshal determines the amount of protection needed.
  - Local fire chief furnishes the fire watch.
  - Authorized use of firemen by the local chief.
  - Applies to and is paid for by the operator of the public amusement, sport contest, or other exhibition or contest.  
(OFSM General Information Notice 96-02).

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## Fire emergency

- ◆ CGS 7-313b
  - authorizes the officer of a fire company or department in charge of a fire or other emergency to order any person to leave a building for purpose of protecting such person from injury.
  - allows a penalty of fifty dollars, seven days incarceration or both for wilfull refusal.

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## Fire Officer authority

- ◆ CGS 7-313e
  - authorizes the Fire Officer in charge broad authority to control a fire or emergency scene.

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## INSPECTION PROCESS ENFORCEMENT

Section 29-306 fails to provide any clear guidelines for uniform and consistent application. It was challenged in court:  
*State of Connecticut v Richard Bucciarelli*

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## INSPECTION PROCESS ENFORCEMENT

The court held:

- "... The specific language of Section 29-306 and the general structure of chapter 541 support an interpretation which vests substantial discretion in the enforcing official and, in particular, permit the enforcement officer to determine both if and when a purported violation will subject the responsible party to the penalties of criminal prosecution ..." and
- Chapter 541 encourages the tailoring of fire safety requirements to fit individual circumstances. The court does not quarrel with this approach, but nonetheless finds that the criminal provisions of the statute cannot constitutionally be maintained because it allows for so much flexibility and unguided direction ...
- ... The lack of definition in the statute makes it unconstitutionally vague because it encourages arbitrary and discriminatory enforcement ..."

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## Discretion

- ◆ Given to a fire marshal by law as needed to protect the public safety.
- ◆ Must be used in reason.
- ◆ Does not permit arbitrary or illegal action.
- ◆ Should be based on all reasonably available information at the time of enforcement.
- ◆ Must be used on a case by case basis.

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## INSPECTION PROCESS ENFORCEMENT

*The decision of the superior court judge caused the Office of State Fire Marshal to:*

- Establish Directive #3
- Directive 3 Addendum #1
- Directive 3 Addendum #2
- An optional case management form.

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## DIRECTIVE # 3

- ♦ Revised July 1, 2001 (MAKE SURE YOU HAVE THE RIGHT FORM)
- ♦ Provides a uniform procedure for abatement of violations.
- ♦ Includes sample forms for notification to the owners, referral for criminal prosecution, inspection report form and requests for modification and extension.

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## Initial Phase

- Inspection / Documentation
- Notification of Violations / Abatement Order (Send Inspection Report)
- Plan for Compliance
  1. Correction
  2. Time Extensions
  3. Modifications
- Appeal decision of FM

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**About your files:**

- ◆ Discovery:
  - Procedure that allows the defense to have copies of information in our file.
  - Therefore, **EVERYTHING** may be seen by the defense.
- ◆ Consider creating a system so that anyone in your office can access the needed information.
- ◆ Maintain your files with the assumption that you and your file may have to go to court.

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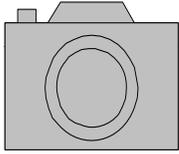
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**PHOTOS**



- ◆ OSFM guidelines.
- ◆ Remember to take notes, who took the photos, what they depict and the address that you are taking the photos of.

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**INSPECTION PROCESS ENFORCEMENT**

*THE ABATEMENT PROCESS:*

- ◆ The **initial inspection** is conducted.
- ◆ A **notice** of fire and life safety hazards is issued to the owner or occupant.

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## INSPECTION:

- ◆ Must be completed by a duly authorized code official.
- ◆ Your notes should indicate date, time and who was present when the inspection was completed.
- ◆ Your notes should be specific regarding the type of violations, where the violation occurs and include any special conditions that are present.

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## ABATEMENT:

- ◆ NOTICE – USE AS PROVIDED BY OSFM
  - MUST IDENTIFY THE VIOLATIONS WITH CODE SECTIONS AND LOCATION OF VIOLATION.
  - DATE AND TIME OF THE INSPECTION.
  - MUST CITE THE PROPERTY OWNER/OCCUPANT.
  - MUST STATE THE TIME FRAME OF ABATEMENT.
  - LAW, AUTHORITY AND PENALTY.
  - REMEDY.
  - RIGHT OF APPEAL.

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## ABATEMENT:

- ◆ **CITING THE OWNER:**
  - The identity of the owner should be found on the municipal land records ***NOT*** the assessor's card.
  - Get a certified copy of the deed for you file as proof ownership.
  - Owners should be listed with full name on order.
  - Please be aware that if the owner is a business, estate, corporation or partnership different information is required.

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## Landlord Registration CGS 47a-6a

- ◆ Recently passed by the Legislature and if your town has an local ordinance, a landlord of a two family non-owner occupied building can be required to maintain his address on file with the town clerk.
- ◆ Mailing notice to this address shall be considered notice of violations.

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## ABATEMENT:

**POSSIBLE OWNERS OF PROPERTY:**

- Persons – cite all of record.
  - DBAs (“doing business as”) – check Town Clerk
- Estates – check Probate Court
- Corporations – check CT Secty. of State
- Partnerships (General) – check CT Secty. of State
- Trusts

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## ADDRESSING THE ORDER

Mirror the deed...

- ◆ **PERSONS:** example - If deed states the grantees (owners) are John Owner and Lilly Owner, order should have both full names.
  - John Owner
  - Lilly Owner
  - 123 Owner’s Court
  - No Name, CT 06000\*

\*One order is generally sufficient for multiple owners only if owners live at same address. Check with your local prosecutor for housing matters.

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## ADDRESSING THE ORDER

Mirror the deed...

- ◆ **ESTATES:**
  - The deed may contain the name of a person who is deceased, or their estate.
  - Check with the Probate Court to determine the person responsible for the estate of the deceased owner. (i.e. Executor or an heir).
  - Get certified copy of appointment document.
  - Cite responsible person for the estate.

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## CORPORATE AND PARTNERSHIP OWNERS

- ◆ CORPORATIONS (Corp.s and Inc.s)
- ◆ LIMITED LIABILITY CORPORATIONS (LLCs)
- ◆ PARTNERSHIPS
- ◆ LIMITED LIABILITY PARTNERSHIPS (LLPs)
  - DOMESTIC (Registered in CT)
  - FOREIGN (Registered outside of CT)

ALL CORPORATIONS DOING BUSINESS IN CT  
MUST BE REGISTERED WITH THE STATE OF  
CT SECRETARY OF STATE.

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## ABATING CORPORATIONS CGS 53a-11

- ◆ **Sec. 53a-11. Criminal liability of an individual for conduct in name or behalf of corporation or limited liability company.** A person shall be criminally liable for conduct constituting an offense which such person performs or causes to be performed in the name of or in behalf of a corporation or limited liability company to the same extent as if such conduct were performed in such person's own name or behalf.

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## ADDRESSING THE ORDER

Mirror the deed...

- ◆ First obtain the owner name from the deed for the property.
- ◆ If a corporation, LLC or general partnership, check the exact name with the CT Secretary of State – CONCORD SEARCH

[www.concord-sots/ct.gov](http://www.concord-sots/ct.gov)

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## ADDRESSING THE ORDER

Mirror the deed...

- ◆ CORPORATE OWNER (Ex.)
  - Deed says XYZ, Inc. is the owner.
  - Enter XYZ, Inc. in CONCORD search.
  - Identify the principal of the corporation = the PRESIDENT of the corporation.
  - Obtain residence address for service.
  - Print copy of CONCORD page for your file.

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## ADDRESSING THE ORDER

Mirror the deed...

- ◆ LIMITED LIABILITY CORPORATIONS
  - Deed says XYZ, LLC.
  - Enter XYZ, LLC in CONCORD search.
  - Identify the principal of the LLC = the MEMBER or Managing Member of the LLC.
  - Obtain residence address for service.
  - Print copy of CONCORD page for your file.

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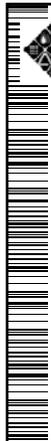
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**ADDRESSING THE ORDER**  
Mirror the deed...

- ♦ CORPORATION (ex.)
- ♦ LLC ( ex.)

I. V. League, Pres. XYZ, Corp. 123 Corporate Ave. No Name, CT 06000	I.V. League, Member XYZ, LLC 123 Corporate Ave. No Name, CT 06000
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**Proof of Service:**

- ♦ Service is an *essential element* that we must prove in a criminal prosecution. It must be proved with documentation.
- ♦ Service can be proven through certified mail return receipt requested or other provable methods.
- ♦ Service can also be completed by hiring a Marshal to serve the owner/agent. Be sure to get the Marshal's service information, that is written proof who the marshal served.
- ♦ Pick a service method which gets the order to the responsible party as quickly as necessary to abate the fire hazards.

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**REQUESTS FOR MODIFICATION AND/OR EXTENSION**

- ♦ Only the property owner or authorized person may request a modification/extension of time regarding the abatement.
- ♦ If compliance has not been reached by the date of the re-inspection it is important to know whether these requests have been made.

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## FOLLOW-UP PHASE:

- ◆ After the appropriate time frame has passed, you must conduct a **re-inspection** of the premises to determine compliance. Keep in mind, the rules of entry still apply.
- ◆ If violations not corrected, no extension of time is filed, or no modifications are filed, **refer to court.**

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## *Notice of Referral For Criminal Prosecution:*

- ◆ Per Directive #3.
- ◆ Prepare and Send the Notice of Referral for Criminal Prosecution to the owner certified mail return receipt requested.
- ◆ Attach notice of fire and life safety code.
- ◆ Attach latest inspection report.
- ◆ Prepare and submit an Arrest Warrant Application to the appropriate Assistant State's Attorney having jurisdiction.
- ◆ We will review and either sign it or request corrections. If signed, it will be sent to the judge for review .

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## ARREST AND CRIMINAL PROSECUTION

*Referral should be made when:  
(but not limited to)*

- ◆ Violation contributes to a fire.
- ◆ Violations cause an delay in emergency response.
- ◆ Reckless conduct due to code violation.
- ◆ Lack of Abatement (most common).

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**INSPECTION PROCESS ENFORCEMENT**

◆ **ARREST AND CRIMINAL PROSECUTION:**

***UNDER WHAT AUTHORITY IS ARREST MADE ?***

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**INSPECTION PROCESS ENFORCEMENT**

a. Custodial by Police  
Offender taken into physical custody, later released with written promise to appear in court or posts bond.

b. Summons by Police or Prosecutor  
Ticket or notice is issued for the offender to appear at court on a different date.

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**INSPECTION PROCESS ENFORCEMENT**

c. Arrest by Warrant  
Requires application to judge which includes:

- Your name, capacity, responsibilities and your jurisdiction.
- Authority to inspect, inspection dates, and findings.
- Identification of the proper person and how that person was determined, i.e. proof of ownership.
- Notice and order issues, to whom and how the orders were issued.

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**ARREST BY WARRANT, cont.:**

- Proof that the orders were received by the responsible person via marshal, certified mail return receipt requested or other provable method.
- Re-inspection date and findings.
- List of the violations and the code sections that are violated.
- Summary/Concluding paragraph.
- *Must be signed and sworn under penalty of perjury and submitted to the Housing Court Prosecutor or to Office of the State's Attorney of your district.*

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**Arrest**

- ♦ Submitting an application for the arrest of an individual is very serious. Make sure this is the appropriate action to take.  
You are asking for the initiation of a criminal case that may result in the deprivation of the rights of another individual.

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**Remember,**

- ♦ Referral of a case to the Office of the State's Attorney does not mean that compliance will be immediate.
- ♦ The property owner can choose take the case trial therefore, violations may not be corrected immediately.
- ♦ You should evaluate also referring the case to corporation counsel for civil options pursuant to §29-306.

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## What happens at court?

- ◆ Property owner will come to court.
- ◆ Remember, just because the owner comes to court, it does not mean compliance will be immediate.



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## CRIMINAL PROSECUTION:

- ◆ FIRST COURT DATE:
  - RIGHT TO COUNSEL.
  - REVIEW CHARGES AND PENALITIES.
  - REFER THEM TO YOU FOR A PLAN FOR COMPLIANCE.
  - IDENTIFY A TIME FRAME FOR COMPLIANCE AND WITH THE COURT'S PERMISSION GIVE A CONTINUANCE DATE FOR THAT COMPLIANCE.

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## NEXT...

- ◆ While the case is pending we will ask for inspections to be completed.
- ◆ Sometimes, we will ask for written updates so that we have current information in our files.
- ◆ If ADDITIONAL violations are found on a re-inspection, abate the additional violations and notify the State's Attorney IMMEDIATELY!!!!!!

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### Disposition:

- ♦ This is a fancy way of saying how we end the case.
- ♦ Cases generally will not be disposed of until there is full compliance or a plan for compliance.

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### How do we end the case?

- ♦ NOLLE
- ♦ ACCELERATED REHABILITATION
- ♦ SUSPENDED SENTENCE
  - CONDITIONAL DISCHARGE
  - PROBATION
- ♦ JAIL

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### Factors in creating the Disposition

- ♦ Seriousness of the violations.
- ♦ Number of the violations.
- ♦ Owner/Occupants' criminal history and other safety code violations.
- ♦ Number of people present in the property.
- ♦ Time frame in which compliance has been reached.

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**SPECIAL CONDITIONS OF  
PROBATION OR ACCELERATED  
REHABILITATION**

- ◆ Plan for abatement.
- ◆ Cooperate with code officials.
- ◆ All properties must be code compliant.
- ◆ Attending appropriate classes depending on the types of violations.
- ◆ Community Service.
- ◆ Charitable Contribution.

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**ADDITIONAL CRIMINAL  
PENALTIES**

Fire Code 29-295 \$200-100 and/or 6 mo.s

Oil Burners 29-317(e) \$100 and/or 6 mo.s

Flam & Comb Liquids 29-324 1<sup>st</sup> off: \$500 and/or 6 mo.s, 2<sup>nd</sup> off+ \$1000 and/or 1 yr, if death or injury \$10,000 and/or 10 yrs

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**ADDITIONAL CRIMINAL  
PENALTIES**

Gas Equip & Piping 29-329(e) \$100 and/or 6 mo.s

LP-Gas 29-335 (Transport 20-35(a)) 1st off: \$500, 2nd off+ \$500-1000, if death or injury \$10,000

Space Heaters 29-318 \$100

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## FIRE DEATHS

- ◆ CRIMINALLY NEGLIGENT HOMICIDE
  - LACK OF SMOKE DETECTOR
- ◆ MANSLAUGHTER
  - ILLEGAL ATTIC DWELLING UNIT LACKING SECOND EXIT

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## CIVIL AND CRIMINAL COURT

### *WHAT IS THE DIFFERENCE?*

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Civil:	Criminal:
<ul style="list-style-type: none"> <li>◆ Town Attorney/ Corporation counsel of town.</li> <li>◆ Method may have more immediate compliance from the property owners.</li> <li>◆ Different requirements.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Cases handled by prosecutors.</li> <li>◆ WILL NOT have immediate compliance.</li> <li>◆ Requires time for the owners to be brought to court.</li> </ul>

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## What is Civil Enforcement?

- ◆ RELOCATION
- ◆ INJUNCTIONS
- ◆ LIENS
- ◆ CONDEMNATION

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## Injunctions:

- ◆ Town Attorney/Corporation Counsel.
- ◆ This process will bring the property owners to court, for you and the town to ask the court to order the property owners to abate a violation.
- ◆ Be aware the Judge may not rule in your favor.

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## CONDEMNATION:

- ◆ When it has been determined the building is no longer safe to occupy a condemnation order is issued and the occupants must be relocated at the cost to the town.
- ◆ The town **MAY** recoup those costs but nothing is guaranteed.

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## LIENS: CGS 49-73b



- ◆ If the town spends money to fix a problem a lien **MAY** recoup the cost.
- ◆ Corporation counsel attaches a priority lien on the property.
- ◆ **IF AND WHEN** the property is sold the town recoups its costs.

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## Remember...

- ◆ Code issues do not arise just between 9:00 – 5:00, when everyone who could help you are in their offices.
- ◆ You need to have a plan for ***when*** this circumstance happens, who to contact, their emergency numbers, what the chain of supervision shall be and who makes the final determination.
- ◆ **WHY? BECAUSE IT WILL HAPPEN!!!!**

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## Referrals:

- ◆ Everyone is busy, become familiar with and utilize the other agencies in your town to accomplish the goal.
 

▪ Building	▪ Police
▪ Health	▪ Housing
▪ Planning and Zoning	▪ Animal control

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### Other concerns:

- ◆ Always be mindful of where you are.
- ◆ Various conditions/violations that you find may not be a result of purposeful disregard of your order. For example, there are mental health conditions that are a factor in some of the conditions you will find. For example, CGS 29-306a applies to excessive combustibles which may be a result of hoarding, a mental health disorder.

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### Never, never, never...

- ◆ Tell anyone you will have them arrested.
- ◆ Tell anyone you will get an arrest warrant.
- ◆ Tell anyone you will get a search warrant.
- ◆ Tell anyone that you must be allowed on the property.
- ◆ Tell anyone what the prosecutor may or may not do with the case.
- ◆ Excuse someone from a court date.
- ◆ Tell them that you will get their case dropped.

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### How to reach the Housing Prosecutors? (as of 11/12)

- ◆ Judith R. Dicine, Supervisor  
 judith.dicine@ct.gov  
 203-773-6755      Fax 203 789-6459
- ◆ Rafael I. Bustamante      860-870-3267
- ◆ Mary Card      203-579-7237
- ◆ Robyn S. Johnson      860-756-7810
- ◆ Jonathan Lewin      203-965-5255
- ◆ Patrice K. Palombo      203-773-6755




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

Policy Directive # 3  
Replaces: Directive # 3, dated 3/97  
Administered by: OSFM

Date: July 1, 2001  
Duration: Until Revised  
Authority: Deputy State Fire Marshal

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**SUBJECT: ABATEMENT PROCEDURES**

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**PURPOSE:**

- (1) To provide local fire marshals with standardized forms for the notification of property owner/occupants of fire and life safety hazards.
- (2) To standardize abatement procedures and/or enforcement actions initiated under: §29-306, §29-295, §29-313, §29-315, §29-317, §29-324, §29-325, §29-326, §29-328, §29-329, §29-335, §29-341, §29-349, §29-357, AND §29-367.
- (3) To establish a standard procedure for notification of the appropriate State's Attorney having jurisdiction when abatement notices are not complied with.
- (4) To establish a standard procedure for notification of the State Fire Marshal's Office when abatement notices are not complied with.

**DISCUSSION:**

This policy develops the procedures to follow in abating fire/life safety hazards relative to the Statutes relating to fire prevention or safety, or any regulation made pursuant thereto. Although the abatement procedures are defined under § 29-306 of the General Statutes, exactly how to apply those procedures has been left to each individual marshal's discretion.

In State of Connecticut vs. Richard Bucciarelli, CR20-10198, the court has stated "Because Chapter 541 and § 29-306, in particular, grant such broad discretion to those administering the fire safety laws, the criminal enforcement provisions of § 29-306, fail, in the court's opinion, to meet the due process standards of definitiveness and clarity required by both state and federal constitutions."

As a result of this view taken by the court of the "reasonable time" wording contained in § 29-306, this standardized procedure has been developed to comply with the constitutional requirements of due process relative to criminal prosecutions.

As in the past, this Office maintains the division of the abatement process into two (2) distinct phases.

- (1) **Initial Phase:** Discovery of violations, issuance of abatement order, development of a plan of correction, application for modifications and requests for extensions of time, with such orders being complied with in the prescribed period of time; and
- (2) **Follow-up Phase:** Applied when the initial phase is not successful or when the abatement order is ignored or otherwise not complied with.

**PROCEDURE:**

**Initial Phase**

I. Document discovery of violations/hazards:

(a) Issue Abatement Order of Fire/Life Safety Hazards to owner/occupant:

- (1) Attach initial inspection report.
- (2) Send by certified, return receipt requested, United States Mail or other service having proof of delivery.
- (3) Include a copy of the Modification Form and Extension of Time Form.

(b) Advise owner/occupant of their responsibility:

- (1) Contact local fire marshal; AND
- (2) Advise that all violations/hazards have been remedied(Policy Directive #3, Addendum #1); OR
- (3) Request modification process (Policy Directive #5); OR
- (4) Request extension of time for completion (Policy Directive #3, Addendum #2); OR
- (5) Appeal of decision, method to accomplish (Policy Directive #6).

**Follow-up Phase**

I. No response to Abatement Order of Fire/ Life Safety Hazards:

(a) Re-inspection

- (1) To determine the progress of corrective action.
- (2) Document that no corrective action has taken place; or
- (3) Document that corrective action is improper or inadequate.

(b) Issue Notice of Referral for Criminal Prosecution.

- (1) Attach Abatement Order of Fire/ Life Safety Hazards.
- (2) Attach latest Inspection Report.
- (3) Send by certified mail, return receipt requested.

(c) Send a copy of the Notice of Referral for Criminal Prosecution Report to Corporation Counsel.  
(Town/City Attorney or Fire District Attorney)

(d) Send a copy of the Notice of Referral for Criminal Prosecution Report to the Office of State Fire Marshal (OSFM).

(e) Submit an Arrest Warrant Application establishing probable cause to the appropriate State's Attorney having jurisdiction.

(f) Upon the issuance/execution of an arrest warrant or the initiation of an injunction to close or restrict the use of the property, please notify the OSFM in writing. (C.G.S. § 29-306)

## **CONCLUSION:**

It is most important that abatement orders be filed and the local fire marshal's office monitor the structure or premises to insure violations are corrected within the prescribed time frame.

The local fire marshal, of course, may grant specific reasonable time extensions for the completion of corrections and/or utilize the modification process if progress toward correction is being achieved.

**NOTE:** There is **NO** reason to notify our Office during any of the preceding steps except when seeking an injunction for closing or restricting the use of a facility. Up to this point, the matter is a "Local" one.

When violations are of such a magnitude or seriousness to be considered an immediate threat to life safety, every effort should be made at the local level to resolve the problem. This should include making the Fire Chief having jurisdiction aware of the situation. However, if after exhausting all available means, including contacting the State's Attorney having jurisdiction, the life threatening situation cannot be resolved, seek an injunction from the court for the purpose of closing or restricting usage of the facility to the public until the hazard is corrected. Since this is a civil action, the local fire marshal must request the corporation counsel to institute the action.

Although this procedure at first might appear to be somewhat overwhelming, in reality its implementation in its entirety will be limited to those rare instances when a small percentage of the population refused to or otherwise does not comply.

If Connecticut General Statutes relating to fire prevention or safety, or any regulation made pursuant thereto are to be an effective instrument of insuring public safety, it will be through the efforts of the local fire official applying the codes within his/her jurisdiction and insuring violations are detected and abated.

Abatement of the violations of Statutes relating to fire prevention or safety, or any regulation made pursuant thereto has been and will continue to remain a function of the local fire marshal. The foregoing will standardize procedures in accomplishing this task.



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

Policy Directive # 3, Addendum #1  
Replaces: Directive # 3, Addendum # 1 dated 11/85  
Administered by: OSFM

Date: July 1, 2001  
Duration: Until Revised  
Authority: Deputy State Fire Marshal

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**SUBJECT: ABATEMENT PROCEDURES – Inspection Report Form**

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**PURPOSE:**

To provide a standardized format for the documentation of violations relative to fire and/or life safety hazards that are found to exist at a specific address.

**DISCUSSION:**

This Office has taken steps to standardize the abatement proceedings and/or enforcement actions for non-compliance with the statutes relating to fire prevention or safety, or any regulation made pursuant thereto as outlined in Policy Directive #3, dated July 1, 2001.

The Inspection Report is a component of this standardization and is intended to provide uniformity that presently does not exist due to the wide ranging differences in inspection report forms in use throughout the various jurisdictions.

The use of this form is required and its purpose is for the identification of actual violations *only*. Its usage does not prevent the existing practice of the issuing non-violation recommendations made in the interest of life safety, so long as this is accomplished via a means other than the Inspection Report.

**PROCEDURE:**

**Initial Inspection:** An inspection report will be completed for the first inspection of each calendar year.

**Subsequent Inspections:** A separate form may be used for each follow-up inspection, or a copy of the initial report may be used to note the progress or lack thereof relative to corrective action. This is accomplished by using the "Date Violation Corrected" and "Comments" sections of the form.

**Form fields are as follows:**

Case No. – Self-explanatory (for municipality use as a tracking guide)

Inspection Date – Initial inspection – use the appropriate date. If using a copy of the initial report for follow-up purposes, note the date the follow-up was conducted in the comment section next to the appropriate violation.

Owner/Occupant – List the person having legal responsibility for correcting the violations.

Address – Self explanatory

Violations – Sequentially numbered

Referenced Regulation – e.g. CT State Fire Safety Code, CT Flammable and Combustible Liquids Code, CT Oil Burning Equipment Code, etc.

Referenced Standard – e.g. NFPA 13 1999 edition as referenced by the CSFSC, NFPA 31 as referenced by the CT Oil Burning Equipment Code, etc.

Violation Location – e.g. Linen storage room third floor, outdoor fuel oil storage tank, etc.

Description of Violation – e.g. Gap at the threshold of door measures 2 inches – must be no more than  $\frac{3}{4}$  inch, the outdoor fuel oil storage tank is 23" from the building where a 5' minimum distance is required.

Specific Time for Compliance – To be used for those violations that necessitate correction before the thirty (30) day period given on the notice. e.g. Exit storage, smoke detectors, etc.

Date Violation Corrected – Use for re-inspection.

Comments – At time of re-inspection, note progress or indicate if an extension of time or modification has been granted.

Inspected By – Self-explanatory

Approved By – Self-explanatory

Building Information – Self-explanatory

**Building Information**

Reference No. \_\_\_\_\_

Building Name: \_\_\_\_\_

Building Address: \_\_\_\_\_  
Number Street City State Zip

Building Owner: \_\_\_\_\_ Telephone: \_\_\_\_\_

Owner's Address: \_\_\_\_\_  
Number Street City State Zip

Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

Contact's Address: \_\_\_\_\_  
Number Street City State Zip

Date of Construction: \_\_\_\_\_ Date of Occupancy for Present Use: \_\_\_\_\_

Number of Stories (Above grade) \_\_\_\_\_ Square Feet Per Floor: \_\_\_\_\_

Construction Type per NFPA 220: TYPE \_\_\_\_\_, Fire resistive rating of elements: \_\_\_\_\_ (I.E. Type I (443))

Attic:  Full  Partial  None

Basement - # of Levels: \_\_\_\_\_  Full  Partial  None

Finished  Storage  Crawl Space

Modifications for this Building:  Unknown  No  Yes, Modification Numbers: \_\_\_\_\_

Type of Occupancy (Check all that apply)  New  Existing  Addition  Renovation of building

Change of Occupancy: From \_\_\_\_\_ to \_\_\_\_\_

Assembly  Detention  Residential Board  Hotel/Motel/Dorm

Occupant Load: \_\_\_\_\_ persons  with locking II  Large  Small  Lodging/Rooming

Educational  with locking III  Prompt  Bed & Breakfast

Business  with locking IV  Slow  1 & 2 Family

Single Tenant  with locking V  Impractical  Industrial

Multiple Tenant  Apartment  Storage

Mercantile No. of Units: \_\_\_\_\_  Health Care  High Rise

Class A  Day Care  Hospital  Underground

Class B  Adult  Nursing Home  Windowless

Class C  Family  Ambulatory  Other: \_\_\_\_\_

Covered Mall  Group  Limited

Approved Systems Provided (Check all that apply):

Automatic Sprinklers

NFPA 13  Throughout the Building

NFPA 13R  Partial: Location \_\_\_\_\_

NFPA 13D  Electrically Supervised

CSFSC 7-7.1.2 Isolated Hazardous Area System

Location: \_\_\_\_\_

Fire Alarm

Manual Activation  Occupant Notification

Automatic Activation  General  Zoned

Throughout the Building  Voice Evac.

Partial Location: \_\_\_\_\_

Water Flow  Special System: \_\_\_\_\_

Emergency Lighting  NFPA 96 Hood System  Other Activation Means: \_\_\_\_\_

Smoke Control  Standpipe;  Wet  Dry  Other Systems: \_\_\_\_\_

Automatic  Supplemented

**INSPECTION REPORT**

Case No. \_\_\_\_\_ Inspection Date: \_\_\_\_\_ Owner/Occupant: \_\_\_\_\_ Address: \_\_\_\_\_

Violation No.	Regulation / Referenced Standard	Section No. of Referenced Standard	Violation Location	Description of Violation	* Specific Time to Compliance	Date Violation Corrected	Comments:

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

\* As noted in the accompanying Abatement Order of Fire/Life Safety Hazards, all violations must be corrected within the (30) thirty day period except for those that are identified in this column.



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

Policy Directive # 3, Addendum # 2  
Replaces: Directive # 3, Addendum # 2 dated 11/85  
Administered by: OSFM

Date: July 1, 2001  
Duration: Until Revised  
Authority: Deputy State Fire Marshal

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**SUBJECT: ABATEMENT PROCEDURES – Request for Extension**

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**PURPOSE:**

To provide a standardized format for the documentation of the circumstances surrounding and the amount of time granted an owner/occupant to remedy a specific violation if compliance cannot be achieved within the thirty (30) day time frame of the Abatement Order.

**DISCUSSION:**

It is understandable that certain violations are not correctable within thirty (30) days, and as in the past, fire marshals should continue to grant reasonable extensions of time so that such compliance can be achieved.

This procedure is intended to require the owner/occupant to request and justify the need for the time extension in writing and to provide a valuable document for the use of the fire marshal.

It should be noted that this is not an attempt to establish a schedule of time frames for the correction of specific violations. The amount of time to be granted is a local decision based upon the individual circumstances that cause each situation to be different.

Nothing shall prevent the issuance of subsequent extensions if the fire marshal deems appropriate.

**PROCEDURE:**

I. The owner/occupant shall be provided with the prescribed form by the local fire marshal's office upon request.

a. The applicant will complete sections 1 through 6. It should be stressed that a single form is to be used for each violation for which an extension of time is requested.

b. Sections 7 and 8 are to be completed by the local fire marshal.

II. This form is provided for local use only and should not be submitted to the Office of State Fire Marshal. However, if the owner/occupant is being referred to the State's Attorney for non-compliance, all such forms will be submitted as part of the case jacket.

**Request for Extension of Time to Obtain Compliance with a Connecticut  
Fire Safety Code Adopted Pursuant to Connecticut General Statutes Chapter 541**

Reference No.: \_\_\_\_\_

Building/Facility Name: \_\_\_\_\_

Building/Facility Address: \_\_\_\_\_  
Number Street City State Zip

Building Owner: \_\_\_\_\_ Telephone: \_\_\_\_\_

Owner's Address: \_\_\_\_\_  
Number Street City State Zip

Applicant's Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
Number Street City State Zip

I, the above named applicant being a duly authorized representative for the above noted building/facility, request an extension of time for the completion of corrective action that is necessary to remedy the following cited violation of a Connecticut Fire Safety Code adopted pursuant to Connecticut General Statutes Chapter 541:

Referenced Code: \_\_\_\_\_ Section No.: \_\_\_\_\_

Description of violation: \_\_\_\_\_  
\_\_\_\_\_

I make this request for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Period of Time Requested: \_\_\_\_\_

\_\_\_\_\_  
Signed (Applicant)

\_\_\_\_\_  
Date

Please use a separate request for each violation.

**For Municipal Fire Marshal Use Only**

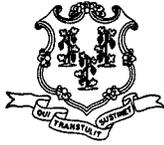
This request is the:  Initial  Subsequent; (Number: \_\_\_\_\_ request).

This request is:  Acceptable  Unacceptable for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Extension Valid to: \_\_\_\_\_  
Date

\_\_\_\_\_  
Signed (Fire Marshal)

\_\_\_\_\_  
Date



**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

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**SUBJECT:                      Restricting the Use of a Building – Immediate Hazard**

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**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.

# **Sample Abatement Letters**

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT STATE FIRE SAFETY CODE  
ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS**

Dear

On \_\_\_\_\_, at approximately \_\_\_\_\_ hours, an inspection was conducted of the premises located at \_\_\_\_\_ Connecticut for the purposes of determining compliance with the Connecticut State Fire Safety Code and the applicable referenced standards, adopted pursuant to Connecticut General Statutes §29-292 and §29-293. The Code and said standards are available for your inspection at this Office.

The violations of the code found on the date of inspection are listed on the attached inspection report.

**You are hereby ordered** to take the proper corrective action to remove or remedy all listed violations within thirty (30) days from the day that this notice is received, unless otherwise noted on the attached inspection report.

If you believe that compliance with the Code will impose an unreasonable hardship, and that alternative methods of achieving an equivalent level of life safety could be attained, you may request, in writing, a modification of the requirements of said Code as outlined in Connecticut General Statute §29-296. If you believe compliance will take more time than that specified, you may request an extension of time prior to the expiration of the thirty (30) day period, unless otherwise noted on the attached inspection report. Sample forms for application for modification and extension of time for compliance are available from this office. In addition you have the right to appeal this order pursuant to Connecticut General Statutes §29-309 for a period of not more than thirty (30) days from receipt.

Plans/specifications for work to be done shall be submitted to this office prior to the commencement of any construction. This review of all plans/specifications would avoid unnecessary expense that could result from non-complying changes. Please note that the correction of certain violations may require proper permits and approval from the building official and other local agencies prior to any construction.

**This is the only order you will receive.** This Office will conduct a re-inspection of the premises to determine compliance with this order after the expiration of the thirty-day (30) or the time period noted on the inspection report. Your failure to comply with this order within the time period specified as determined by said re-inspection constitutes your failure to comply with the Connecticut State Fire Safety Code which may subject you to criminal prosecution as prescribed by Connecticut General Statute §29-306 with penalties of a fine not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000) or imprisonment of up to six months, or both, as prescribed in Connecticut General Statute §29-295. Non-compliance may also result in a civil proceeding against you as authorized in Connecticut General Statute §29-306.

This Office is looking forward to working with you in the interest of fire and life safety for the community and awaits your timely response regarding this matter.

Sincerely,

Fire Marshal

enc.  
Rev 1701 FC

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT STATE FIRE SAFETY CODE  
NOTICE OF REFERRAL FOR CRIMINAL PROSECUTION**

Dear

This is to inform you that on \_\_\_\_\_, this office referred the matter regarding the Connecticut State Fire Safety Code violations located at \_\_\_\_\_, Connecticut to the State's Attorney for the Judicial District of \_\_\_\_\_ for criminal prosecution.

This referral results from the initial inspection conducted on \_\_\_\_\_, and your failure to respond properly to Abatement Order of Fire/Life Safety Hazards sent to you via certified U.S. Mail on \_\_\_\_\_, receipt # \_\_\_\_\_. A re-inspection of the premises conducted on \_\_\_\_\_, determined that compliance with the Connecticut State Fire Safety Code had not been achieved, nor had steps been taken for alternate methods of compliance with the said Code as outlined in the order.

If there are any questions, please contact the State's Attorney for the Judicial District of \_\_\_\_\_.

Very truly yours,

Fire Marshal

enc.  
c: Office of State Fire Marshal w/o attachments  
Corporation Counsel

7/01 FC

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Date

<Attorney's Name>

Housing Prosecutor

\_\_\_\_\_ Judicial District

<Address>

<City, State Zip>

Re: **Connecticut State Fire Safety Code Compliance**

<Street>

<City, State>

Dear

The undersigned, being duly sworn as the Fire Marshal for the jurisdiction of \_\_\_\_\_, Connecticut, hereby requests by this Affidavit, that \_\_\_\_\_, the owner of said premises located at \_\_\_\_\_ Connecticut, be referred for criminal prosecution as outlined in C.G.S. § 29-306 as a result of the owner's failure to comply with the Connecticut State Fire Safety Code (C.G.S. § 29-292) and its applicable referenced standards set forth by the provisions of Chapter 541 of the Connecticut General Statutes.

On \_\_\_\_\_, the undersigned caused an inspection to be performed at the above premises for determining compliance with the Connecticut State Fire Safety Code. The Abatement Order of Fire/Life Safety Hazards citing violations of the said Code has been sent as outlined in Policy Directive #3 dated 7/1/01 as issued by the Office of the State Fire Marshal.

A re-inspection was conducted on \_\_\_\_\_, for the purpose of determining progress in the correction of the hazards as mentioned above. It has been determined that a portion or all of the violations initially found during the first inspection still exist, and no steps have been taken for alternate methods of compliance with the said Code.

A notice of referral for Criminal Prosecution has been issued by our Office. A complete package containing the case history and the Abatement Procedures is enclosed.

Your assistance in this case will be greatly appreciated. Please contact our office if you require further information or clarification.

Sincerely,

Fire Marshal

c: Corporation Counsel

enc

7/01 FC

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Date

Certified Mail Return Receipt #

To: <Name >  
<Address>  
<City, State, Zip>

**CONNECTICUT HAZARDOUS CHEMICAL CODE  
ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS**

Dear

On \_\_\_\_\_, at approximately \_\_\_\_\_ hours, an inspection was conducted of the hazardous chemical operation located at \_\_\_\_\_ Connecticut for the purposes of determining compliance with the Connecticut Hazardous Chemical Code and the applicable referenced standards, adopted pursuant to Connecticut General Statutes, §29-336, §29-337 and §29-339. The Code and said standards are available for your inspection at this Office.

The violations of the Code found on the date of inspection are listed on the attached inspection report.

**You are hereby ordered** to take the proper corrective action to remove or remedy all listed violations within thirty (30) days from the day that this notice is received unless otherwise noted on the attached inspection report.

If you believe that compliance with the Code will impose an unreasonable hardship, and that alternative methods of achieving an equivalent level of life safety could be attained, you may request in writing a modification of the requirements of said Code as outlined in Connecticut General Statute §29-338. If you believe compliance will take more time than specified, you may request an extension of time prior to the expiration of the thirty (30) day period, unless otherwise noted on the attached inspection report. Sample forms for application for modification and extension of time for compliance are available from this Office. In addition, you have the right to appeal this order pursuant to Connecticut General Statute §29-340.

Plans/specifications for work to be done shall be submitted to this Office prior to the commencement of any construction. This review of all plans/specifications would avoid unnecessary expense that could result from non-complying changes. Please note that the correction of certain violations may require proper permits and approval from the building official and other local agencies prior to any construction.

**This is the only order you will receive.** This Office will conduct a re-inspection of the premises to determine compliance with this order after the expiration of the thirty-day (30) or the time period noted on the inspection report. Your failure to comply with this order within the time period specified as determined by said re-inspection constitutes your failure to comply with the Connecticut Hazardous Chemical Code which may subject you to criminal prosecution as prescribed by Connecticut General Statute §29-306 with penalties of a fine not less than five hundred dollars (\$500) per violation for the first offense, and not less than one thousand dollars (\$1000) nor more than two thousand dollars (\$2000) or imprisoned not more than six (6) months or both per violation, for each subsequent offense, or in the event a death or injury results from any such violation the fine shall be not more than ten thousand (\$10,000) dollars and the period of imprisonment not more than ten (10) years or both per violation as prescribed in Connecticut General Statute §29-335. Non-compliance may also result in a civil proceeding against you as authorized in Connecticut General Statute §29-306.

This Office is looking forward to working with you in the interest of fire and life safety for the community and awaits your timely response regarding this matter.

Sincerely,

Fire Marshal

enc.  
Rev 7/01 HC

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT HAZARDOUS CHEMICAL CODE  
NOTICE OF REFERRAL FOR CRIMINAL PROSECUTION**

Dear

This is to inform you that on \_\_\_\_\_, this office referred the matter regarding the Connecticut Hazardous Chemical Code violations located at \_\_\_\_\_, Connecticut to the State's Attorney for the Judicial District of \_\_\_\_\_ for criminal prosecution.

This referral results from the initial inspection conducted on \_\_\_\_\_, and your failure to respond properly to the Abatement Order of Fire/Life Safety Hazards sent to you via certified U.S. Mail on \_\_\_\_\_, receipt # \_\_\_\_\_. A re-inspection of the premises conducted on \_\_\_\_\_, determined that compliance with the Connecticut Hazardous Chemical Code had not been achieved, nor had steps been taken for alternate methods of compliance with the said Code as outlined in that order.

If there are any questions, please contact the State's Attorney for the Judicial District of \_\_\_\_\_.

Very truly yours,

Fire Marshal

enc.  
c: Office of State Fire Marshal w/o enclosures  
Corporation Counsel  
Rev 7/01 HC

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Date

<Attorney's Name>

Prosecutor

\_\_\_\_\_ Judicial District

<Address>

<City, State Zip>

Re: **Connecticut Hazardous Chemical Code Compliance**

<Street>

<City, State>

Dear

The undersigned, being duly sworn as the Fire Marshal for the jurisdiction of \_\_\_\_\_, Connecticut, hereby requests by this Affidavit, that \_\_\_\_\_, the owner of the premises located at \_\_\_\_\_ Connecticut, be referred for criminal prosecution as outlined in C.G.S. §29-306 as a result of the owner's failure to comply with the Connecticut Hazardous Chemical Code (C.G.S. §29-336 through §29-341) and its applicable referenced standards set forth by the provisions of Chapter 541 of the Connecticut General Statutes.

On \_\_\_\_\_, the undersigned caused an inspection to be performed at the above premises for determining compliance with the Connecticut Hazardous Chemical Code. The Abatement Order of Fire/Life Safety Hazards citing violations of the said Code had been sent as outlined in Policy Directive #3 dated 7/1/01 as issued by the Office of the State Fire Marshal.

A re-inspection was conducted on \_\_\_\_\_, for the purpose of determining progress in the correction of the hazards as mentioned above. It has been determined that a portion or all of the violations initially found during the first inspection still exist, and no steps have been taken for alternate methods of compliance with the said Code.

A notice of referral for Criminal Prosecution has been issued by our Office. A complete package containing the case history and the Abatement Procedures is enclosed.

Your assistance in this case will be greatly appreciated. Please contact our Office if you require further information or clarification.

Sincerely,

Fire Marshal

enc.

c: Corporation Counsel

Rev 7/01 HCa

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE  
ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS**

Dear

On \_\_\_\_\_, at approximately \_\_\_\_\_ hours, an inspection was conducted of the flammable/combustible liquids located at \_\_\_\_\_, Connecticut for the purposes of determining compliance with the Connecticut Flammable and Combustible Liquids Code and its applicable referenced standards, adopted pursuant to Connecticut General Statutes (C.G.S.) §29-320 and §29-322. The Code and said standards are available for your inspection at this Office.

The violations of the code found on the date of inspection are listed on the attached inspection report.

**You are hereby ordered** to take the proper corrective action to remove or remedy all listed violations within thirty (30) days from the day that this notice is received, unless otherwise noted on the attached inspection report.

If you believe that compliance with the Code will impose an unreasonable hardship, and that alternative methods of achieving an equivalent level of life safety could be attained, you may request, in writing, a modification of the requirements of said Code as outlined in C.G.S. §29-321. If you believe compliance will take more time than that specified, you may request an extension of time prior to the expiration of the thirty (30) day period, unless otherwise noted on the attached inspection report. Sample forms for application for modification and extension of time for compliance are available from this Office. In addition, you have the right to appeal this order pursuant to C.G.S. §29-323.

Plans/specifications for work to be done shall be submitted to this office prior to the commencement of any construction. This review of all plans/specifications would avoid unnecessary expense that could result from non-complying changes. Please note that the correction of certain violations may require proper permits and approval from the building official and other local agencies prior to any construction.

**This is the only order you will receive.** This Office will conduct a re-inspection of the premises to determine compliance with this order after the expiration of the thirty-day (30) or the time period noted on the inspection report. Your failure to comply with this order within the time period specified as determined by said re-inspection constitutes your failure to comply with the Connecticut Flammable and Combustible Liquids Code which may subject you to criminal prosecution as prescribed by C.G.S. §29-306 with penalties of a fine not less than five hundred dollars (\$500) or imprisonment of up to six months, or both per violation for the first offense, and not more than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) or imprisoned not more than one year or both per violation for each subsequent offense, or in the event a death or injury results from any such violation the fine shall be not more than ten thousand dollars (\$10,000) and the period of imprisonment not more than ten (10) years or both per violation as prescribed in C.G.S. §29-324. Non-compliance may also result in a civil proceeding against you as authorized in C.G.S. §29-306.

This Office is looking forward to working with you in the interest of fire and life safety for the community and awaits your timely response regarding this matter.

Sincerely,

Fire Marshal  
enc.  
Rev 7/01 F&C L

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE  
NOTICE OF REFERRAL FOR CRIMINAL PROSECUTION**

Dear

This is to inform you that on \_\_\_\_\_, this office referred the matter regarding the Connecticut Flammable and Combustible Liquids Code violations located at \_\_\_\_\_, Connecticut to the State's Attorney for the Judicial District of \_\_\_\_\_ for criminal prosecution.

This referral results from the initial inspection conducted on \_\_\_\_\_, and your failure to respond properly to the Abatement Order of Fire/Life Safety Hazards sent to you via certified U.S. Mail on \_\_\_\_\_, receipt # \_\_\_\_\_. A re-inspection of the premises conducted on \_\_\_\_\_, determined that compliance with the Connecticut Flammable and Combustible Liquids Code had not been achieved, nor had steps been taken for alternate methods of compliance with the said Code as outlined in that order.

If there are any questions, please contact the State's Attorney for the Judicial District of \_\_\_\_\_.

Very truly yours,

Fire Marshal

enc.  
c: Office of State Fire Marshal w/o enclosures  
Corporate Counsel

7/01 F&C L

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Date

<Attorney's Name>

Prosecutor

\_\_\_\_\_ Judicial District

<Address>

<City, State Zip>

Re: **Connecticut Flammable and Combustible Liquids Code Compliance**

<Street>

<City, State>

Dear

The undersigned, being duly sworn as the Fire Marshal for the jurisdiction of \_\_\_\_\_, Connecticut, hereby requests by this Affidavit, that \_\_\_\_\_, the owner of the premises located at \_\_\_\_\_ Connecticut be referred for criminal prosecution as outlined in C.G.S. §29-306 as a result of the owner's failure to comply with the Connecticut Flammable and Combustible Liquids Code (§29-320 through §29-328) and its applicable referenced standards set forth by the provisions of Chapter 541 of the Connecticut General Statutes.

On \_\_\_\_\_, the undersigned caused an inspection to be performed at the above premises for determining compliance with the Connecticut Flammable and Combustible Liquids Code. The Abatement Order of Fire/Life Safety Hazards citing violations of the said Code had been sent as outlined in Policy Directive #3 dated 7/1/01 as issued by the Office of the State Fire Marshal.

A re-inspection was conducted on \_\_\_\_\_, for the purpose of determining progress in the correction of the hazards as mentioned above. It has been determined that a portion or all of the violations initially found during the first inspection still exist, and no steps have been taken for alternate methods of compliance with the said Code.

A notice of referral for Criminal Prosecution has been issued by our Office. A complete package containing the case history and the Abatement procedures is enclosed.

Your assistance in this case will be greatly appreciated. Please contact our Office if you require further information or clarification.

Sincerely,

Fire Marshal

c: Corporation Counsel

enc.

Rev 7/01 F&CL

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT GAS EQUIPMENT AND PIPING CODE  
ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS**

Dear

On \_\_\_\_\_, at approximately \_\_\_\_\_ hours, an inspection was conducted of the oil burning equipment located at \_\_\_\_\_, Connecticut for the purposes of determining compliance with the Connecticut Gas Equipment and Piping Code and its applicable referenced standards, adopted pursuant to Connecticut General Statute §29-329. The Code and said standards are available for your inspection at this Office.

The violations of the code found on the date of inspection are listed on the attached inspection report.

**You are hereby ordered** to take the proper corrective action to remove or remedy all listed violations within thirty (30) days from the day that this notice is received, unless otherwise noted on the attached inspection report.

If you believe that compliance with the Code will impose an unreasonable hardship, and that alternative methods of achieving an equivalent level of life safety could be attained, you may request, in writing, a modification of the requirements of said Code as outlined in Connecticut General Statute §29-329 (c). If you believe compliance will take more time than that specified, you may request an extension of time prior to the expiration of the thirty (30) day period, unless otherwise noted on the attached inspection report. Sample forms for application for modification and extension of time for compliance are available from this Office. In addition, you have the right to appeal this order pursuant to Connecticut General Statute §29-329 (d).

Plans/specifications for work to be done shall be submitted to this Office prior to the commencement of any construction. This review of all plans/specifications would avoid unnecessary expense that could result from non-complying changes. Please note that the correction of certain violations may require proper permits and approval from the building official and other local agencies prior to any construction.

**This is the only order you will receive.** This Office will conduct a re-inspection of the premises to determine compliance with this order after the expiration of the thirty-day (30) or the time period noted on the inspection report. Your failure to comply with this order within the time period specified as determined by said re-inspection constitutes your failure to comply with the Connecticut Gas Equipment and Piping Code which may subject you to criminal prosecution as prescribed by Connecticut General Statute §29-306 penalties of a fine not less than one hundred dollars (\$100) or imprisonment of up to six (6) months, or both, per violation as prescribed in Connecticut General Statute § 29-329 (e). Non-compliance may also result in a civil proceeding against you as authorized in Connecticut General Statute § 29-306.

This Office is looking forward to working with you in the interest of fire and life safety for the community and awaits your timely response regarding this matter.

Sincerely,

Fire Marshal

enc.  
Rev 7/01 Gas

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT GAS EQUIPMENT AND PIPING CODE  
NOTICE OF REFERRAL FOR CRIMINAL PROSECUTION**

Dear

This is to inform you that on \_\_\_\_\_, this office referred the matter regarding the Connecticut Gas Equipment and Piping Code violations located at \_\_\_\_\_, Connecticut to the State's Attorney for the Judicial District of \_\_\_\_\_ for criminal prosecution.

This referral results from the initial inspection conducted on \_\_\_\_\_, and your failure to respond properly to the Abatement Order of Fire/Life Safety Hazards sent to you via certified U.S. Mail on \_\_\_\_\_, receipt # \_\_\_\_\_. A re-inspection of the premises conducted on \_\_\_\_\_, determined that compliance with the Connecticut Gas Equipment and Piping Code had not been achieved, nor had steps been taken for alternate methods of compliance with the said Code as outlined in that order.

If there are any questions, please contact the State's Attorney for the Judicial District of \_\_\_\_\_

Very truly yours,

Fire Marshal

enc.  
c: Office of State Fire Marshal w/o enclosures  
Corporation Counsel  
Rev 7/01 Gas

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Date

<Attorney's Name>

Prosecutor

\_\_\_\_\_ Judicial District

<Address>

<City, State Zip>

Re: **Connecticut Gas Equipment and Piping Code Compliance**

<Street>

<City, State>

Dear

The undersigned, being duly sworn as the Fire Marshal for the jurisdiction of \_\_\_\_\_, Connecticut, hereby requests by this Affidavit, that \_\_\_\_\_, the owner of the premises located at \_\_\_\_\_, Connecticut be referred for criminal prosecution as outlined in C.G.S. §29-306 as a result of the owner's failure to comply with the Connecticut Gas Equipment and Piping Code (C.G.S. 29-329) and its applicable referenced standards set forth by the provisions of Chapter 541 of the Connecticut General Statutes.

On \_\_\_\_\_, the undersigned caused an inspection to be performed at the above premises for determining compliance with the Connecticut Gas Equipment and Piping Code. The Abatement Order of Fire/Life Safety Hazards citing violations of the said Code had been sent as outlined in Policy Directive #3 dated 7/1/01 as issued by the Office of the State Fire Marshal.

A re-inspection was conducted on \_\_\_\_\_, for the purpose of determining progress in the correction of the hazards as mentioned above. It has been determined that a portion or all of the violations initially found during the first inspection still exist, and no steps have been taken for alternate methods of compliance with the said Code.

A notice of referral for Criminal Prosecution has been issued by our Office. A complete package containing the case history and the Abatement Procedures is enclosed.

Your assistance in this case will be greatly appreciated. Please contact our Office if you require further information or clarification.

Sincerely,

Fire Marshal \_\_\_\_\_

enc.

c: Corporation Counsel

Rev 7/01 Gas

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT LIQUEFIED PETROLEUM GAS AND LIQUEFIED NATURAL GAS CODE  
ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS**

Dear

On \_\_\_\_\_, at approximately \_\_\_\_\_ hours, an inspection was conducted of the liquefied petroleum gas & liquefied natural gas equipment located at \_\_\_\_\_, Connecticut for the purposes of determining compliance with the Connecticut Liquefied Petroleum Gas & Liquefied Natural Gas Code and its applicable referenced standards, adopted pursuant to Connecticut General Statutes §29-331 and §29-332. The Code and said standards are available for your inspection at this Office.

The violations of the code found on the date of inspection are listed on the attached inspection report.

**You are hereby ordered** to take the proper corrective action to remove or remedy all listed violations within thirty (30) days from the day that this notice is received unless otherwise noted on the attached inspection report.

If you believe that compliance with the Code will impose an unreasonable hardship, and that alternative methods of achieving an equivalent level of life safety could be attained, you may request, in writing, a modification of the requirements of said Code as outlined in C.G.S. §29-333. If you believe compliance will take more time than that specified, you may request an extension of time prior to the expiration of the thirty (30) day period, unless otherwise noted on the attached inspection report. Sample forms for application for modification and extension of time for compliance are available from this Office. In addition, you have the right to appeal this order pursuant to C.G.S. §29-334.

Plans/specifications for work to be done shall be submitted to this Office prior to the commencement of any construction. This review of all plans/specifications would avoid unnecessary expense that could result from non-complying changes. Please note that the correction of certain violations may require proper permits and approval from the building official and other local agencies prior to any construction.

**This is the only order you will receive.** This Office will conduct a re-inspection of the premises to determine compliance with this order after the expiration of the thirty-day (30) or the time period noted on the inspection report. Your failure to comply with this order within the time period specified as determined by said re-inspection constitutes your failure to comply with the Connecticut Liquefied Petroleum Gas & Liquefied Natural Gas Code which may subject you to criminal prosecution as prescribed by C.G.S. §29-306 with penalties of a fine not less than five hundred dollars (\$500) or imprisonment of up to six (6) months, or both per violation for the first offense, and not more than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) or imprisoned not more than one year or both per violation for each subsequent offense, or in the event a death or injury results from any such violation the fine shall be not more than ten thousand dollars (\$10,000) and the period of imprisonment not more than ten (10) years or both per violation as prescribed in C.G.S. §29-335. Non-compliance may also result in a civil proceeding against you as authorized in C.G.S. §29-306.

This Office is looking forward to working with you in the interest of fire and life safety for the community and await your timely response regarding this matter.

Sincerely,

Fire Marshal  
enc.  
Rev 7/01 LPG

---

Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT LIQUEFIED PETROLEUM GAS & LIQUEFIED NATURAL GAS CODE  
NOTICE OF REFERRAL FOR CRIMINAL PROSECUTION**

Dear

This is to inform you that on \_\_\_\_\_, this office referred the matter regarding the Liquefied Petroleum Gas and Liquefied Natural Gas Code violations located at \_\_\_\_\_, Connecticut to the State's Attorney for the Judicial District of \_\_\_\_\_ for criminal prosecution.

This referral results from the initial inspection conducted on \_\_\_\_\_, and your failure to respond properly to the Abatement Order of Fire/Life Safety Hazards sent to you via certified U.S. Mail on \_\_\_\_\_, receipt # \_\_\_\_\_. A re-inspection of the premises conducted on \_\_\_\_\_, determined that compliance with the Connecticut Liquefied Petroleum Gas & Liquefied Natural Gas Code had not been achieved, and nor had steps been taken for alternate methods of compliance with the said Code as outlined in that order.

If there are any questions, please contact the State's Attorney for the Judicial District of \_\_\_\_\_.

Very truly yours,

Fire Marshal

enc.  
c: Office of State Fire Marshal w/o enclosures  
Corporation Counsel  
Rev 7/01 LPG

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---

Date

<Attorney's Name>

Prosecutor

\_\_\_\_\_ Judicial District

<Address>

<City, State Zip>

Re: **Connecticut Liquefied Petroleum Gas & Liquefied Natural Gas Code Compliance**

<Street>

<City, State>

Dear

The undersigned, being duly sworn as the Fire Marshal for the jurisdiction of \_\_\_\_\_, Connecticut, hereby requests by this Affidavit, that \_\_\_\_\_, the owner of the premises located at \_\_\_\_\_, Connecticut be referred for criminal prosecution as outlined in C.G.S. §29-306 as a result of the owner's failure to comply with the Connecticut Liquefied Petroleum Gas & Liquefied Natural Gas Code (C.G.S. §29-330 through §29-335) and its applicable referenced standards set forth by the provisions of Chapter 541 of the Connecticut General Statutes.

On \_\_\_\_\_, the undersigned caused an inspection to be performed at the above premises for determining compliance with the Connecticut Liquefied Petroleum Gas & Liquefied Natural Gas Code. The Abatement Order of Fire/Life Safety Hazards citing violations of the said Code had been sent as outlined in Policy Directive #3 dated 7/1/01 as issued by the Office of the State Fire Marshal.

A re-inspection was conducted on \_\_\_\_\_, for the purpose of determining progress in the correction of the hazards as mentioned above. It has been determined that a portion or all of the violations initially found during the first inspection still exist, and no steps have been taken for alternate methods of compliance with the said Code.

A notice of referral for Criminal Prosecution has been issued by our Office. A complete package containing the case history and the Abatement Procedures is enclosed.

Your assistance in this case will be greatly appreciated. Please contact our Office if you require further information or clarification.

Sincerely,

Fire Marshal

enc.

c: Corporation Counsel

Rev 7/01 LPG

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Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<City, State, Zip>

**CONNECTICUT OIL BURNING EQUIPMENT CODE  
ABATEMENT ORDER OF FIRE/LIFE SAFETY HAZARDS**

Dear

On \_\_\_\_\_, at approximately \_\_\_\_\_ hours, an inspection was conducted of the oil burning equipment located at \_\_\_\_\_, Connecticut for the purposes of determining compliance with the Connecticut Oil Burning Equipment Code and its applicable referenced standards, adopted pursuant to Connecticut General Statutes §29-316 and §29-317. The Code and said standards are available for your inspection at this Office.

The violations of the code found on the date of inspection are listed on the attached inspection report.

**You are hereby ordered** to take the proper corrective action to remove or remedy all listed violations within thirty (30) days from the day that this notice is received, unless otherwise noted on the attached inspection report.

If you believe that compliance with the Code will impose an unreasonable hardship, and that alternative methods of achieving an equivalent level of life safety could be attained, you may request, in writing, a modification of the requirements of said Code as outlined in Connecticut General Statute §29-317(c). If you believe compliance will take more time than that specified, you may request an extension of time prior to the expiration of the thirty (30) day period, unless otherwise noted on the attached inspection report. Sample forms for application for modification and extension of time for compliance are available from this Office. In addition, you have the right to appeal this order pursuant to Connecticut General Statute §29-317(d).

Plans/specifications for work to be done shall be submitted to this Office prior to the commencement of any construction. This review of all plans/specifications would avoid unnecessary expense that could result from non-complying changes. Please note that the correction of certain violations may require proper permits and approval from the building official and other local agencies prior to any construction.

**This is the only order you will receive.** This office will conduct a re-inspection of the premises to determine compliance with this order after the expiration of the thirty (30) day or the time period noted on the inspection report. Your failure to comply with this order within the time period specified as determined by said re-inspection constitutes your failure to comply with the Connecticut Oil Burning Equipment Code which may subject you to criminal prosecution as prescribed by Connecticut General Statute §29-306 penalties of a fine not less than one hundred dollars (\$100) or imprisonment of up to six months, or both, as prescribed in Connecticut General Statute §29-317. Non-compliance may also result in a civil proceeding against you as authorized in Connecticut General Statute §29-306.

This Office is looking forward to working with you in the interest of fire and life safety for the community and awaits your timely response regarding this matter.

Sincerely,

Fire Marshal

enc.  
Rev 7/01 OBC

---

Date

Certified Mail Return Receipt #

To: <Name>  
<Address>  
<Town, State, Zip>

**CONNECTICUT OIL BURNING EQUIPMENT CODE  
NOTICE OF REFERRAL FOR CRIMINAL PROSECUTION**

Dear

This is to inform you that on \_\_\_\_\_, this office referred the matter regarding the Connecticut Oil Burning Equipment Code violations located at \_\_\_\_\_, Connecticut to the State's Attorney for the Judicial District of \_\_\_\_\_ for criminal prosecution.

This referral results from the initial inspection conducted on \_\_\_\_\_, and your failure to respond properly to the Abatement Order of Fire/Life Safety Hazards sent to you via certified U.S. Mail on \_\_\_\_\_, receipt # \_\_\_\_\_. A re-inspection of the premises conducted on \_\_\_\_\_, determined that compliance with the Connecticut Oil Burning Equipment Code had not been achieved, and nor had steps been taken for alternate methods of compliance with the said Code as outlined in that order.

If there are any questions, please contact the State's Attorney for the Judicial District of \_\_\_\_\_.

Very truly yours,

Fire Marshal

enc.  
c: Office of State Fire Marshal w/o enclosures  
Corporation Counsel

Rev 7/01 OBC

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Date

<Attorney's Name>

Prosecutor

\_\_\_\_\_ Judicial District

<Address>

<City, State Zip>

Re: **Connecticut Oil Burning Equipment Code Compliance**

<Street>

<City, State>

Dear

The undersigned, being duly sworn as the Fire Marshal for the jurisdiction of \_\_\_\_\_, Connecticut, hereby requests by this Affidavit, that \_\_\_\_\_, the owner of the premises located at \_\_\_\_\_, Connecticut be referred for criminal prosecution as outlined in C.G.S. §29-306 as a result of the owner's failure to comply with the Connecticut Oil Burning Equipment Code (C.G.S. §29-316 and §29-317) and its applicable referenced standards set forth by the provisions of Chapter 541 of the Connecticut General Statues.

On \_\_\_\_\_, the undersigned caused an inspection to be performed at the above premises for determining compliance with the Connecticut Oil Burning Equipment Code. The Abatement Order of Fire/Life Safety Hazards citing violations of the said Code had been sent as outlined in Policy Directive #3 dated 7/1/01 as issued by the Office of the State Fire Marshal.

A re-inspection was conducted on \_\_\_\_\_, for the purpose of determining progress in the correction of the hazards as mentioned above. It has been determined that a portion or all of the violations initially found during the first inspection still exist, and no steps have been taken for alternate methods of compliance with the said Code.

A notice of referral for Criminal Prosecution has been issued by our Office. A complete package containing the case history and the Abatement Procedures is enclosed.

Your assistance in this case will be greatly appreciated. Please contact our Office if you require further information or clarification.

Sincerely,

Fire Marshal

enc.

c: Corporation Counsel

Rev 7/01 OBC

## **CT General Statutes, Excerpts – 2012 Supplement**

### **Sec. 29-305. (Formerly Sec. 29-52). Inspections by local fire marshals. Reports. Schedule of inspections.**

(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, facilities, processes, equipment, systems and other areas regulated by the 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 (e) of this section, in the interests of public safety, all buildings and facilities of public service and all occupancies regulated by the 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 codes relative to smoke detection and warning equipment have been satisfied. In the case of a school building, each local fire marshal shall submit a written report to the local or regional board of education documenting each such inspection.

(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 life safety, 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, facilities, processes, equipment, systems and other areas the compensation agreed upon with such appointing authority.

(e) The State Fire Marshal may adopt amendments to the Fire Safety Code and the State Fire Prevention Code regarding requirements for the frequency of inspections of different building uses regulated by the 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 yearly if the interests of public safety can be met by less frequent inspections.

**Sec. 29-306. (Formerly Sec. 29-53). Abatement of fire hazards: Order to remove or remedy; penalties; notification of officials; order to vacate; review by State Fire Marshal.**

(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, that is so situated as to endanger life or property, (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. Any such removal or remedy shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. 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 a hazard or remedy 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 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.

(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 (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 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 or submit a copy of such order to the State Fire Marshal if such marshal or officer anticipates that any of the conditions specified in subdivisions (1) to (5), inclusive, of this subsection cannot be abated in four hours or less from the time of such order. Upon receipt of any such notification or copy, the State Fire Marshal shall review such order to vacate, and after consultation with the local fire marshal or local police officer, determine whether to uphold, modify or reverse such order, with any further conditions the State Fire Marshal deems appropriate to protect any person from injury. A violation of such order shall be subject to the penalties under section 29-295.