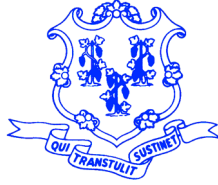


The Connecticut General Assembly

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Memorandum

To: Senator James Maroney
Representative Nicole Klarides-Ditria
Senator John Kissel
Representative Tom Arnone

From: Catriona Stratton and Christopher J. Cordima

Date: September 27, 2022

Subject: Proposed 2022 Connecticut State Fire Prevention Code
Second Resubmittal

This is a resubmittal of the proposed **2022 Connecticut State Fire Prevention Code** that was rejected without prejudice at the committee's meetings on June 28, 2022 and August 30, 2022. The resubmittal addresses the substantive concerns and technical corrections noted in the August 30, 2022 memorandum. Additional technical corrections are also noted below.

In addition to the resubmitted Connecticut State Fire Prevention Code, the agency has provided for the committee's consideration a written explanation of the changes not made by the agency in response to the August 30, 2022 memorandum, including any item listed in the "Additional Comments" section of said memorandum.

Attached are the pages noted in the table below from the resubmittal of the proposed **2022 Connecticut State Fire Prevention Code**. There are handwritten comments on the pages of the proposed code referenced that make recommendations for technical corrections.

Substantive Concerns:

Additional Comments:

LCO COMMENTS	Page Numbers
Technical corrections	2, 5, 6, 15, 21, 22, 31 and 51

Recommendation:

X	Approval in whole
X	with technical corrections
	with deletions
	with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Authorizing Statute

Sec. 29-291e. Procedure for adoption and amendment of State Fire Prevention Code.

(a) For the purposes of this section, "proposed code" means a proposal by the State Fire Marshal, in coordination with the advisory committee for a new State Fire Prevention Code or for a change in, addition to or repeal of any provision of the State Fire Prevention Code and "advisory committee" means the advisory committee established under subsection (b) of section 29-291a.

(b) Notwithstanding the provisions of chapter 54, the adoption of the State Fire Prevention Code and any amendments thereto shall not be required to comply with the provisions of chapter 54, except as provided in this section.

(c) Prior to the adoption of the State Fire Prevention Code and any amendments thereto, the State Fire Marshal shall (1) post any proposed code, a statement of purpose for which the proposed code is proposed, a fiscal note associated with compliance with the proposed code prepared pursuant to section 4-168 and a regulatory flexibility analysis prepared pursuant to section 4-168a on the Internet web site of the Department of Administrative Services, (2) give notice electronically to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, (3) give notice to any person who has requested the State Fire Marshal for advance notice of the proposed code adoption proceedings, (4) provide for a public comment period of forty-five days following the posting of such proposed code, fiscal note and regulatory flexibility analysis, and (5) hold a public hearing on the proposed code not less than twenty nor more than thirty-five days after such posting.

(d) After the close of the public comment period, the State Fire Marshal, in coordination with the advisory committee, shall respond to each written and oral comment respecting the proposed code received during the public comment period and at the public hearing. Such response shall include any change made to the proposed code if applicable, and the rationale for such change. The State Fire Marshal shall post such response on the Internet web site of the Department of Administrative Services not later than thirty days after the close of the public comment period.

(e) The State Fire Marshal, in coordination with the advisory committee, shall create and maintain a code-making record for each proposed code, submit such code-making record electronically to the standing legislative regulation review committee and the joint standing committee of the General Assembly having cognizance of matters relating to

public safety and security, and post such code-making record on the Internet web site of the Department of Administrative Services. Such code-making record shall include, but need not be limited to: (1) The final wording of the proposed code in a format consistent with a nationally recognized model building code, (2) the fiscal note prepared pursuant to subsection (c) of this section, (3) the regulatory flexibility analysis prepared pursuant to subsection (c) of this section, (4) all written and oral comments received during the public comment period, and (5) the response to such comments prepared pursuant to subsection (d) of this section.

(f) The standing legislative regulation review committee shall have not more than forty-five days from the date the code-making record is submitted to the committee pursuant to subsection (e) of this section to convene a meeting to approve, disapprove or reject without prejudice the proposed code, in whole or in part. If the proposed code is withdrawn, the State Fire Marshal shall resubmit the proposed code and the committee shall have not more than forty-five days from the date of such resubmittal to convene a meeting to approve, disapprove or reject without prejudice the resubmitted proposed code. If the committee notifies the State Fire Marshal in writing that it is waiving its right to convene a meeting or does not act on a proposed code or a resubmitted proposed code, as the case may be, within such forty-five-day period, the proposed code or resubmitted proposed code shall be deemed to be approved by the committee.

(g) If the committee disapproves a proposed code, in whole or in part, the committee shall notify the State Fire Marshal of the disapproval and the reasons for the disapproval. The State Fire Marshal shall not take any action to implement such disapproved code, except that the State Fire Marshal may submit a substantively new proposed code in accordance with the provisions of this section, provided the General Assembly may reverse such disapproval in accordance with the provisions of section 4-171.

(h) If the committee rejects a proposed code without prejudice, in whole or in part, the committee shall notify the State Fire Marshal of the reasons for the rejection and the State Fire Marshal shall resubmit the proposed code in revised form to the committee not later than thirty days after the date of rejection without prejudice. Each resubmission of the proposed code under this subsection shall include a summary of any revisions to the proposed code. The committee shall have not more than forty-five days after the receipt of the resubmittal to review and take action on such resubmitted proposed code in the same manner as provided in subsection (f) of this section.

(i) The State Fire Prevention Code or any amendment thereto approved or deemed approved by the committee pursuant to subsection (f) of this section is effective and enforceable against any person or party upon its posting on the Internet web site of the Department of Administrative Services, except that: (1) If a later date is required by statute or specified in the code, the later date is the effective date, and (2) a code may not be effective before the effective date of the public act requiring or permitting the code. Such posting shall include a statement by the State Fire Marshal certifying that the electronic copy of the code is a true and accurate copy of the code approved or deemed approved in accordance with subsection (f) of this section. The electronic copy of the State Fire Prevention Code posted on the Internet web site of the Department of Administrative Services shall be the official version for all purposes, including all legal and administrative proceedings.

(j) No provision of the State Fire Prevention Code or any amendment thereto adopted after May 31, 2016, is valid unless adopted in substantial compliance with the requirements of this section. A proceeding to contest any provision of the code on the ground of noncompliance with the requirements of this section shall be commenced within two years from the effective date of the code.

(k) The State Fire Marshal shall advise the public concerning how to obtain a copy of the State Fire Prevention Code and any amendments thereto.

(Add) **1.0.5** This code and its referenced standards shall be administered as provided in chapter 541 of the Connecticut General Statutes.

(Add) **1.0.6** No person shall remove or modify any fire protection system or feature installed or maintained under the provisions of the CSFSC or the CSBC, unless otherwise permitted by those codes. Buildings and structures, and parts thereof, processes, and activities that occur in all buildings and structures regulated by this Code shall be maintained in a safe condition as prescribed by the referenced standards. Devices or safeguards required by the CSFSC or the CSBC shall be maintained to provide the level of protection to which they were designed in conformance with the code edition under which installed.

(Amd) **1.1.1** The scope includes, but is not limited to, the following:

- (1) For the purposes of prevention of fire and other related emergencies.
- (2) Oil burners, flammable and combustible liquids, gas equipment and piping, liquefied gas and liquefied natural gas, hazardous chemicals, and processes and activities that occur in all buildings and structures regulated by the code and the areas adjacent to such buildings and structures.
- (3) Inspections of permanent and temporary processes, equipment, systems and other fire and related life safety situations.
- (4) Fire and life safety education of fire brigades, employees, responsible parties and the general public.
- (5) Maintenance, repairs, servicing, and testing of fire protection systems and equipment.
- (6) Use, storage, and handling of medical gas systems.
- (7) Access requirements for fire department operations.
- (8) Hazards from outside fires in vegetation, trash, building debris and other materials.
- (9) Regulation and control of special events, including, but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events and other similar special temporary and permanent occupancies.
- (10) Combustibles that contribute to fire spread, fire load and smoke production.
- (11) Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids and solids.
- (12) Storage, use, processing, handling and on-site transportation of hazardous materials.
- (13) Conditions affecting firefighter safety.
- (14) Provisions for detached private dwellings occupied by one or two families and townhouses with respect to smoke alarms and carbon monoxide detectors as specified in the Connecticut State Building Code (CSBC) and subject to the specific inspection criteria for smoke detection and warning equipment of section 29-305 of the Connecticut General Statutes.
- (15) Provisions for theatrical performances, sporting or athletic events, using flame effects before an audience or in the production of television, motion picture or other performances.
- (16) Enhance the enforcement capabilities of local fire marshals.

(Add) **1.1.1.1 Provisions in Excess of Code Requirements.** Nothing in this code shall be construed to prohibit a better type of construction, additional means of egress, additional

(Amd) **1.3.7 Severability.**

(Add) **1.3.7.1** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.


(Add) **1.3.7.2** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this code which are determined to be legal and it shall be presumed that this code would have been adopted without such illegal or void parts or provisions.

(Del) **1.4.1.1 Compliance with Subsequent Editions of Referenced Publications.** Delete section.

(Del) **1.4.1.1.1** Delete section.

(Del) **1.4.1.1.2** Delete section.

(Del) **1.4.2 Alternatives.** Delete section.

(Amd) **1.4.3 Variations or Exemptions.** Buildings, facilities or properties with equivalencies, alternatives or modifications accepted by the State Fire Marshal pursuant to section 29-296 of the Connecticut General Statutes shall be considered as conforming to this code. The use of performance based criteria evaluated by the State Fire Marshal as an equivalency to this code shall be by the variance or exemption as outlined in Section 29-296 of the Connecticut General Statutes. 

(Del) **1.4.4** Delete section.

(Del) **1.4.5** Delete section.

(Del) **1.4.6** Delete section.

(Add) **1.4.6 Authority Having Jurisdiction, Review of Decision.**

(a) For the purposes of this code adopted pursuant to section 29-291a of the Connecticut General Statutes, the authority having jurisdiction (AHJ) shall mean the State Fire Marshal regarding the proper administration, application, interpretation and modification of the requirements contained in this code.

(b) The local fire marshal shall make the initial determination concerning compliance with the provisions of this code, except as expressly provided in the wording of a section or in subsections (c) and (d) of this section. Upon the request of any person determined to have the right to appeal or when the State Fire Marshal has reason to believe that such local fire marshal has misconstrued or misinterpreted any provision of this code, the initial determination of a local fire marshal may be reviewed by the State Fire Marshal.

(c) The State Fire Marshal shall make the determination concerning compliance with this code on state-owned property.

(d) Where this code enables a local municipality or fire district to adopt a portion of this code by local ordinance as permitted by section 7-148 of the Connecticut General Statutes, the local fire marshal having jurisdiction shall be deemed the authority having jurisdiction. Any decision made by any such authority pursuant to a local ordinance may not be appealed to the State Fire Marshal.

(e) Except as provided in subsection (d) of this section, a decision of the local fire marshal may be reviewed by the State Fire Marshal in accordance with section 29-291d of the Connecticut General Statutes.

(Amd) 1.6 Abatement of Hazards; Penalty.

(a) The local fire marshal for the fire marshal's respective jurisdiction or the State Fire Marshal shall order conditions contrary to the provisions of this code to be remedied in accordance with Section 29-291c of the Connecticut General Statutes. An order to vacate all or part of a building may be issued by a local fire marshal or local police officer in accordance with section 29-306 of the Connecticut General Statutes when 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. The penalty for the failure to remedy or abate such hazards shall be as prescribed in section 29-291c of the Connecticut General Statutes.

(b) Pursuant to section 29-291c of the Connecticut General Statutes, Section 1.6.1 of this code lists those sections of this code for which a citation may be issued.

(Add) 1.6.1 Enforcement by Citations.

The following chapters or sections of this code may be enforced through the use of the citation process pursuant to section 29-291c of the Connecticut General Statutes.

<u>Chapter /Section</u>	<u>Subject Matter</u>
Section 1.12	Operating without a permit required by local ordinance
Section 10.13.9	Provisions for naturally cut (Christmas) trees
Sections 10.7, 13.1.7	Failure to maintain or the shutting off of any fire protection or fire warning system required by the Connecticut State Fire Safety Code
Sections 14.4.1, 14.4.3, 14.4.3.1	Blocked, insufficient or impeded egress
Chapter 16	Safeguards during building construction, alteration, and demolition operations
Section 20.1.5.10.4	Exceeding the established occupancy limit- assembly occupancies
Section 20.12.5	Storage and display of sparklers and fountains
Chapter 41	Hot work operations
Section 50.5	Procedures for use and maintenance of commercial cooking equipment
Section 65.4	Flame effects before an audience

Wood Products	To store chips, hogged material, lumber or plywood in excess of 200 ft ³ (5.7 m ³)	31.2
<i>delete extra row</i>		

*Maintenance performed in accordance with this Code is not considered a modification and does not require a permit.

(Amd) 1.13 Licenses.

(Del) **1.13.1** Delete section.

(Del) **1.13.2** Delete section.

(Del) **1.13.3** Delete section.

(Del) **1.13.4** Delete section.

(Del) **1.13.5** Delete section.

(Del) **1.13.6** Delete section.

(Del) **1.13.7** Delete section.

(Del) **1.13.8** Delete section.

(Del) **1.13.9** Delete section.

(Del) **1.13.10** Delete section.

(Amd) **1.13.11** Any individual or company to whom a license has been granted shall, upon request, produce and show proper identification and the license to anyone for whom that individual or company seeks to render services or to the AHJ.

(Del) **1.13.12** Delete section in its entirety.

(Amd) **1.14.1** Detailed plans and specifications for processes and material handling, modifications to existing processes and material handling and other conditions regulated by this code shall be submitted by the applicant to the local fire marshal having jurisdiction to demonstrate compliance with this code and applicable referenced standards.

(Del) **1.14.3** Delete section.

(Del) **1.15.2** Delete section.

(Del) **1.15.3** Delete section.

(Del) **1.15.4** Delete section.

NFPA 780	Standard for the Installation of Lightning Protection Systems, 2020 edition
NFPA 801	Standard for Fire Protection for Facilities Handling Radioactive Materials, 2020 edition
NFPA 804	Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants, 2020 edition
NFPA 805	Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2020 edition
NFPA 820	Standard for Fire Protection in Wastewater Treatment and Collection Facilities, 2020 edition
NFPA 850	Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations, 2020 edition
NFPA 853	Standard for the Installation of Fuel Cell Power Systems, 2020 edition
NFPA 855	Standard for the Installation of Energy Storage Systems, 2020 edition
NFPA 909	Code for the Protection of Cultural Resource Properties – Museums, Libraries, and Places of Worship, 2017 edition
NFPA 914	Code for the Protection of Historic Structures, 2019 edition
NFPA 1122	Code for Model Rocketry - Any reference to NFPA 1122 ^g see (the Regulations of Connecticut State Agencies adopted under the authority of section 29-367 of the Connecticut General Statutes, known as the Connecticut Model Rocketry Code.
NFPA 1124	Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition
NFPA 1125	Code for the Manufacture of Model Rocket and High Power Rocket and High Power Rocket Motors - Any reference to NFPA 1125 shall mean a reference to section 29-367 of the Connecticut General Statutes and the Regulations of Connecticut State Agencies adopted pursuant ^h there ⁱ to.
NFPA 1126	Standard for the Use of Pyrotechnics Before a Proximate Audience, 2021 edition
NFPA 1127	Code for High Power Rocketry - Any reference to NFPA 1127 shall mean a reference to section 29-367 of the Connecticut General Statutes and the Regulations of Connecticut State Agencies adopted pursuant ^j there ^k to.
NFPA 1142	Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017 edition
NFPA 1144	Standard for Reducing Structure Ignition Hazards from Wildland Fire, 2018 edition
NFPA 1194	Standard for Recreational Vehicle Parks and Campgrounds, 2021 edition
NFPA 1600	Standard on Continuity, Emergency, and Crisis Management, 2019 edition
NFPA 1963	Standard for Fire Hose Connections, 2019 edition
NFPA 2001	Standard on Clean Agent Fire Extinguishing Systems, 2018 edition
NFPA 2010	Standard for Fixed Aerosol Fire-Extinguishing Systems, 2020 edition

shall mean a reference to

NFPA 2113

Standard on Selection, Care, Use, and Maintenance of Flame-Resistant Garments for Protection of Industrial Personnel Against Short-Duration Thermal Exposure from Fire, 2020 edition

delete extra space



(Add) **11.5.2.4 Statutory requirements.** Refer to sections 29-318, 29-318a, 29-318b, and 29-318c of the Connecticut General Statutes for space heaters and unvented fuel-burning room heaters.

(Amd) **11.5.4 Vents.** All chimneys, smokestacks, or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, incinerators, boilers, or any other heat-producing devices or appliances shall be installed and maintained in accordance with the CSFSC and CSBC; and NFPA 54 and NFPA 211, as applicable.

(Amd) **11.6.1.1** Waste chutes and laundry chutes shall be separately enclosed by walls or partitions in accordance with the CSFSC, the CSBC, and provisions of Section 12.7 of this Code, as applicable.

(Amd) **11.8.1** Newly installed smoke-control systems shall be inspected by the AHJ and tested in accordance with the criteria established in the design documents approved by the AHJ, the CSFSC and the CSBC.

(Amd) **11.9 Emergency Command Center.** Where required, emergency command centers shall comply with the CSFSC, the CSBC, and this section, as applicable.

(Del) **11.10 In-Building Emergency Responder Communication Systems.** Delete section in its entirety.

(Add) **11.10 In-Building Emergency Responder Communication Systems.**

(Add) **11.10.1** Where installed, two-way radio communication enhancement systems shall be maintained at an operational level in accordance with NFPA 1221.

(Del) **11.12 Photovoltaic Systems.** Delete section in its entirety.

(Add) **11.12 Ground Mounted Photovoltaic Systems.**

(Add) **11.12.1 General.**

(Add) **11.12.1.1** Ground mounted photovoltaic systems shall be designed and installed in accordance with this section.

(Add) **11.12.1.2** Electrical portions of ground mounted photovoltaic systems shall be designed and installed in accordance with NFPA 70.

(Add) **11.12.1.3 Permits.** Permits shall be in accordance with Section 1.12.8 of this Code.

(Add) **11.12 1.4 Clearances.** A clear area of 10 ft. (3048 mm) around ground-mounted photovoltaic installations shall be maintained.

(Add) **11.12.1.5 Vegetation Management Plan.** A vegetation management plan or noncombustible base acceptable to the AHJ shall be approved and maintained under and around the installation where required by the AHJ.

Manufactured Home and Recreational Vehicle Sites.

(Del) **Chapter 27** Delete chapter in its entirety.

Chapter 28 Marinas, Boatyards, Marine Terminals,

(Amd) **28.1.1 Scope.** The operation of marinas, boatyards, yacht clubs, boat condominiums, docking facilities associated with residential condominiums, multiple-docking facilities at multiple-family residences, and all associated piers, docks and floats shall comply with NFPA 303 and Section 28.1 of this code.

Chapter 32

Motion Picture and Television Production Studio Soundstages and Approved Production Facilities

(Amd) **32.1 General.** The design, construction, operation, and maintenance of soundstages and approved production facilities used in motion picture and television productions shall comply with the CSFSC, CSBC, NFPA 140 and this chapter.

(Del) **32.5 Smoking.** Delete section.

(Amd) **32.6 Pyrotechnic Special Effects, Open Flames, and Smoking.**

(Amd) **32.6.1** The use of pyrotechnic special effects, open flames, or smoking shall be subject to the approval of the provisions of Chapter 65 of this code.

(Amd) **32.6.2** The use of flame effect materials, devices or components governed by NFPA 140 or NFPA 160; the device(s), their arrangement, location(s), and fuel(s) shall be approved by the State Fire Marshal.

(Del) **32.6.3** Delete section.

(Amd) **32.9.3.1** Means of egress shall be in accordance with the CSFSC unless otherwise modified by 32.9.3.2 through 32.9.3.6.

Chapter 34 General Storage