



Connecticut General Statutes Annotated [Currentness](#)

Title 29. Public Safety and State Police

▣ [Chapter 541](#). Building, Fire and Demolition Codes. Fire Marshals and Fire Hazards. Safety of Public and Other Structures ([Refs & Annos](#))

▣ [Part II](#). Fire Marshals and Fire Hazards. State Fire Prevention Code. Fire Safety Code ([Refs & Annos](#))

→ **§ 29-292. Fire Safety Code. Carbon monoxide and smoke detection and warning equipment. Certificate of occupancy**

(a) The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code [\[FN1\]](#) and at any time may amend the same. The code shall be based on a nationally recognized model fire code and shall be revised not later than January 1, 2005, and thereafter as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions to the code, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose. The regulations in said code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings and areas adjacent thereto except in private dwellings occupied by one or two families and upon all premises except those used for manufacturing, and shall include provision for (1) carbon monoxide detection and warning equipment in new residential buildings not exempt under regulations adopted pursuant to this subsection and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after October 1, 2005, and (2) smoke detection and warning equipment in (A) residential buildings designed to be occupied by two or more families, (B) new residential buildings designed to be occupied by one family for which a building permit for new occupancy is issued on or after October 1, 1978, requiring equipment complying with the Fire Safety Code, and (C) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1985, requiring equipment capable of operation using alternating current and batteries. Said regulations shall provide the requirements for markings and literature which shall accompany such equipment sufficient to inform the occupants and owners of such buildings of the purpose, protective limitations and correct installation, operating, testing, maintenance and replacement procedures and servicing instructions for such equipment and shall require that smoke detection and warning equipment which is installed in such residential buildings shall be capable of sensing visible or invisible smoke particles, that the manner and location of installing smoke detectors shall be approved by the local fire marshal or building official, that such installation shall not exceed the standards under which such equipment was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided each hotel, motel or inn shall install or furnish such equipment which, when activated, shall provide a visible alarm suitable to warn occupants, in at least one per cent of the units or rooms in such establishment having one hundred or more units or rooms and in establishments having less than one hundred units or rooms, it shall install or furnish at least one such alarm. Said regulations shall provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for such equipment and exemptions for buildings that do not pose a risk of carbon monoxide poisoning due to sole dependence on systems that do not emit carbon

monoxide.

(b) (1) No certificate of occupancy shall be issued for any residential building designed to be occupied by two or more families, or any new residential building designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1978, unless the local fire marshal or building official has certified that said building is equipped with smoke detection and warning equipment complying with the Fire Safety Code.

(2) No certificate of occupancy shall be issued for any new residential building not exempt under regulations adopted pursuant to subsection (a) of this section and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after October 1, 2005, unless the local fire marshal or building official has certified that said building is equipped with carbon monoxide detection and warning equipment complying with the Fire Safety Code.

CREDIT(S)

(1949 Rev., § 3665; 1958 Rev., § 29-40; 1971, P.A. 802, § 11; 1973, P.A. 73-95, § 1; 1976, P.A. 76-78; 1977, P.A. 77-334, § 1, eff. Oct. 1, 1978; 1977, P.A. 77-604, § 65, eff. July 6, 1977; 1980, P.A. 80-297, § 11, eff. July 1, 1980; 1981, P.A. 81-381, § 1, eff. July 1, 1981; 1982, P.A. 82-344, § 1, eff. June 4, 1982; 1982, P.A. 82-432, § 11, eff. July 1, 1982; 1982, P.A. 82-472, § 179, eff. June 14, 1982; 1984, P.A. 84-178; 1985, P.A. 85-321, § 1, eff. Oct. 1, 1985; 1986, P.A. 86-327, § 3, eff. Oct. 1, 1986; 1987, P.A. 87-186; 1987, July Sp.Sess., P.A. 87-2, § 1, eff. July 22, 1987; 1988, P.A. 88-364, § 46, eff. June 8, 1988; 1997, P.A. 97-25; 2004, P.A. 04-59, § 3, eff. May 10, 2004; 2005, P.A. 05-161, § 1, eff. July 1, 2005.)

[FN1] Regs. Conn. State Agencies § 29-292-1e et seq.

HISTORICAL AND STATUTORY NOTES

2008 Electronic Pocket Part Update

Codification

Section heading was changed to conform to the 2006 Supplement to the Connecticut General Statutes.

2003 Main Volume

Transfer of Section

This section, formerly set out as [C.G.S.A. § 29-40](#), was transferred to C.G.S.A. § 29-292 in Gen.St., Rev. to 1983.

Codification

Technical changes were made to conform to Gen.St., Rev. to 1995.

Gen.St., Rev. to 1999, changed the section heading from “Fire safety code. Smoke detection and warning equipment. Certificate of occupancy. Review of plans and specification; fees” to “Fire Safety Code. Smoke detection and warning equipment. Certificate of occupancy”.

Derivation:

1947, Supp. § 626i.

Prior Laws:

1958 Rev., § 29-39a.

1975, P.A. 75-139.

1977, P.A. 77-614, § 73.

1982, P.A. 82-432, § 18.

CROSS REFERENCES

Installation and connection of automatic calling devices, see [C.G.S.A. § 7-282b](#).

Nuisance abatement, uses of property constituting a public nuisance, see [C.G.S.A. § 19a-343](#).

Public safety in assembly halls and theatres, see [C.G.S.A. § 29-381](#).

Review of regulations for conflicts with State Fire Safety Code, see [C.G.S.A. § 29-251a](#).

State-owned buildings, compliance with State Fire Safety Code, see [C.G.S.A. § 29-252a](#).

ADMINISTRATIVE CODE REFERENCES

Certificates of approval, see [Regs. Conn. State Agencies, § 29-109-4b](#).

Department of Public Safety, relationship with building and fire codes, see [Regs. Conn. State Agencies, § 29-200-4a](#).

LAW REVIEW AND JOURNAL COMMENTARIES

Administration of Connecticut State Fire Safety Code. 10 Conn.L.Rev. 1016 (1978).

LIBRARY REFERENCES

2003 Main Volume

[Municipal Corporations](#)  603.

Westlaw Topic No. 268.

NOTES OF DECISIONS

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1. Validity--In general


Fire safety code clearly delineates that the person providing smoke detector must also install it, and thus is not unconstitutionally vague on theory that it is unclear whether the detector must be “installed” or “provided.”



[State v. White \(1987\) 528 A.2d 811, 204 Conn. 410. Health](#)  358

Fire safety code was not unconstitutionally vague in failing to set forth who was to provide and install smoke detectors required in various buildings, in light of prior judicial decision stating that landlord is required to install the smoke detectors and in light of fact that landlord involved in the instant case had received notice from fire marshal, with respect to another building, that he was required to install smoke detectors pursuant to the code.

[State v. White \(1987\) 528 A.2d 811, 204 Conn. 410. Health](#)  358

2. ---- Delegation of authority, validity

This section, which stated as avowed purpose to provide for reasonable safety from fire, smoke and panic stated legislative policy within police power of state, and filling in of details by prescribing rules and regulations for operation and enforcement of statute could properly be delegated to administrative agency. [Len-Lew Realty Co. v. Falsey \(1954\) 107 A.2d 403, 141 Conn. 524. Constitutional Law](#)  2422(1)

Sections of statute providing for fire safety code requiring “proper” or “adequate” safeguards vested some discretion in enforcing authority, subject to review for abuse, and established standards adequate to guide enforcement of statute. [Len-Lew Realty Co. v. Falsey \(1954\) 107 A.2d 403, 141 Conn. 524. Constitutional Law](#)  2422(1); [Health](#)  358

3. Construction

Any ambiguities in this section had to be resolved in defendant's favor even though this section was a regulatory statute, where it also imposed criminal liability and defendant was at the risk of immediate criminal exposure, in that he was being prosecuted for violating the statute and for criminally negligent homicide in failure to provide smoke detectors under regulations promulgated pursuant to this section. [State v. White \(1987\) 528 A.2d 811, 204 Conn. 410. Health ↪ 393; Statutes ↪ 241\(2\); Health ↪ 987](#)

4. Retroactive effect

Statutory amendment mandating that fire safety regulations “shall include provision for smoke detection systems” in specified types of buildings for which building permit was issued on or after October 1, 1976, limited fire marshal's authority in passing regulations with regard to installation of smoke detectors so that such detectors could not be required in buildings for which building permit had not been issued after the specified date. [State v. White \(1987\) 528 A.2d 811, 204 Conn. 410. Health ↪ 393](#)

5. Buildings within section

Fire safety code may include regulations covering boarding homes for mental patients or mental defectives, and in absence of such regulations, local fire marshal has right to inspect premises of applicant for licensure and determine, under sanitary code regulations, whether he approves of precautionary measures against fire. (1953) 28 Op.Atty.Gen. 77.

6. Jurisdiction

The public welfare council may insist that permit premises for aged persons be reasonably safe from fire hazards, but determination of whether the permit premises were subject to the fire safety code or to annual fire safety inspections was the function of the fire authorities and not of the council. 27 Op.Atty.Gen. 291 (June 3, 1952).

7. Landlord and tenant

Where one article of lease bound tenant to keep building in repair except for structural alterations or repairs, another article requiring lessee to comply with state laws and the by-laws, rules and regulations of town relating to fire would be construed as relating to use of premises, and where fire marshal ordered various changes in building, article relating to repairs controlled, and changes which involved anything more than repairs were responsibility of lessors. [Ingalls v. Roger Smith Hotels Corp. \(1955\) 118 A.2d 463, 143 Conn. 1. Landlord And Tenant ↪ 152\(4\)](#)

C. G. S. A. § 29-292, CT ST § 29-292

Current through 2009 Jan. Reg. Sess. public acts approved by the Gov. on or before May 25, 2009, with effective dates on or prior to July 1, 2009.

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