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DEPARTMENT OF PUBLIC SAFETY

Concerning

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Section 1: The Regulations of Connecticut State Agencies are amended by adding Sections 29-401-1 to 29-401-5, inclusive, as follows:

Sec. 29-401-1. Definitions.

Unless otherwise expressly stated, the following terms shall have these meanings:

- (a) "Application" means formal written request for a certificate of registration.
- (b) "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.
- (c) "Commissioner" means the commissioner of public safety or his designee.
- (d) "Demolition" means any wrecking activity directed to the disassembling, dismantling, dismembering and/or razing of any structure or part thereof not exempt under the provisions of section 29-402 of the Connecticut General Statutes.
- (e) "Person" means an individual, a corporation or a partnership.
- (f) "Structure" means an assembly of materials above or below ground level forming a construction for occupancy or use including, but not limited to, buildings, stadiums, platforms,

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radio towers, storage tanks, towers, trestles, piers, wharves, sheds, coal bins, bridges, boilers, shelters, and display signs. The term structure shall include a structure, or any part or parts thereof.

Sec. 29-401-2. Application and fees.

- (a) Applications shall be submitted to the demolition unit of the department of public safety on forms provided by the department of public safety.
- (b) Initial applications shall be accompanied by a fee of seven hundred fifty dollars for a Class A certificate and, in the case of Class B certificate, the fee shall be three hundred dollars. Annual renewal applications shall be accompanied by a fee of six hundred dollars in the case of a Class A certificate and in the case of a Class B certificate the fee shall be two hundred dollars. Renewal applications shall not be accepted after thirty days next following the expiration date of the certificate.
- (c) Applications received without the required fees shall be returned to the applicant without further processing by the department.
- (d) In the event that the person requesting the certificate is a partnership or corporation, a partnership authorization or a corporate resolution, as appropriate, authorizing the request for a certificate shall accompany the application.
- (e) In the instance of a corporate or partnership request for a Class A certificate, no application shall be accepted unless at least one of the active officers or active partners or full-time employees of the corporation sets forth sufficient knowledge

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and experience to be considered an expert in the field of demolition in the opinion of the commissioner. Such expert shall have not less than five years supervisory experience in the field of demolition for a Class A certificate to be issued to the applicant. In the event that a Class B certificate is requested, then the expert must furnish proof that he has been engaged in the demolition business in a supervisory capacity for at least three years. The knowledge and experience of the proposed expert shall be set forth in the application.

- (f) In the event a certificate is requested in the name of an individual, then that person must present satisfactory proof that he has been engaged in the demolition field in a supervisory capacity for at least five years for a Class A certificate or three years in the case of a Class B certificate. The knowledge and experience of such person shall be set forth in the application.

Sec. 29-401-3. Certificates of registration.

- (a) Certificates shall be of two types, Class A and Class B. A Class A certificate shall be required for the demolition of any structure or part thereof which exceeds two and one-half stories in height or thirty-five feet in height. A Class B certificate shall be required for the demolition of any structure two and one-half stories or less in height or less than thirty-five feet in height. A person holding a Class A certificate shall also be permitted to perform such work as that permitted by the holder of a Class B certificate.
- (b) All persons who obtain a demolition certificate shall be responsible for the performance of their servants and/or

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agents engaging in the demolition activity.

- (c) There shall be no subcontracting of demolition operations unless the subcontractor possesses a proper demolition certificate.
- (d) The business of demolition shall be carried on or executed only by the person, corporation, or partnership to whom the certificate for such demolition has been issued and no persons, corporations or partnerships shall conduct or carry on a demolition operation under a demolition certificate issued to some other person. In the instance of a corporation or partnership certificate, at least one of the officers or active partners or full time employees must have sufficient knowledge and experience to be considered an expert in the field of demolition in the opinion of the commissioner. The commissioner shall be notified immediately when such expert is no longer a member of or employed by the certificate holder.
- (e) In the event the certificate is requested in the name of an individual, then that person must show sufficient knowledge and experience to be considered an expert in the field of demolition.
- (f) The commissioner shall not issue a certificate until he finds:
 - (b) That the applicant has the necessary experience for the type of certificate requested.
 - (c) That the credit report and financial statements of the applicant show that the applicant is financially able to engage in the demolition business for which the certificate is requested.
 - (d) That the applicant as well as all partners of a partnership and all officers and directors of a corporation possess a reputation for honesty, integrity, and good character. In considering such

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reputation, the commissioner may take into account the information contained in the letters of recommendation submitted by the applicant and other statements submitted to or obtained by the commissioner.

Sec. 29-401-4. Revocation of the certificate.

- (b) Any certificate issued pursuant to these regulations may be revoked by the commissioner after notice and opportunity for a hearing if:
- (c) The certificate was fraudulently obtained or erroneously issued.
- (d) The holder of the certificate, any partner of a partnership or officer or director of a corporation, or that individual providing the technical expertise has violated any of the provisions of the regulations of the department of public safety, the department of environmental protection, or any local, state or federal rule or regulation concerning demolition, health, demolition, waste disposal or if the same person failed to comply with any directive of a local municipality authorized to issue specific demolition permits.
- (e) The holder of the certificate failed to carry out and conform to the provisions of Part IV of Chapter 541 of the Connecticut General Statutes.
- (b) The commissioner may refuse to issue any certificate or renewal thereof for cause as set forth in section 29-402 of the Connecticut General Statutes.
- (c) The revocation of a certificate shall automatically revoke any demolition permit issued by any local municipality.

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Sec. 29-401-5. Administration of the state demolition code.

The local building official shall administer the state demolition code as set forth in sections 29-406 to 29-413, inclusive, of the Connecticut General Statutes.

Section 2: Sections 19-403b-1 to 19-403-11, inclusive, of the regulations of Connecticut State Agencies are repealed.

Statement of Purpose: To provide for the safety of the public by adopting more up to date demolition regulations.

PART IV*

STATE DEMOLITION CODE

*Secs. 29-401-29-415, state demolition code cited. 18 CA 40, 44.

Sec. 29-401. (Formerly Sec. 19-403b). Regulations. The Commissioner of Public Safety shall adopt such regulations in accordance with the provisions of chapter 54 as may be necessary for the administration of this part, including but not necessarily limited to, working definitions of such terms as "demolition", "building", "structure" and the like. Such regulations shall be designed for, and limited to, the carrying into effect of the intent and purpose of this part for public safety.

(February, 1965, P.A. 551, S. 2; P.A. 79-222, S. 2; P.A. 82-451, S. 2, 9.)

History: P.A. 79-222 made commissioner of public safety rather than commission primarily responsible for regulations, relegating commission to advisory role; P.A. 82-451 deleted reference to commission on demolition's advisory role in adoption of regulations and specified that regulations must be in accordance with Ch. 54; Sec. 19-403b transferred to Sec. 29-401 in 1983.

Sec. 29-402. (Formerly Sec. 19-403c). Certificate of registration for demolition business; fees. Definition of registration. Exemptions. (a) No person shall engage in the business of demolition of buildings without a certificate of registration obtained from the Department of Public Safety. An applicant for initial registration shall file an application with the Department of Public Safety, furnish evidence of expertise and financial responsibility and pay a fee of three hundred dollars for a class B certificate and seven hundred fifty dollars for a class A certificate. Each certificate shall be valid for twelve months from date of issuance and shall be renewable on application of the registrant upon payment of an annual fee of two hundred dollars for a class B certificate and six hundred dollars for a class A certificate. The department may refuse to issue any such certificate for cause, and may revoke or refuse to renew any such certificate for failure to carry out and conform to the provisions of this part or to any regulations adopted hereunder, or for any violation of title 22a. No person shall be refused a certificate or a renewal thereof, and no certificate shall be revoked, without an opportunity for a hearing conducted by the Department of Public Safety.

(b) As used in this part, the term "registration" includes the whole or part of any permit which the Department of Public Safety issues under authority of the general statutes and which (1) requires persons to place their names on a list maintained by the department before they can engage in the business of demolition of buildings, (2) does not require a person to demonstrate competence by examination or other means and (3) may be revoked or suspended by the department for cause.

(c) The provisions of this section shall not apply to (1) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, (2) the removal of underground petroleum storage tanks, (3) the burning of a building or structure as part of an organized fire department training exercise, or (4) the

demolition of a single-family residence or out building by an owner of such structure if it does not exceed a height of thirty feet, provided the owner shall be present on site while such demolition work is in progress, shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition, and provided further such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance when deemed necessary for safety.

(February, 1965, P.A. 551, S. 3; P.A. 73-491; P.A. 77-177, S. 1; P.A. 78-288, S. 1; P.A. 80-297, S. 4, 20; P.A. 82-451, S. 3, 9; P.A. 87-263, S. 1; P.A. 92-249, S. 6; May Sp. Sess. P.A. 92-6, S. 68, 117; P.A. 04-150, S. 6.)

History: P.A. 73-491 required application for license to be filed with commission on demolition and set fees for Class A and B licenses; P.A. 77-177 exempted persons engaged in disassembling, transportation and reassembly of historical building for historical purposes from provisions; P.A. 78-288 exempted persons engaged in farm building demolition or in renovation, alteration or reconstruction of single-family residences; P.A. 80-297 increased fee for Class A license from three hundred to five hundred dollars and for Class B license from one hundred to two hundred dollars; P.A. 82-451 transferred powers of state commission on demolition to department of public safety, changed "license" to "certificate of registration" and defined "registration" in new Subsec. (b); Sec. 19-403c transferred to Sec. 29-402 in 1983; P.A. 87-263 amended Subsec. (a) to (1) require applicants for initial registration to furnish evidence of expertise and financial responsibility, and (2) delete the exemption, and added Subsec. (c), restating and expanding the exemption formerly in Subsec. (a); P.A. 92-249 added violations of title 22a as grounds for revocation of certificates under this section; May Sp. Sess. P.A. 92-6 amended Subsec. (a) to increase the fee (1) for class B certificate from two hundred to three hundred dollars and from one hundred to two hundred dollars for a renewal and (2) for a class A certificate from five hundred to seven hundred fifty dollars and from three hundred to six hundred dollars for a renewal; P.A. 04-150 amended Subsec. (c) to add new Subdivs. (2) and (3) exempting the removal of underground petroleum storage tanks and the burning of a building or structure as part of an organized fire department training exercise and to redesignate existing Subdiv. (2) as Subdiv. (4).

Sec. 29-403. (Formerly Sec. 19-403d). Appeal from decision of department. Any person aggrieved by a decision of the Department of Public Safety refusing to grant or renew or revoking any such certificate of registration may appeal therefrom in accordance with the provisions of section 4-183. Such appeal shall be privileged in assignment for trial.

(February, 1965, P.A. 551, S. 4; P.A. 76-436, S. 392, 681; P.A. 77-603, S. 53, 125; P.A. 82-451, S. 4, 9.)

History: P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts, effective July 1, 1978; P.A. 77-603 replaced previous provisions with statement that appeals be made in accordance with Sec. 4-183 but retained provision re privileged assignment for trial; P.A. 82-451 changed "commission", i.e. commission on

demolition, to "department of public safety" and "license" to "certificate of registration"; Sec. 19-403d transferred to Sec. 29-403 in 1983.

Sec. 29-404. (Formerly Sec. 19-403e). Local building official to administer State Demolition Code. The local building official shall administer sections 29-406 to 29-413, inclusive. Each such official shall have experience in building demolition, construction or structural engineering, shall be generally informed on demolition practices and requirements and on the equipment necessary for the safety of persons engaged in demolition and the public and shall have a thorough knowledge of statutes and regulations of the department concerning demolition. Such official shall pass upon any question relative to the manner of demolition or materials or equipment to be used in the demolition of buildings or structures.

(February, 1965, P.A. 551, S. 5; P.A. 73-595, S. 1; P.A. 87-263, S. 2.)

History: P.A. 73-595 included cities and boroughs and added provision re appointed officers serving cities within towns; Sec. 19-403e transferred to Sec. 29-404 in 1983; P.A. 87-263 required local building officials to administer state demolition code and have experience in construction or structural engineering and thorough knowledge of statutes and regulations concerning demolition and deleted provision specifying town-appointed officer as administering officer for city within the town unless city appoints its own officer.

Cited. 211 C. 690, 696.

Cited. 18 CA 40, 45.

Sec. 29-405. (Formerly Sec. 19-403f). Appeal from decision of local building official. Any person aggrieved by any order or decision of a building official may, within ten days of such order or decision, appeal therefrom to the superior court for the judicial district wherein such person resides, and such appeal shall be a privileged matter to be heard by the court as soon after the return day as is practicable.

(February, 1965, P.A. 551, S. 6; P.A. 76-436, S. 393, 681; P.A. 77-452, S. 12, 72; P.A. 78-280, S. 1, 127; P.A. 87-263, S. 3.)

History: P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-452 added reference to judicial districts; P.A. 78-280 deleted reference to counties; Sec. 19-403f transferred to Sec. 29-405 in 1983; P.A. 87-263 substituted "building official" for "administrative officer".

Cited. 18 CA 40, 44, 45.

Sec. 29-406. (Formerly Sec. 19-403g). Permit for demolition of particular structure. Exemption. Waiting period. (a) No person shall demolish any building, structure or part thereof without obtaining a permit for the particular demolition undertaking from the building official of the town, city or borough wherein such building or part thereof is located. No person shall be eligible to receive a permit under this section unless he furnishes to the building official written evidence (1) of financial responsibility in the form of a certificate of insurance specifying

demolition purposes and providing liability coverage for bodily injury of at least one hundred thousand dollars per person with an aggregate of at least three hundred thousand dollars, and for property damage of at least fifty thousand dollars per accident with an aggregate of at least one hundred thousand dollars; each such certificate shall provide that the town or city and its agents shall be saved harmless from any claim or claims arising out of the negligence of the applicant or his agents or employees in the course of the demolition operations; (2) in the form of a certificate of notice executed by all public utilities having service connections within the premises proposed to be demolished, stating that such utilities have severed such connections and service, and (3) that he is the holder of a current valid certificate of registration issued under the provisions of section 29-402, except in the case of (A) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or who is engaged in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence, or (B) an owner who is engaged in the demolition of a single-family residence or outbuilding, as provided in subsection (c) of section 29-402. No permit shall be issued under this section unless signed by the owner and the demolition contractor. Each such permit shall contain a printed intention on the part of the signers to comply with the provisions of this part.

(b) In addition to the powers granted pursuant to this part, any town, city or borough may, by ordinance, impose a waiting period of not more than ninety days before granting any permit for the demolition of any building or structure or any part thereof.

(February, 1965, P.A. 551, S. 7, 8; P.A. 73-595, S. 2; P.A. 77-177, S. 2; P.A. 78-288, S. 2; P.A. 82-451, S. 5, 9; P.A. 83-187, S. 1; P.A. 87-263, S. 4; P.A. 95-8.)

History: P.A. 73-595 made provisions applicable to cities and boroughs in addition to towns; P.A. 77-177 added exception in Subdiv. (3) for persons engaged in disassembly, transportation and reassembly of historic buildings for historical purposes; P.A. 78-288 extended exception in Subdiv. (3) to include persons engaged in farm building demolition or in renovation, alteration or reconstruction of single-family residences; P.A. 82-451 changed "license" to "certificate of registration"; Sec. 19-403g transferred to Sec. 29-406 in 1983; P.A. 83-187 added Subsec. (b) allowing municipalities to impose a waiting period of not more than ninety days; P.A. 87-263 amended Subsec. (a), substituting "building official" for "administrative officer"; required in Subdiv. (2), written evidence in the form of a certificate of notice executed by public utilities, and added an exemption in Subpara. (B) for owners engaged in the demolition of single-family residences or outbuildings; P.A. 95-8 amended Subpara. (A) of Subdiv. (3) of Subsec. (a) to delete reference to "demolition" of single-family residences.

Cited. 18 CA 40, 45.

Sec. 29-407. (Formerly Sec. 19-403h). Notice to adjoining property owners. No person shall commence any demolition operation unless he first notifies each adjoining property owner by registered or certified mail at such owner's last address according to the records of the assessor of the city, town or borough in which such demolition operation is planned.

(February, 1965, P.A. 551, S. 9; P.A. 73-595, S. 3.)

History: P.A. 73-595 replaced "town assessor" with "assessor of the city, town or borough in which such demolition is planned"; Sec. 19-403h transferred to Sec. 29-407 in 1983.

Cited. 18 CA 40, 45.

Sec. 29-408. (Formerly Sec. 19-403i). Safety measures to be provided. Fence. (a) No person shall remove or demolish any building or structure or part thereof without providing adequate safety measures for all workmen and suitable protections for the public.

(b) No person shall demolish any building or structure, without causing to be erected and maintained, for the duration of the demolition operations, a fence or barricade meeting the requirements of this section. Each such fence or barricade shall be adequate for safety; shall be not less than eight feet high; shall extend along the street line for the entire length of the building or structure facing on the street, with each end returning back to the building line, and shall be solid for its entire length, except for such openings, provided with sliding doors swinging inward, as may be necessary for the proper prosecution of the work. The building official may waive the requirements of this subsection, or may make such further requirements as he deems necessary for the protection of the public, the adjoining properties or any personalty of such owners and its use.

(February, 1965, P.A. 551, S. 10, 11; P.A. 87-263, S. 5.)

History: Sec. 19-403i transferred to Sec. 29-408 in 1983; P.A. 87-263 amended Subsec. (b), substituting "building official" for "administrative officer".

Cited. 243 C. 66.

Cited. 18 CA 40, 45.

Sec. 29-409. (Formerly Sec. 19-403j). Sidewalk shed requirements. No person shall demolish any building or structure or part thereof, when such building, structure or part is within six feet of a street line, or is twelve feet or more in height, or is within six feet of an area which the owner or lessee provides and invites the public to use as it would a public way, or when the distance between such street line or area and such building, structure or part is more than six feet but less than one-half the total height of the object to be demolished, without causing to be erected and maintained a sidewalk shed meeting the requirements of this section. Such shed shall: (1) Extend for the full length of the building on all street fronts; (2) exist for the duration of the demolition operations; (3) be not less than four feet wide and six feet eight inches high in the clear; (4) be watertight, and (5) be adequately lighted for pedestrian traffic. When the roof of any such shed is used for the storage of material or for the performance of work of any kind, adequate railings, not less than three feet high, and solid toe boards, not less than six inches high, shall be affixed along the open sides and ends of such roofs. The roofs of such sheds shall be of sufficient strength and stability safely to sustain the weight of materials that may be placed thereon and the shocks incidental to the handling, preparation for use, trucking or delivery of materials. The requirements of this section, as they relate to street lines, shall not apply in any case in which all such streets are officially closed to pedestrian and vehicular traffic. The building official may waive any of the requirements of this section, if the object to be

demolished is more than forty feet from any street line or area used as a public way and its demolition is accomplished by the removal of one story at a time.

(February, 1965, P.A. 551, S. 12; P.A. 87-263, S. 6.)

History: Sec. 19-403j transferred to Sec. 29-409 in 1983; P.A. 87-263 substituted "building official" for "administrative officer".

Cited. 18 CA 40, 45.

Sec. 29-410. (Formerly Sec. 19-403k). Excavation of sidewalk area. No person shall excavate the area occupied by a sidewalk or temporary walkway in use, unless such area is provided with a walkway capable of supporting not less than one hundred fifty pounds per square foot and unless such walkway is provided with suitable ramps at each end.

(February, 1965, P.A. 551, S. 13.)

History: Sec. 19-403k transferred to Sec. 29-410 in 1983.

Cited. 18 CA 40, 45.

Sec. 29-411. (Formerly Sec. 19-403l). Restrictions on demolition procedures. No person shall use demolition procedures which involve hazard or risk to the general public or unnecessary danger to the workmen, and no person shall use demolition procedures not in accord with good practice.

(February, 1965, P.A. 551, S. 14.)

History: Sec. 19-403l transferred to Sec. 29-411 in 1983.

Cited. 18 CA 40, 45.

Sec. 29-412. (Formerly Sec. 19-403m). Accumulated materials. No person shall demolish any structure or building without making suitable provision for the disposal of all accumulated materials. No person shall overload any part of the protective structures erected during the demolition operations by storage, materials or debris to an extent beyond the live load capacity. No person shall, during demolition operations, allow materials to accumulate which would, by their nature, upon removal, cause an excessive amount of dust, dirt or debris in the air, without suitably wetting down such accumulations with water, dehydrated lime or some similar agent.

(February, 1965, P.A. 551, S. 15.)

History: Sec. 19-403m transferred to Sec. 29-412 in 1983.

Cited. 18 CA 40, 45.

Sec. 29-413. (Formerly Sec. 19-403n). Basements and cellars. No person shall allow any basement, cellar, hole or the like to remain uncovered or opened as a result of the demolition of

any building, structure or part thereof. Each person who, in a demolition operation, uncovers or opens such a basement, cellar, hole or the like shall fill the same to grade and remove all excess materials, rubbish and debris from the premises. If a new building, structure or part thereof is to be erected on the site of such demolished premises, the building official may waive any of the provisions of this section.

(February, 1965, P.A. 551, S. 16; P.A. 87-263, S. 7.)

History: Sec. 19-403n transferred to Sec. 29-413 in 1983; P.A. 87-263 substituted "building official" for "administrative officer".

Cited. 18 CA 40, 45.

Sec. 29-414. (Formerly Sec. 19-403o). Penalty. Any person who violates any provision of this part shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

(February, 1965, P.A. 551, S. 17.)

History: Sec. 19-403o transferred to Sec. 29-414 in 1983.

Sec. 29-415. (Formerly Sec. 19-403p). Public service company exceptions. The provisions of this part shall not apply to the structures, such as distribution and transmission poles, towers and fixtures, steam plant, gas plant, gas tank or holder, water tank or electric substation, of any public service company as defined in section 16-1 whose operations are under the jurisdiction of the Department of Public Utility Control.

(February, 1965, P.A. 551, S. 19; P.A. 75-486, S. 48, 69; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 172, 348.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced public utilities control authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of public utility control an independent department and deleted reference to abolished department of business regulation; Sec. 19-403p transferred to Sec. 29-415 in 1983.