

REVISION KEY

New language is **RED** and **ALL CAPS** and entirely new sections or paragraphs are identified as NEW

Deletions are identified with a ~~strike through~~.

Editor's notes are in **green**. Required renumbering is not marked.

Chapter 13 - FIRE PREVENTION CODE [\[1\]](#)

ARTICLE I. - IN GENERAL

Sec. 13-100. - Purpose of code.

It is the purpose of this code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use and occupancy of structures and premises.

Sec. 13-101. - Other statutes, regulations, codes and ordinances.

- (a) This code supplements existing city and state statutes, regulations, codes and ordinances dealing with protection from and prevention of fire and explosion. For purposes of convenience many of the state codes and regulations are cited in this code.
- (b) The adoption of this code shall not excuse the noncompliance with any federal, state or local statute, regulation, code or ordinance which directly or indirectly governs the protection from and prevention of fire and explosion, whether or not the same is referred to herein.

Sec. 13-102. - Conflict of provisions.

In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or other statute, regulation, code or ordinance of the state or city, the provision which establishes the higher standard shall prevail.

Sec. 13-103. - Applicability of code; effective date.

This code shall become effective on January 1, 1964 and the provisions thereof shall apply to all structures and premises in existence within the City of New Haven on that date and thereafter and shall be binding on all persons.

Sec. 13-104. - Liability for damages.

This code shall not be construed to hold the City of New Haven or any of its officers responsible for any damage to person, persons or property by reason of the inspection or

reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

Sec. 13-105. - Enforcement of other statutes, codes and ordinances.

The provisions of this Code shall not be construed to prohibit the enforcement of other statutes, regulations, codes and ordinances, national, state and local, by the fire marshal and other lawful authorities duly empowered to enforce the same.

Sec. 13-106. - Severability.

If any provision of this code or any section, sentence, clause, phrase or word, or the application thereof in any circumstance is held invalid, the validity of the remainder of the code and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

ARTICLE II. - DEFINITIONS

Sec. 13-200. - Definitions; interpretation.

- (a) In the interpretation of the code, all words other than the terms herein specifically defined shall have the meanings implied by their context in the code or their ordinarily accepted meanings as used in the construction industry; words used in the present tense shall include the future; words in the masculine gender shall include the feminine and the neuter; the singular number shall include the plural and the plural number includes the singular. Where reference is made to a paragraph by numbers, all paragraphs designated by said number or by any decimal part thereof shall be taken as included in the reference paragraph.
- (b) Unless otherwise expressly stated, the following terms shall, for the purpose of this code have the meanings indicated in this section:
 - (1) *Approved* shall mean accepted by the fire marshal on the basis of his investigation or experience as not constituting a reasonable threat to person or property, or by reason of test, listing or approval by Underwriters' Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or any other nationally recognized and accepted testing agency.
 - (2) *Assembly occupancy* shall mean the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social or recreational purposes.
 - (3) *Automatic fire alarm system* shall mean a system which automatically detects a fire condition and actuates a fire alarm signal device.
 - (4) *Automobile wrecking yard* shall mean any land structure, or land and structure in combination, used solely or partially for the storage, sorting, handling, disassembling, purchase, sale or trade of motor vehicles or motor vehicle parts and accessories which are or are to be used for salvage, or scrap.
 - (5) *Basement* shall mean that portion of a building located partly underground but having less than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining terrain.
 - (6) *Blasting agent* shall mean any material, composition or mixture intended for blasting, consisting substantially of a fuel and oxidizer, none of the ingredients of which is an explosive as defined in this Code, and the finished product of which as mixed and

packaged for use or shipment cannot be detonated by the test procedure established by regulations of the fire marshal.

- (7) *Fire Prevention Code Appeals Board* shall mean the board appointed pursuant to Section 13-264 of this Code.
- (8) *Bowling establishment* shall mean any building which houses one or more lanes utilized for the game of bowling.
- (9) *Building* shall mean a structure enclosed by exterior walls or fire walls, built, erected and formed of component structural parts, designated for the housing, shelter, enclosure and support of persons or property of any kind. When used herein, building shall mean an entire structure or a portion thereof.
- (10) *Building inspector* shall mean the officer of the City of New Haven appointed pursuant to **ARTICLE VI, SECTION 14** of the charter of the City of New Haven, or his authorized representative.
- (11) *Bulk oxygen system* shall mean an assembly of equipment such as oxygen storage containers, either stationary or portable, pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping to the point where the oxygen at service pressure first enters the supply line, which has a storage capacity at normal temperature and pressure of
 - (a) More than twelve thousand cubic feet (12,000 cu. ft.) of oxygen connected in service or ready for service, or
 - (b) More than twenty-five thousand cubic feet (25,000 cu. ft.) of oxygen, including unconnected reserves on hand at the site.The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line.
- (12) *Business occupancy* shall mean the occupancy or use of a building for the transaction of business or the rendering or receiving of professional services.
- (13) *Cellulose nitrate plastics (pyroxylin)* shall mean any plastic substance, material or compound, other than cellulose nitrate film or nitrate film as defined herein or guncotton or other explosive as defined herein, having cellulose nitrate as a base, by whatever name known, when in the form of blocks, slabs, sheets, tubes or fabricated shapes.
- (14) *Chief of department of fire service* shall mean the officer of the City of New Haven appointed pursuant to section 119 of the charter of the City of New Haven, or his authorized representative.
- (15) *Christmas tree* shall mean any tree brought inside a building or structure in connection with the observance of Christmas.
- (16) *Code* shall mean this Fire Prevention Code.
- (17) *Combustible* shall mean any substance which is inflammable, readily ignitable or free burning.

- (18) *Combustible fibre* shall mean any readily ignitable and free burning fibre such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fibre, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior and other like materials.
- (19) *Commercial or industrial establishment* shall mean a place wherein the storage, handling, or use of flammable liquids is incidental to but not the principal business or process.
- (20) *Compressed gas* shall mean any mixture or material having in the container either an absolute pressure exceeding forty pounds (40 lbs.) per square inch at 70°F., or an absolute pressure exceeding one hundred four pounds (104 lbs.) per square inch at 130°F., or both; or any liquid flammable material having a Reid vapor pressure, as defined in American Society for Testing Materials publication D323-58, exceeding forty pounds (40 lbs.) per square inch at 100°F.
- (21) *Container* shall mean any can, bucket, barrel, drum or portable tank, except stationary tanks, tank vehicles and tank cars.
- (22) *Corporation counsel* shall mean the officer of the City of New Haven appointed pursuant to **ARTICLE VI, SECTION 4** of the charter of the City of New Haven. [\[2\]](#)
- (23) *Corrosive liquids* shall mean those acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action; or in case of leakage will materially damage or destroy other containers of other hazardous commodities by chemical action and cause the release of their contents; or are liable to cause fire when in contact with organic matter or with certain chemicals.
- (24) *Decorative material* shall mean cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials.
- (25) *Dip tank* shall mean a tank, vat or container of flammable or combustible liquid in which articles or materials are immersed for the purpose of coating, finishing treating or similar processes.
- (26) *Dry cleaning* shall mean the process of removing dirt, grease, paints and other stains from wearing apparel, textiles, fabrics, rugs and other materials by the use of nonaqueous liquid solvents, flammable or nonflammable, including the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.
- (27) *Dust* shall mean pulverized particles of any material which, if mixed with air in the proper proportions, become explosive and may be ignited by a flame or spark.
- (28) *Dwelling* shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (29) *Dwelling unit* shall mean any room or group of rooms within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (30) *Educational occupancy* shall mean the occupancy or use of a building by persons assembled for the purpose of learning or of receiving educational instruction.

NEW (31) ENFORCEMENT OFFICER, FOR PURPOSES OF THE VACANT BUILDING CODE, SHALL MEAN A DULY AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES, THE BUILDING OFFICIAL OR AN AUTHORIZED REPRESENTATIVE OF THE LIVABLE CITIES INITIATIVE.

- (32) *Explosive* shall mean any chemical compound or any mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonator may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of destroying life or limb or of producing destructive effects to contiguous objects, but not including collided nitrocellulose in sheets or rods or grains not under one-eighth of an inch in diameter, wet nitrocellulose containing twenty percent (20) or more moisture and wet nitrostarch containing twenty percent (20%) or more moisture; and manufactured articles shall not be held to be explosive when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units to the injury of life, limb or property by fire, friction, concussion, percussion or detonator, including fixed ammunition for small arms, firecrackers, safety fuses and matches.
- (33) *Film vault* shall mean a compartment for the storage of combustible film.
- (34) *Fire marshal* shall mean the officer of the City of New Haven appointed pursuant to **ARTICLE VI, SECTION II C** of the charter of the City of New Haven, or his authorized representative.
- (35) *Fire resistance rating* shall mean the time in hours that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with nationally recognized good practices.
- (36) *Fireworks* shall mean any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps, manufactured in accordance with the United States interstate commerce commission regulations for packing and shipping of toy paper caps, are used and toy pistol paper caps manufactured as provided therein.
- (37) *Flammable anesthetic* shall mean a compressed gas which is flammable and administered as an anesthetic and shall include among others, cyclopropane, divinyl ether, ethyl chloride, ethyl ether and ethylene.
- (38) *Flammable gas* shall mean any material in the gaseous state of atmospheric temperature and pressure which will burn in the normal concentrations of oxygen in the air.

- (39) *Flammable liquid* shall mean any liquid including finishes other than a liquefied gas that gives off a flammable vapor at or below 200°F., and having a vapor pressure not exceeding forty pounds (40 lbs.) per square inch (absolute) at 100°F.
- (40) *Flammable solid* shall mean a solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from manufacturing or processing.
- (41) *Fuel oil* shall mean kerosene or any hydrocarbon oil as specified by U. S. Department of Commerce Commercial Standard CS12 or A.S.T.M. D396, and having a flash point not less than 100°F.
- (42) *Fumigant* shall mean any substance which by itself or in combination with any other substance emits or liberates a gas, fume or vapor used for the destruction or control of insects, fungi, vermin, germs, rodents, or other pests, and shall be distinguished from insecticides and disinfectants which are essentially effective in the solid or liquid phases. Examples are methyl bromide, ethylene dibromide, hydrogen cyanide, carbon disulfide and sulfuryl fluoride.
- (43) *Fumigation* shall mean the use within an enclosed space of a fumigant in concentrations which may be hazardous or acutely toxic to man.
- (44) *Garage* shall mean any place of business where motor vehicles are, for compensation, received for service or repair.
- (45) *Hazardous chemicals* shall mean those materials which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability, or liability to explosion render fire-fighting abnormally dangerous or difficult; it shall also include flammable liquids which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat may be a fire hazard. Hazardous chemicals shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials, and poisonous gases but shall exclude substances which, although falling within this definition of hazardous chemicals, are specifically covered by provisions of this code.
- (46) *Heating and cooking appliance* shall mean an oil-fired appliance not intended for central heating, including kerosene stoves, oil stoves, and conversion range oil burners.
- (47) *High hazard occupancy* shall mean the occupancy or use of a building, that involves highly combustible, highly flammable, or explosive material, or which has inherent characteristics that constitute a special fire hazard.
- (48) *Highly toxic material* shall mean a material so toxic to man as to afford an unusual hazard to life and health during fire fighting operations. Examples are parathion, TEPP (Tetraethyl phosphate), HETP (hexaethyl tetraphosphate) and similar insecticides and pesticides.

- (49) *I.C.C. container* shall mean a container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.
- (50) *Industrial occupancy* shall mean the occupancy or use of a building for assembling, fabricating, finishing, manufacturing, packaging or processing operations, except when classed as a high hazard occupancy.
- (51) *Institutional buildings* shall mean any structure, or parts thereof, in which people are harbored for medical, charitable or other care or treatment in which persons are detained for penal or correctional purposes or in which the liberty of the inmates is restricted including, but not limited to, asylums, jails, prisons, reformatories, orphanages, nurseries, hospitals and sanitariums.
- (52) *Institutional occupancy* shall mean the occupancy or use of a building by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained.
- (53) *Junk yard* shall mean any land, structure, or land and structure in combination, used solely or partially for the storage, bailing, packing, sorting, handling, disassembling, purchase, sale or trade of any material or materials which are used, salvaged, scrapped or claimed but are capable of being reused in some form, including but not limited to metals, bones, rags, fibers, paper, wastepaper, glass, cordage, cloth, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe, pipe fittings, tires, motor vehicles or motor vehicle parts. A junk yard shall include automobile wrecking yards and waste material handling plants.
- (54) *Liquefied petroleum gas* shall mean any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butane (normal butane or iso-butane) and butylenes.
- (55) *Liquefied petroleum gas equipment* shall mean all containers, apparatus, piping (not including utility distribution piping systems) and equipment pertinent to the storage and handling of liquefied petroleum gas but excluding gas consuming appliances.
- (56) *LP-Gas* shall mean liquefied petroleum gas.
- (57) *Magnesium* shall mean the pure metal and alloys of which the major part is magnesium.
- (58) *Mercantile occupancy* shall mean the occupancy or use of a building for the displaying, selling or buying of goods, wares or merchandise, except when classed as a high hazard occupancy.
- (59) *Multifamily house* shall mean a building containing three or more dwelling units.
- (60) *Nationally recognized good practice* shall mean the standards set forth in publications on subjects covered by this code, which publications are issued by nationally recognized and respected organizations such as the National Board of Fire Underwriters, Underwriters' Laboratories, Inc., the American Society for Testing Materials, and other groups enjoying equivalent reputations.

- (61) *Nitrate motion picture film* shall mean cellulose nitrate motion picture film. Film having a cellulose acetate or other approved slow-burning base, marked safety film, is not included within this definition.
- (62) *Nonflammable medical gas* shall mean a compressed gas which is nonflammable and used for therapeutic purposes, including oxygen and nitrous oxide.
- (63) *Oil burning equipment* shall mean an oil burner of any type, together with its tank, piping, wiring, controls and related devices, including all conversion oil burners, oil-fired units, and heating and cooking appliances but excluding internal combustion engines, oil lamps and portable devices such as blow torches, melting pots and weed burners.
- (64) *Oil fired unit* shall mean a heating appliance, equipped with one or more oil burners and all the necessary safety controls, electrical equipment and related equipment manufacturer for assembly as a complete unit. Kerosene stoves and oil stoves are not included within this definition.
- (65) *Owner* shall mean any person who, alone or jointly or severally with others:
- (1) Shall have legal title to any building or structure with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care, or control of any building or structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- NEW (3) FOR PURPOSES OF THE VACANT BUILDING CODE, OWNERS SHALL MEAN INDIVIDUALS OR ENTITIES SHOWN TO BE THE OWNER OR OWNERS ON THE RECORDS OF THE TAX ASSESSOR, THOSE IDENTIFIED AT THE OWNER OR OWNERS ON A VACANT BUILDING REGISTRATION FORM, A MORTGAGOR IN POSSESSION, ASSIGNEE OF RENTS, RECEIVER, EXECUTOR, TRUSTEE, LESSEE, OR OTHER PERSON, FIRM OR CORPORATION IN CONTROL OF THE PREMISES. ANY SUCH OWNER SHALL HAVE A JOINT AND SEVERAL OBLIGATION FOR COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.**
- (66) *Oxidizing material* shall mean substances such as chlorates, permanganates, peroxides, or nitrates, that yield oxygen readily to stimulate combustion.
- (67) *Person* shall mean any individual, firm, corporation, association or partnership.
- (68) *Piped distribution system* shall mean a central supply system with control equipment, and a system of piping extending to the points in the structure where nonflammable medical gases are used, and suitable station outlet valves at each use point.
- (69) *Place of assembly* shall mean a room or space used for assembly or educational occupancy for seventy-five (75) or more occupants or which has a floor area of one thousand five hundred square feet (1,500 sq. ft.) or more used for such purposes. Such room or space shall include any similarly occupied connecting room or space in the

same story, or in a story or stories above or below, where entrance is common to the rooms or spaces.

- (70) *Poisonous gas* shall mean any noxious gas of such nature that a small amount of the gas when mixed with air is dangerous to life, including chlorpicrin, cyanogen, hydrogen cyanide, nitrogen peroxide, and phosgene.
- (71) *Potentially explosive chemical* shall mean a chemical substance, other than one classified as an explosive or blasting agent, which has a tendency to be unstable and which can be exploded by heat or shock or a combination thereof.
- (72) *Pressure vessel* shall mean a storage tank or vessel which has been designated to operate at pressures above fifteen pounds (15 lbs.) per square inch.
- (73) *Public buildings* shall mean any structure, or parts thereof, in which people come together for civic, political, religious, educational, social or recreational purposes including but not limited to armories, churches, city halls, court houses, libraries, museums, post offices, railroad passenger stations and schools.
- (74) *Radioactive material* shall mean any material or combination of materials that spontaneously emit ionizing radiation.
- (75) *Residential occupancy* shall mean occupancy of a building by persons for whom sleeping accommodations are provided but who are not harbored or detained to receive medical, charitable or other care or treatment, or are not involuntarily detained.
- (76) *Sealed source* shall mean a quantity of radiation so closed as to prevent the escape of any radioactive material but at the same time permitting radiation to come out for use.
- (77) *Smoking* shall mean the holding or carrying of a lighted pipe, cigar, cigarette or tobacco in any form.
- (78) *Spraying area* shall mean any area in a building or structure in which dangerous quantities of flammable vapors or combustible residues, dusts or deposits are present due to the operation of spraying processes including the interior of spray booths, the interior of ducts exhausting from spraying processes and any other area in the direct path of spray or any area containing dangerous quantities of air-suspended combustible residue, dust, deposits, spray or vapor as a result of spraying operations.
- (79) *Storage occupancy* shall mean the occupancy or use of a building for the storage of goods, wares, merchandise, raw materials, agricultural or manufactured products, including parking garages, or the sheltering of livestock and other animals, except when classed as a high hazard occupancy.
- (80) *Structure* shall mean an assembly of materials forming a construction for occupancy or use including buildings.
- (81) *Tank, atmospheric* shall mean a storage tank which has been designated to operate at pressures from atmospheric through five-tenths pounds (0.5 lbs.) per square inch.
- (83) *Tank, low pressure* shall mean a storage tank which has been designed to operate at pressures above five-tenths pounds (0.5 lbs.) per square inch but not more than fifteen pounds (15 lbs.) per square inch.

- (83) *Tent* shall mean any structure having wood or metal supports and using any kind of a textile or similar material for coverage of an area of one hundred twenty square feet (120 sq. ft.) or more.
- (84) *Thermal insecticidal fogging* shall mean the use of insecticidal liquids which are passed through thermal fog-generating units where they are by means of heat, pressure and turbulence, transformed and discharged in the form of a fog or mist that is blown into an area to be treated.
- (85) *Tire rebuilding plants* shall mean any building used in whole or in part for rebuilding or recapping motor vehicle tires.
- NEW (86) VACANT BUILDING MEANS ANY BUILDING IN WHICH NO OCCUPANT LAWFULLY RESIDES OR NO TENANT IS IN LAWFUL POSSESSION, OR ANY BUILDING OTHERWISE NOT BEING USED FOR ANY LAWFUL OCCUPANCY OR DEEMED UNSAFE OR UNINHABITABLE BY THE BUILDING OFFICIAL.**
- NEW (87) VACANT BUILDING CODE MEANS SUCH SECTIONS OF THIS CODE AS PERTAIN TO VACANT BUILDINGS AND VACANT BUILDING REGISTRATION.**
- (88) *Vapor area* shall mean any area containing dangerous quantities of flammable vapors during operation or shut-down periods in the vicinity of dip tanks as defined in this code, their drain boards or associated drying, conveying or other equipment.
- (89) *Vehicle* shall mean any wheeled device propelled or drawn by motor power, specifically designated for the transportation of passengers, or commodities over public highways.
- (90) *Waste material handling plant* shall mean any land, structure, or land and structure in combination, used solely or partially for the storage, bailing, packing, sorting, handling, disassembling, purchase, sale or trade of any material or materials which are used, salvaged, scrapped or claimed, but are capable of being reused in some form.

ARTICLE III. - INSPECTION AND ENFORCEMENT

Sec. 13-300. - Fire marshal; inspections.¹³

The fire marshal is hereby authorized and directed to make inspections to determine the condition of all yards, structures and the equipment therein in the City of New Haven, including new structures before they are completed in order that he may perform his duty of protecting yards, structures, equipment and persons from fire or explosion or the threat of same. For the purpose of making such inspections, the fire marshal is hereby authorized to enter, examine and survey, at all reasonable times, such yards, structures and equipment, and the owner or occupant of every such yard or structure, or his agent, shall give the fire marshal free access to such yards or structures for the purpose of such inspections.

Sec. 13-301. - Obstructing fire marshal prohibited.

No person or persons shall hinder, obstruct or abuse the fire marshal or his lawful agent in the discharge of any of the duties imposed upon him by this code.

Sec. 13-302. - Notice to eliminate dangerous or hazardous conditions.

Whenever the fire marshal shall find in any yard or in any structure any of the dangerous conditions set forth below, he shall order the owner of the property or his agent or the person

responsible for the existence of such dangerous condition to remove or remedy the same within such time and in such manner as may be required to prevent the loss of life or property or reduce the threat of fire or explosion. Such order shall be in the form prescribed by section 13-303 of this code:

- (a) Combustible or explosive or otherwise hazardous materials, stored or otherwise accumulated in violation of this code or any statute, regulation, code or ordinance of the State of Connecticut or City of New Haven, or stored or otherwise accumulated in such quantities or found in such a condition as may cause fire or explosion or present an unreasonable threat to life or property.
- (b) Equipment for handling or using combustible or explosive or otherwise hazardous material and installed in violation of this code or any statute, regulation, code or ordinance of the State of Connecticut or City of New Haven, or in such a defective condition as to cause fire or explosion or present an unreasonable threat to life or property.
- (c) Rubbish, waste paper, boxes, shavings or other highly flammable material, stored or otherwise accumulated in violation of this code or any statute, regulation, code or ordinance of the State of Connecticut or City of New Haven, or stored or otherwise accumulated in such a manner as may cause fire or present an unreasonable threat to life or property.
- (d) Dust or waste material in an air-conditioning or ventilating system or grease in the kitchen or other exhaust ducts accumulated in violation of this code or any statute, regulation, code or ordinance of the State of Connecticut or City of New Haven, or stored or otherwise accumulated in such a manner as may cause fire or present an unreasonable threat to life or property.
- (e) The presence of any material on or near any fire escape, stairway, passageway, door or window in violation of this code or any statute, regulation, code or ordinance of the State of Connecticut or City of New Haven, or the storage of any material in such a manner as to interfere with the convenient ingress or egress of the fire department or occupants of the structure in case of fire.
- (f) Any structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, may cause fire or presents an unreasonable threat to life or property.
- (g) The specific violation of any provision of this code or of any statute, regulation, code or ordinance of the State of Connecticut or City of New Haven which the fire marshal is authorized to enforce.

Sec. 13-303. - Fire marshal; notice of violation.

Whenever the fire marshal determines that there are reasonable grounds to believe that there has been a violation of this code, he shall give written notice of such violation to the person or persons responsible for such violation. Such notice shall describe the violations charged with specific reference to the provisions of the code, and shall outline the remedial action required to remove the violation, including the time within which such violation must be removed. Service of the notice shall be either upon the person, **ELECTRONIC COMMUNICATION** or by

certified mail to his last known address, **REGISTERED ELECTRONIC MAIL ADDRESS** or by posting such notice in a conspicuous place in or about the yard or structure affected thereby.

Sec. 13-304. - Fire records.

- (a) The fire marshal shall keep, in his office, a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the fire department officers and inspectors. All such records shall be open to reasonable public inspection.
- (b) The fire marshal shall keep a record book or books, wherein he shall enter the substance of all orders issued by him, all complaints made to him in reference to the matters within his cognizance, and all inspections and examinations made by him.
- (c) The fire marshal shall annually make a report to the board of aldermen of the services performed by him.
- (d) The fire marshal shall enter a complaint to the proper prosecuting official in the city for any violation of the provisions of this code.

Sec. 13-305. - Condemnation of unsafe buildings or structures. **MARKING VACANT BUILDINGS AS SECURE.**

Any building or structure which the fire marshal shall find to have any of the following defects shall be condemned as unsafe and shall be designated and placarded by the fire marshal:

- (a) One which is in such a condition as to create a serious threat to the loss of person or property by reason of or in the event of fire;
- (b) One which has been so damaged by fire that it creates a serious threat to the health or safety of the occupants, or those who may come on the premises, or of the public.

ANY VACANT BUILDING WHICH HAS BEEN INSPECTED AND DEEMED SECURE BY THE FIRE MARSHAL SHALL BE SO DESIGNATED AND PLACARDED BY THE FIRE MARSHAL.

Sec. 13-306. - Occupants required to vacate unsafe buildings or structures.

Any building or structure or portion thereof condemned as unfit for human use and habitation and so designated and placarded by the fire marshal shall be vacated within a reasonable time as ordered by the fire marshal.

Sec. 13-307. - Removal of placard prohibited.

No person shall deface or remove the placard from any building or structure which has been condemned as unfit for human habitation and placarded as such, except as provided in section 13-308.

Sec. 13-308. - Reoccupation; removal of placard when defect corrected.

No building or structure or portion thereof which has been condemned and placarded as unfit for human use or habitation shall again be used or inhabited until written approval is secured from, and such placard is removed by the fire marshal. The fire marshal shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based has been eliminated.

Sec. 13-309. - Corrections of defects by fire marshal; assessment of costs.

In any order of the fire marshal issued pursuant to this code shall not be complied with within the time prescribed therein, the fire marshal shall take such actions as may be necessary to cause such order to be complied with, and the expense thereof shall be paid by the City of New Haven but shall be charged against the person upon whom any such order is made and shall be recovered in behalf of the City of New Haven in any proper form of action. It shall be the duty of the fire marshal to notify the corporation counsel of the commencement of such corrective action. It shall be the duty of the corporation counsel to prepare a notice of correction which shall, in a form recordable on the land records of the City of New Haven, set forth the address of the structure or building and the items to be corrected and shall be recorded by the corporation counsel on the land records of the City of New Haven and shall constitute a *lis pendens* against the building or structure concerned. It shall be the further duty of the corporation counsel to cause proceedings to be taken to collect any expenses incurred by the city for any action of the fire marshal pursuant to this paragraph.

SEC. 13-310. SECURE VACANT BUILDINGS.

(A) GENERAL. TEMPORARILY UNOCCUPIED BUILDINGS, STRUCTURES, PREMISES OR PORTIONS THEREOF, INCLUDING TENANT SPACES, SHALL BE SAFEGUARDED AND MAINTAINED IN ACCORDANCE WITH THIS SECTION.

(B) ABANDONED PREMISES. BUILDINGS STRUCTURES AND PREMISES FOR WHICH AN OWNER CANNOT BE IDENTIFIED OR LOCATED BY DISPATCH OF A CERTIFICATE OF MAILING TO THE LAST KNOWN OR REGISTERED ADDRESS, WHICH PERSISTENTLY OR REPEATEDLY BECOME UNPROTECTED OR UNSECURED; WHICH HAVE BEEN OCCUPIED BY UNAUTHORIZED PERSONS OR FOR ILLEGAL PURPOSES; OR WHICH PRESENT A DANGER OF STRUCTURAL COLLAPSE OR FIRE SPREAD TO ADJACENT PROPERTIES SHALL BE CONSIDERED ABANDONED, DECLARED UNSAFE AND ABATED OR DEMOLISHED IN ACCORDANCE WITH THIS CODE.

(C) SAFEGUARDING VACANT PREMISES. TEMPORARILY UNOCCUPIED BUILDINGS, STRUCTURES, PREMISES OR PORTIONS THEREOF SHALL BE SECURED AND PROTECTED IN ACCORDANCE WITH THIS SECTION.

(D) SECURITY. EXTERIOR OPENINGS AND INTERIOR OPENINGS ACCESSIBLE TO OTHER TENANTS OR UNAUTHORIZED PERSONS SHALL BE BOARDED, LOCKED, BLOCKED OR OTHERWISE PROTECTED TO PREVENT ENTRY BY UNAUTHORIZED INDIVIDUALS.

(E) FIRE PROTECTION. FIRE ALARM, SPRINKLER AND STANDPIPE SYSTEMS SHALL BE MAINTAINED IN AN OPERABLE CONDITION AT ALL TIMES, WITH THE EXCEPTION OF:

- (I) WHEN THE PREMISES HAVE BEEN CLEARED OF ALL COMBUSTIBLE MATERIALS AND DEBRIS, AND, IN THE OPINION OF THE CODE OFFICIAL, AS DEFINED BY STATE LAW, THE TYPE OF CONSTRUCTION, FIRE SEPARATION DISTANCE AND SECURITY OF THE PREMISES DO NOT CREATE A FIRE HAZARD.
- (II) WHERE BUILDINGS WILL NOT BE HEATED, AND FIRE PROTECTION SYSTEMS WILL BE EXPOSED TO FREEZING TEMPERATURES, FIRE ALARM SPRINKLER SYSTEMS MAY BE PLACED OUT OF SERVICE AND STANDPIPES MAY BE MAINTAINED AS DRY SYSTEMS (WITHOUT AN AUTOMATIC WATER SUPPLY) PROVIDED THE BUILDING HAS NO CONTENTS OR

STORAGE, AND WINDOWS, DOORS AND OTHER OPENINGS ARE SECURED TO PROHIBIT ENTRY BY UNAUTHORIZED PERSONS.

(F) FIRE SEPARATION. FIRE-RESISTANCE-RATED PARTITIONS, FIRE BARRIERS AND FIRE WALLS SEPARATING VACANT TENANT SPACES FROM THE REMAINDER OF THE BUILDING SHALL BE MAINTAINED.

(G) REMOVAL OF COMBUSTIBLES. PERSONS OWNING, OR IN CHARGE OR CONTROL OF, A VACANT BUILDING OR PORTION THEREOF, SHALL REMOVE ALL ACCUMULATIONS OF COMBUSTIBLE MATERIALS AND FLAMMABLE OR COMBUSTIBLE WASTE OR RUBBISH FROM SUCH SPACE. THE PREMISES SHALL BE MAINTAINED CLEAR OF WASTE OR HAZARDOUS MATERIALS, WITH THE EXCEPTION OF:

(I) BUILDINGS OR PORTIONS OF BUILDINGS UNDERGOING ADDITIONS, ALTERATIONS, REPAIRS OR CHANGE OF OCCUPANCY UNDER A VALID PERMIT IN ACCORDANCE WITH THIS CODE.

(II) SEASONALLY OCCUPIED BUILDINGS.

(H) REMOVAL OF HAZARDOUS MATERIALS. PERSONS OWNING, OR IN CHARGE OR CONTROL OF, A VACANT BUILDING OR PORTION THEREOF, SHALL REMOVE ALL ACCUMULATIONS OF HAZARDOUS MATERIALS AS DEFINED BY THIS CODE.

ARTICLE IV. - PERMITS AND REGISTRATION

Sec. 13-400. - Application for permits.

All applications for a permit required by this code shall be made to the fire marshal in such form and detail as he shall prescribe. Applications for permits shall be accompanied by such plans as required by the fire marshal and shall specify the particular building or structure in which the activities will be conducted. In addition, the fire marshal may, where he deems it necessary, require detailed drawings and specifications and proof of compliance with the city zoning ordinance or building code.

Sec. 13-401. - Issuance of permits.

(a) The fire marshal shall issue all permits required by this code upon compliance by its applicant with the applicable provisions of this code and any applicable provision of federal, state or local laws or regulations. No permit for the use of flammable or explosive materials shall be issued unless the fire marshal has determined that the applicant is familiar with the characteristics of such materials and the proper methods of handling an using such materials.

(b) Except as provided herein to the contrary, all permits issued by the fire marshal pursuant to this code shall be valid for one (1) year from the date of issuance.

Sec. 13-402. - Permits or licenses from other agencies.

The issuance of a permit by the fire marshal shall in no way remove the responsibility of the owner to procure such other permits, licenses and/or approval from other agencies having provisions or regulations over the building or structure or activities to be or carried on therein.

Sec. 13-403. - Display of permits.

Permits required by this code shall be kept in the building or structure designated therein and shall be displayed in such a manner as will readily permit inspection by the fire marshal.

Sec. 13-404. - Revocation of permits.

The fire marshal may revoke a permit or approval issued if any violation of this code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

Sec. 13-405. - Fire rescue insurance recovery.

The city shall pursue recapture of fire department costs for accident response, hazmat response, and other public safety rescue work that is reimbursable from insurance coverage. Fees for fire rescue insurance recovery shall be set forth in section 17-201 of this Code.

SEC. 13-406. VACANT BUILDING REGISTRATION.

(A) AN OWNER OF A VACANT BUILDING SHALL REGISTER SUCH BUILDING WITH THE NEW HAVEN FIRE DEPARTMENT AND LIVABLE CITY INITIATIVE IMMEDIATELY AND RENEW SAID REGISTRATION ANNUALLY THEREAFTER UNTIL THE BUILDING IS NO LONGER VACANT. EXEMPTIONS NOTED IS SEPARATE SECTION OF THIS ORDINANCE.

(B) THE REGISTRATION SHALL BE SUBMITTED ON FORMS PROVIDED BY THE NEW HAVEN FIRE DEPARTMENT AND SHALL INCLUDE THE FOLLOWING INFORMATION SUPPLIED BY AN OWNER:

- (I) THE PROPERTY ADDRESS;**
- (II) THE TAX MAP IDENTIFICATION (SECTION, BLOCK AND LOT) NUMBER ASSOCIATED WITH THE PARCEL IMPROVED BY THE BUILDING OR STRUCTURE;**
- (III) THE NAMES, ADDRESSES, E-MAIL ADDRESSES, AND TELEPHONE NUMBERS OF ALL OWNERS;**
- (IV) THE NAME, ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER OF A PERSON WHO RESIDES IN NEW HAVEN COUNTY OR AN ADJOINING COUNTY AND WHO HAS THE AUTHORITY TO ACT ON THE OWNER'S BEHALF REGARDING THE PROPERTY IN THE EVENT OF AN EMERGENCY;**
- (V) THE NAMES AND ADDRESSES OF ALL KNOWN LIENHOLDERS AND ALL OTHER PARTIES WITH AN OWNERSHIP INTEREST IN THE BUILDING, AND A STATEMENT INDICATING WHETHER THE PROPERTY IS THE SUBJECT OF ANY MORTGAGE OR TAX FORECLOSURE;**
- (VI) A STATEMENT AS TO WHETHER THE OWNER INTENDS OR OWNERS INTEND TO REHABILITATE AND REOCCUPY THE BUILDING OR, IF NOT, A STATEMENT AS TO HOW THE OWNER INTENDS OR OWNERS INTEND TO DISPOSE OF THE PROPERTY;**
- (VII) IF THE OWNER IS A CORPORATE ENTITY, INCLUDING, BUT NOT LIMITED TO, A CORPORATION, LIMITED LIABILITY CORPORATION, PROFESSIONAL LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP, THE NAME, ADDRESS, E-MAIL, AND TELEPHONE NUMBER OF AN AGENT RESPONSIBLE FOR MAINTENANCE OF THE PROPERTY, AT LEAST ONE ACTIVE OFFICER, PARTNER AND/OR MEMBER OF SUCH ENTITY, THE REGISTERED ADDRESS FOR THE ENTITY, AND THE STATE IN WHICH THE ENTITY IS REGISTERED; AND**
- (VIII) PROOF OF PROPERTY INSURANCE. THIS REQUIREMENT MAY BE WAIVED BY THE BUILDING OFFICIAL UPON A SHOWING BY THE**

APPLICANT THAT SUCH INSURANCE IS NOT AVAILABLE FOR THE SUBJECT PROPERTY.

(C) AS A CONDITION OF REGISTRATION, OWNER SHALL BE IN COMPLIANCE WITH ALL APPLICABLE LAWS AND CODES. THE OWNER SHALL NOTIFY THE ENFORCEMENT OFFICER OF ANY CHANGES IN INFORMATION SUPPLIED AS PART OF THE VACANT BUILDING REGISTRATION WITHIN 30 DAYS OF THE CHANGE.

(D) A NEW OWNER SHALL REGISTER OR REREGISTER A VACANT BUILDING WITH THE ENFORCEMENT OFFICER WITHIN 30 DAYS OF ANY TRANSFER OF AN OWNERSHIP INTEREST IN A VACANT BUILDING.

(E) THE VACANT BUILDING SHALL BE REGISTERED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, WITH THE EXCEPTION OF A DEMOLITION PERMIT.

SEC. 13-405. VACANT BUILDING REGISTRATION FEES.

(A) THE OWNER OF A VACANT BUILDING SHALL PAY AN ANNUAL FEE AS ESTABLISHED BY 17-201 OF THIS CODE

SEC. 13-406. REGISTRATION FEE EXEMPTIONS.

(A) THE BUILDING OFFICIAL MAY GRANT AN EXEMPTION FROM A VACANT BUILDING REGISTRATION FEE FOR A GIVEN BUILDING UPON AN APPLICATION MADE BY THE REGISTRANT ON A FORM APPROVED BY THE BUILDING OFFICIAL IN THE FOLLOWING INSTANCES:

- (I) WHERE THE VACANT BUILDING HAS NO CODE VIOLATIONS AS TO THE EXTERIOR OF THE BUILDING OR PROPERTY, OR INTERIOR CODE VIOLATIONS RELATING TO PLUMBING OR ELECTRICAL SYSTEMS THAT MAY HAVE AN ADVERSE EFFECT UPON ANY OTHER PERSON, ENTITY OR PROPERTY, OR INTERIOR CODE VIOLATIONS RELATING TO THE STRUCTURAL STABILITY OF THE BUILDING AS VERIFIED BY THE BUILDING OFFICIAL OR THEIR DESIGNEE OR IN A WRITTEN, STAMPED LETTER FROM A LICENSED ARCHITECT OR ENGINEER. THE BUILDING OFFICIAL MAY GRANT AN EXEMPTION UNDER THIS SUBSECTION IF CODE VIOLATIONS DISCOVERED DURING THE REGISTRATION PROCESS ARE REMEDIED WITHIN 60 DAYS OF SAID VIOLATIONS HAVING BEEN REPORTED TO THE REGISTRANT. CODE VIOLATIONS DISCOVERED AT THE REGISTERED BUILDING IN THE YEAR AFTER A FEE EXEMPTION UNDER THIS SUBSECTION IS GRANTED WITH RESPECT TO THE REGISTERED BUILDING WILL CONSTITUTE A REVOCATION OF SAID EXEMPTION RETROACTIVE TO THE DATE THE BUILDING BECAME VACANT. AN APPLICATION FOR AN EXEMPTION UNDER THIS SUBSECTION SHALL HAVE AN APPLICATION FEE OF \$75, WHICH SHALL BE CREDITED TOWARD ANY APPLICABLE VACANT BUILDING REGISTRATION FEE.
- (II) WHERE THE VACANT BUILDING IS VACANT DUE TO FIRE DAMAGE OR DAMAGE CAUSED BY AN EXTREME WEATHER EVENT FOR THE FIRST 180 DAYS OF VACANCY WHERE THE OWNER OR THEIR DESIGNEE APPLIES FOR PERMITS NECESSARY FOR REHABILITATION OR DEMOLITION OF THE STRUCTURE. SUCH FEE SHALL BE STAYED FOR A

PERIOD UP TO ONE YEAR DURING WHICH TIME WORK PERFORMED UNDER THE AUTHORIZATION OF THE PERMIT IS IN PROGRESS.

(III) WHERE THE VACANT BUILDING HAS BEEN PURCHASED BY A NEW OWNER, IF A VACANT BUILDING REGISTRATION FORM IS SUBMITTED WITHIN 180 DAYS OF PURCHASE AND PERMITS HAVE BEEN APPLIED FOR TO UNDERGO REHABILITATION WORK TO THE VACANT BUILDING WHICH IS NECESSARY TO THE BUILDING BECOMING OCCUPIED OR TO DEMOLISH THE VACANT BUILDING. THIS EXEMPTION SHALL CONTINUE FOR SO LONG AS THE PERMITTED WORK CONTINUES AT THE BUILDING BUT IN NO CASE FOR LONGER THAN TWO YEARS FROM THE DATE A PERMIT FOR SAID WORK WAS ISSUED, AT WHICH POINT LIABILITY FOR THE FEE WILL BE DEEMED TO RUN FROM THE END OF ONE YEAR FROM THE DATE OF ISSUANCE OF THE PERMIT. IF WORK CEASES AT THE BUILDING AS EVIDENCED BY A FAILURE TO REQUEST AND PASS INSPECTIONS PURSUANT TO THE AFOREMENTIONED PERMITS AND/OR A FAILURE TO PROCEED WITH WORK FOR A PERIOD OF MORE THAN 180 DAYS, THE BUILDING OFFICIAL MAY REVOKE THIS EXEMPTION RETROACTIVE TO THE DATE THE BUILDING BECAME VACANT.

(NEW) SEC ##### APPEALS

NOTWITHSTANDING THE PROVISIONS OF SECTION 13-500, TO 13-506 INCLUSIVE ANY VACANT BUILDING REGISTRANT OR OWNER MAY APPEAL THE FINES, PENALTIES OR OTHER ADVERSE DECISIONS ISSUED AGAINST HIM/HER IN ACCORDANCE WITH SECTIONS 13-405, 13-406 AND 13-601(B) INCLUSIVE TO THE VACANT BUILDING HEARING OFFICER IN ACCORDANCE WITH SECTION 17-1.16 OF THE LICENSE AND PERMITS CHAPTER OF THIS CODE AS AMENDED FROM TIME TO TIME.

SEC. 13-407. POWER TO REPAIR OR ABATE VIOLATIONS.

WHERE AN OWNER OR RESPONSIBLE PARTY FAILS TO MAINTAIN A VACANT BUILDING OR PREMISES IN COMPLIANCE WITH ANY LAWFUL STANDARD, AFTER NOTICE AND OPPORTUNITY TO BE HEARD TO SUCH OWNER OR RESPONSIBLE PARTY, THE BUILDING OFFICIAL MAY CORRECT THE VIOLATION AND PURSUE REIMBURSEMENT FOR THE COST OF ABATEMENT UNDER ANY AUTHORITY AVAILABLE BY LAW, INCLUDING, BUT NOT LIMITED TO, NEW HAVEN CITY CODE, CONNECTICUT STATE PROPERTY MAINTENANCE CODE, OR ANY OTHER EQUIVALENT LAW OR ORDINANCE.

SEC. 13-408. REPORTING.

THE FIRE CHIEF OR DESIGNEE SHALL SUBMIT A QUARTERLY REPORT ON VACANT BUILDING REGISTRATION NOT LATER THAN THE 15TH DAY OF JANUARY, APRIL, JULY AND OCTOBER OF EACH CALENDAR YEAR TO THE MAYOR AND THE BOARD OF ALDERS INCLUDING NOT LESS THAN THE FOLLOWING INFORMATION:

- (I) THE NUMBER OF BUILDINGS IN THE CITY OF NEW HAVEN DECLARED VACANT UNDER THE PROVISIONS OF THIS ARTICLE; AND

(II) THE NUMBER OF VACANT BUILDING REGISTRATIONS FILED OR RENEWED

(Ord. No. 1596, 6-1-09)

ARTICLE V. - APPEALS

Sec. 13-500. - Fire Prevention Code appeals board created; membership, term of members.

There is hereby created a Fire Prevention Code appeals board which shall consist of the building inspector, who shall serve as chairman, a heating engineer, an architect, a general contractor, a fire safety specialist and a secretary. The mayor shall appoint the heating engineer, the architect, the general contractor and the secretary. The term of the general contractor and the fire safety specialist shall expire April 1, 1964 and the term of the architect, the heating engineer and the secretary shall expire April 1, 1965. All subsequent appointments shall be for the term of two (2) years from the expiration dates heretofore set forth.

Sec. 13-501. - Fire Prevention Code appeals board duties.

The fire prevention code appeals board shall hear appeals from any person affected by any order which has been issued by the fire marshal pursuant to this code. The board shall be responsible for reviewing the standards and provisions of this code to assure reasonable protection for fire or threat of fire. The secretary shall keep a record of the meetings of the board but shall take no part in its decision.

Sec. 13-502. - Hearings; appeals.

- (a) Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of this code or aggrieved by the issuance, denial or revocation of a permit or otherwise aggrieved by this code shall be granted a hearing before the board of fire prevention, standards and appeals; provided that such person shall file in the office of the fire marshal a written petition requesting such hearing and setting forth a brief statement of the grounds thereof, within twenty (20) days after the day the notice was served.
- (b) On receipt of such petition, the fire marshal shall notify said board to set a time and place for such hearing and shall give the petitioner not less than two (2) days written notice thereof.
- (c) At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified, extended or withdrawn or a variance granted, or why such permit should be issued or not revoked.
- (d) The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed; provided that upon application of the petitioner said committee may postpone the date of the hearing for a reasonable time beyond such thirty (30) days period; if in its judgment the petitioner has submitted a good and sufficient reason for such postponement, but in no event shall such hearing be postponed longer than an additional thirty (30) days.

Sec. 13-503. - Composition of board; authority of board; conditions for granting extensions; variances.

Such hearings shall be had before a panel of not less than three (3) members of such board in addition to the secretary. Said panel by a majority vote of those present may sustain, modify or

withdraw any notice given by the fire marshal; it may also reverse the denial or issuance or revocation of a permit; it may also grant an extension or variance in accordance with the following conditions:

- (a) *Extension.* The time for performance of any act required by the notice may be extended for not more than twelve (12) months subject to appropriate conditions and provided that the committee makes specific findings of fact based on evidence relating to the following factors:
 - (1) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any provision of this code; and
 - (2) That such extension is in harmony with the general purpose and intent of this code in securing the public health, safety and general welfare.
- (b) *Variance.* A variance may be granted in a specific case and from a specific provision of this code subject to appropriate conditions and provided that the committee making specific findings of fact based on evidence relating to the following facts:
 - (1) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions;
 - (2) That the effect of the application of the provisions would be arbitrary in the specific case;
 - (3) That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
 - (4) That such variance is in harmony with the general purpose and intent of this code in securing the public health, safety and general welfare.

Sec. 13-504. - Effect of action taken at hearing; effect of failure to petition for hearing.

If the notice is sustained, modified, or extended, it shall become an order as so sustained, modified, or extended. Any notice served pursuant to section 13-153 of this code shall automatically become an order if a written petition for a hearing is not filed in the office of the fire marshal within twenty (20) days after such notice is served.

Sec. 13-505. - Effect of sustaining notice of permit; suspension time for filing petition for hearing on permit suspension.

After a hearing in the case of any notice suspending any permit required by this code, when such notice has been sustained by the said board, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the fire marshal within twenty (20) days after such notice is served.

Sec. 13-506. - Recording of proceedings required; right of judicial appeal.

The proceedings at such hearings, including the findings and decision of the committee, shall be summarized, reduced to writing and entered as a matter of public record in the office of the fire marshal and shall be open to reasonable public inspection. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the fire marshal of the board may seek relief therefrom in any court of competent jurisdiction, as provided by the general statutes.

ARTICLE VI. - PENALTIES

Sec. 13-600. - Responsibility for compliance with this code.

Unless provided in this code to the contrary the owner of any land, building or structure and/or any person or persons, including the person in possession of the property, responsible for the activities or conditions violating this code shall be liable for prosecution pursuant to this code.

Sec. 13-601. - Penalties.

A) Any person who shall violate any provision of this code may upon conviction be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days. A violation of each provision of this code shall constitute a separate offense. Failure to comply with any order issued by the fire marshal pursuant to this code is a violation. Each day's failure to comply with such order shall constitute a separate offense.

NEW B) ANY OWNER OR PERSON WHO SHALL VIOLATE ANY PROVISION OF THE VACANT BUILDING CODE OR PROVIDE FALSE INFORMATION TO THE ENFORCEMENT OFFICER SHALL BE PUNISHED BY A FINE OF \$250 PER UNIT PER DAY

ARTICLE VII. - GENERAL PROHIBITIONS

Sec. 13-700. - Interfering with, obstructing fire department during fire.^[4]

Every person present at or near a fire who shall conduct himself in a disorderly manner, or neglect or refuse to obey promptly any proper order of the chief, or who shall resist, obstruct, hinder or abuse any officer of the fire department or any fireman in the discharge of his duty, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense and any of the aforesaid officers may forthwith arrest without warrant, and take to a police station, any person so offending.

Footnotes:

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Charter reference— Creation of fire department, board of fire commissioners, position of fire chief and marshal, §§ 118—121.

Sec. 13-701. - Driving over hose prohibited.

No person shall drive any vehicle over any hose laid by the fire department, without permission therefor first obtained from the chief or officer in charge.

Sec. 13-702. - Unauthorized possession, wearing of fireman's badge, uniform prohibited.

No person shall have or keep in his possession, except while a member of the fire department of said city, any fireman's badge, issued by or belonging to said city, or shall wear any uniform adopted for the department by the board of fire commissioners.

Sec. 13-703. - Damaging, destroying, stealing fire department property prohibited.

No person shall wilfully and maliciously take away, conceal, cut, deface or injure any of the property of the city, belonging to or used by said fire department.

Sec. 13-704. - Tampering with fire alarms; false alarms.

No person shall cut any fire alarm wire, or shall destroy, deface, or in any manner injure the fire alarms or any part thereof, in said city, or any of the appurtenances of the same, or shall interfere with, or do anything to the same, so as to prevent or delay the proper or timely use thereof, or shall without probable cause send in an alarm of fire.

Sec. 13-705. - Tying or hitching to hydrants prohibited.

No person shall fasten any guy rope, brace, support, or fastening of any kind, or hitch or fasten any animal, to any public hydrant.

Sec. 13-706. - Damaging, blocking access to hydrants prohibited.

No person shall wilfully break, injure, cover up or encumber any hydrant or shall place upon or about it any snow, ice, sleet, rubbish, building material or other substance.

Sec. 13-707. - Opening hydrants regulated; leaving running prohibited.

No person shall open any public fire hydrant or make any hose connection therewith without first having obtained a license therefor from the department of fire service; the fee for such license shall be as provided in section 17-20 (12); provided, however, that the foregoing shall not apply to said use of said hydrant by any department or bureau of the city; any violation of the foregoing shall be punished by a fine of twenty-five dollars (\$25.00) for each offense. Any person who shall wilfully and maliciously leave the water of any hydrant or pipe running in any public building or to the damage of others in any tenement building shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of twenty-five dollars (\$25.00) for each offense.

(Ord. No. 1304, Pt. I(k)(4), 12-17-01)

Sec. 13-708. - General power of fire chief during fire.

During the continuance of any fire, the chief shall have absolute control of the streets adjacent thereto; he may blockade any such street and forbid passage therein; he may order those present to stand back to any required and reasonable distance; he may command the assistance of any police officer, special constable, or person present at the fire, in extinguishing the same or preventing its spread, or in saving or securing property.

He shall have power, with necessary assistance, to enter any building or premises, for the purpose of extinguishing or checking the progress of fire, or securing or protecting property, and he may, with the advice of the mayor, direct the destruction of any building, to stay the further progress of the fire.

Sec. 13-709. - Responsibility of chief to report deficiencies of supply of water to hydrants.

It shall be the duty of the chief of the fire department to report to the board of aldermen any deficiency in the supply of water to any public hydrant.

ARTICLE VIII. - PROVISIONS REGARDING SPECIFIC USES

Sec. 13-801. - Bowling establishments.

(1) *Permit required for lane or pin refinishing or resurfacing.*

No person shall refinish any bowling pins or resurface any bowling lanes unless he holds a permit.

(2) *Lane resurfacing.*

No person shall resurface bowling lanes or permit bowling lanes to be refinished on his premises in violation of the provisions of this section. No resurfacing operations shall be carried on while a bowling establishment is open for business. The fire marshal shall be notified when bowling lanes are to be resurfaced. Proper ventilation shall be provided. Heating, ventilating, or cooling systems employing recirculation of air shall not be operated during resurfacing operations or within one hour following the application of flammable finishes. All electric

motors or other equipment in the area which might be a source of ignition shall be shut down, and all smoking and use of open flames shall be prohibited during the application of flammable finishes and for one hour thereafter.

(3) *Pin refinishing.*

No person shall refinish bowling pins or permit bowling pins to be refinished on his premises in violation of the provisions of this section. Pin refinishing involving the application of flammable finishes shall be done only in a special room meeting the requirements of provisions governing the use of flammable liquids; such room shall not be located below grade nor shall it have communication with any pits, wells, pockets or basements.

- (1) All power tools in the room shall be effectively grounded. A substantial metal box or other receptacle approved by the fire marshal shall be provided for lathes and sanding or buffing machines for catching dust thrown off during operations. Contents shall be removed daily and disposed of safely.
- (2) Storage of flammable liquids in such rooms shall not exceed a combined aggregate of sixty gallons (60 gals.) in original metal containers, or in approved safety containers not exceeding five gallons (5 gals.) individual capacity. A metal waste can with self-closing cover shall be provided for all waste materials and rags; contents shall be removed daily. Smoking shall be prohibited at all times in refinishing rooms.

Sec. 13-802. - Cellulose nitrate plastics (pyroxylin).

(1) *Permit required.*

No person shall store, handle or in any way use more than twenty-five pounds (25 lbs.) of cellulose nitrate plastics for manufacturing or other purposes unless he obtains a permit.

(2) *Display of plastics.*

No person shall display or permit cellulose nitrate plastic to be displayed in violation of the following:

- (a) All display of cellulose nitrate plastic articles in stores shall be in show cases or show windows except as permitted in the following four subparagraphs.
- (b) Articles may be placed on tables but no table shall be over three feet (3') wide and 10 feet long, and tables shall be spaced at least three feet (3') apart, except as otherwise provided by the fire marshal. Where articles are displayed on counters, they shall be arranged in like manner.
- (c) Spaces underneath tables shall be kept free of any accumulations of paper, refuse and other combustible material, or any storage which presents a reasonable threat of fire.
- (d) Sales or display tables shall be so located that in the event of a fire at that table, the table will not interfere with free exit from the room, in at least one direction.
- (e) No electric or gas light shall be located directly above any cellulose nitrate plastic (pyroxylin) material, unless provided with a suitable guard to prevent heated particles falling.

(3) *Storage and handling.*

No person shall store or handle or permit cellulose nitrate plastic material to be stored or handled in violation of the following:

- (a) All raw cellulose nitrate plastic material in factory buildings shall be stored and handled in accordance with the following subparagraphs.
 - (b) Where raw material in excess of twenty-five pounds (25 lbs.) is received in any building or fire area, an approved vented cabinet or vented and sprinklered vault shall be provided for the storage of the material.
 - (c) Not more than one thousand pounds (1,000 lbs.) of raw material may be stored in cabinets in any one workroom, but not more than five hundred pounds (500 lbs.) in any one cabinet, or more than two hundred fifty pounds (250 lbs.) in one compartment.
 - (d) All raw material in excess of that permitted above shall be kept in vented vaults not exceeding one thousand five hundred cubic feet (1,500 cu. ft.) capacity and with one automatic sprinkler head to each one hundred twenty-five cubic feet (125 cu. ft.) of total vault space and with construction and venting in conformity with the requirements prescribed in section 13-821(1) and satisfactory to the fire marshal.
 - (e) No cellulose nitrate plastics shall be stored within two feet (2') of any heat producing appliances, steam pipes, radiators or chimneys.
 - (f) In factories manufacturing articles of cellulose nitrate plastics such sprinklered and vented cabinets, vaults or storage rooms, approved by the fire marshal, shall be provided as may be necessary to prevent the accumulation in work rooms, of raw stock, stock in process or finished articles.
 - (g) In the work rooms of cellulose nitrate plastic factories, operators shall not be stationed closer together than three feet (3'), and the amount of material per operator shall not exceed one-half day's supply and shall be limited to the capacity of three toteboxes including material awaiting removal or use.
 - (h) All waste cellulose nitrate plastic material such as shavings, chips, turnings, sawdust, edgings and trimmings shall be kept under water in metal receptacles until removed from the premises.
- (4) *Fire protection equipment.*

No person shall use any building or permit any building or any portions of buildings to be used for the manufacture or storage of articles of cellulose nitrate plastics in quantities and used or stored in a method presenting a reasonable threat of fire and shall be equipped with adequate automatic sprinkler system approved by the fire marshal.

(5) *Heating equipment.*

No person shall install or permit equipment used for heating structures, buildings or rooms where cellulose nitrate plastics are handled or stored to be installed except in accordance with nationally recognized good practice.

Sec. 13-803. - Combustible fibres, storage and handling of.

(1) *Permit required.*

No person shall store, handle or use combustible fibres in quantities of one hundred cubic feet (100 cu. ft.) or more unless he holds a permit.

(2) *Loose storage.*

No person shall store or permit loose combustible fibres to be stored in violation of the following:

- (a) Loose combustible fibres (not in suitable bales or packages), whether housed or in the open, shall not be stored within one hundred feet (100') of any building except as hereinafter specified.
- (b) Not more than one hundred cubic feet (100 cu. ft.) of loose combustible fibres may be kept in any building unless stored in a metal or metal-lined bin equipped with a self-closing cover, or in such manner as is approved by the fire marshal.
- (c) Quantities exceeding one hundred cubic feet (100 cu. ft.) of loose combustible fibres, but not exceeding five hundred cubic feet (500 cu. ft.), may be stored in rooms or compartments having floor, walls and ceiling having a fire-resistance rating of not less than one hour. Each opening into such rooms or compartments from other parts of the building shall be equipped with an approved fire door.
- (d) Quantities exceeding five hundred cubic feet (500 cu. ft.) of loose combustible fibres may be stored in approved vaults, constructed as follows:
 - (1) Storage vaults shall be located outside of buildings or if located inside shall be provided with approved safety vents to the outside.
 - (2) Walls, floors, and ceilings shall be constructed of brick or other approved noncombustible material. Roofs of outside vaults shall be of noncombustible material but may be so constructed as to readily give way in case of an internal explosion.
 - (3) Openings, if any, between vault and main building shall be protected on each side of the wall by an approved fire door. Wall openings in outside vaults exposing other property (not sufficiently detached to be considered cut off) shall be protected by approved fire doors or equivalent.
 - (4) Vaults located within buildings and exceeding one thousand cubic feet (1,000 cu. ft.) storage capacity shall be protected by approved automatic sprinklers, carbon dioxide, or other approved inert gas systems.
 - (5) Not to exceed two thousand five hundred cubic feet (2,500 cu. ft.) of loose fibres may be stored in a detached "loose house" suitably located, with openings properly protected against entrance of sparks. The "loose house" shall be used for no other purpose.

(3) *Baled storage.*

No person shall store or permit combustible fibres to be stored in bulk in violation of the following:

- (a) No single block or pile shall contain more than twenty-five thousand cubic feet (25,000 cu. ft.) of fibre exclusive of aisles or clearances. Blocks or piles of baled fibre shall be separated from adjacent storage by aisles not less than five feet (5') wide; or by flash fire barriers consisting of continuous sheets of noncombustible material extending

from floor to a height of a least one foot above the highest point of piles and projecting at least one foot beyond the sides of the piles.

- (b) Sisal and other fibres in bales bound with combustible tie ropes, also jute and other fibres liable to swell when wet, shall be stored to allow for expansion in any direction without endangering building walls, ceilings or columns. Not less than three feet (3') clearance shall be left between walls and sides of piles, except that if storage compartment is not more than thirty feet (30') in width, one foot (1') clearance at side walls will be sufficient, provided a center aisle not less than five feet (5') wide is maintained.
- (c) Not less than three feet (3') clearance shall be maintained between sprinkler pipes and tops of piles.

(4) *Storage of agricultural products on the farm.*

No person shall store or permit unlimited quantities of hay, straw, and other agricultural products to be stored in or near farm buildings located outside closely-built areas. No permit shall be required for such storage.

Sec. 13-804. - Compressed gases.

(1) *General.*

This article shall apply to bulk oxygen systems and to the storage, handling, and use of compressed gases and flammable gases as defined herein. Liquefied petroleum gases and compressed gases used in conjunction with welding or cutting operations are exempt from these provisions.

(2) *Permit required.*

No person shall store, handle or use more than two thousand cubic feet (2,000 cu. ft.) of flammable compressed gas or six thousand cubic feet (6,000 cu. ft.) of nonflammable compressed gas unless he holds a permit.

(3) *Storage containers.*

No person shall store or permit compressed gases to be stored in violation of the following:

- (a) Cylinders and pressure vessels shall be designed, constructed, tested and maintained in accordance with nationally recognized good practice.
- (b) Each cylinder, pressure vessel, or group of containers shall be marked with the name of the gas contained in accordance with nationally recognized good practice.

(4) *Cylinder systems for flammable anesthetics and nonflammable medical gases.*

No person shall store, handle or use or permit flammable anesthetics and nonflammable medical gases to be stored, handled or used in hospitals and similar facilities, except in accordance with nationally recognized good practice.

(5) *Piped distribution systems for nonflammable medical gases.*

No person shall install and use or permit piped distribution systems handling nonflammable medical gases, in hospitals and similar facilities, to be installed and used except in accordance with nationally recognized good practice.

(6) *Bulk oxygen systems installed at industrial and institutional consumer sites.*

No person shall install or permit bulk oxygen systems located at industrial and institutional consumer sites to be installed except in accordance with nationally recognized good practice.

Sec. 13-805. - Dry cleaning plants.

(1) *General.*

Dry cleaning plants are regulated by state law. The reader is directed to regulations 29-67-1 through 29-67-30 of the state fire marshal which govern the installation and operation of dry cleaning plants and self-service or coin-operated dry cleaning facilities and also to paragraphs 608.1 through 608.15 of the New Haven Building Code which govern the size of and nature of construction of buildings housing dry cleaning plants.

Sec. 13-806. - Dust.

(1) *Permit required.*

No person shall operate any grain elevator, flour, starch or feed mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices, sugar, or other material producing dust unless he holds a permit.

(2) *General requirements.*

No person shall conduct or permit to be conducted any dust producing or collecting operation except as follows:

- (a) All dust-producing or dust-agitating machinery such as grinding mills and separators, and all elevators, elevator legs, spouts, hoppers and other conveyors shall be provided with casings or enclosures maintained as nearly dust-tight as possible.
- (b) Approved magnetic or pneumatic separators shall be installed ahead of all shellers, crackers, crushers, grinding machines, pulverizers and similar machines in which the entrance of foreign materials may cause sparks to be generated.
- (c) Efficiently operating dust collecting equipment shall be installed and accumulation of dust shall be kept at a minimum in the interior of buildings.
- (d) All machinery and metal parts of the crushing, drying, pulverizing and conveying systems shall be electrically grounded.
- (e) Smoking and the carrying of matches, the use of heating or other devices employing an open flame, or use of any spark producing equipment is prohibited in areas containing dust-producing or dust-agitating operations. Artificial lighting in such areas shall be by electricity with all wiring and electrical equipment installed in accordance with nationally recognized safe practice. Compliance with the standard of the National Board of Fire Underwriters known as the "National Electrical Code" shall be deemed evidence of compliance with nationally recognized safe practice.
- (f) Where specified requirements are not otherwise established, plants producing dusts shall comply with nationally recognized good practice.

Sec. 13-807. - Explosives, ammunition and blasting agents.

(1) *General.*

Explosives, ammunition and blasting agents are regulated by state law. The reader is directed to regulations 29-89-1 through 29-89-105 of the commissioner of state police regarding the transportation, storage, sale and use of explosives. These regulations include requirements that a person obtain a permit or license before handling explosives and keep records with regard to the disposition of such explosives.

Sec. 13-808. - Fireworks.

(1) *General.*

Fireworks are regulated by state law. The reader is directed to the Connecticut General Statutes, sections 29-96 through 29-106 regarding fireworks and also regulations of 29-97-1 through 29-97-21 of the state fire marshal governing the sale and use of fireworks. These statutes and regulations require that permits and licenses be obtained before fireworks are manufactured or handled. They also impose a comprehensive set of requirements governing the storage and display of fireworks, set qualifications for any person operating a fireworks display, and impose certain fire and police protection requirements for any location at which fireworks will be detonated.

Sec. 13-809. - Flammable finishes.

(1) *General.*

This article shall apply to locations or areas where the following activities are regularly done: (1) the application of flammable or combustible paint, varnish, lacquer, stain or other flammable or combustible liquid applied as a spray by whatever means, in continuous or intermittent processes; and (2) dip tank operations in which articles or materials are passed through contents of tanks, vats or containers of flammable or combustible liquids, including coating, finishing, treating and similar processes.

(2) *Permit required.*

No person shall conduct spraying or dipping operations utilizing more than one gallon of flammable or combustible liquids per working day unless he holds a permit.

(3) *Smoking prohibited.*

Smoking shall be prohibited in any spray finishing areas and in the vicinity of dip tanks. "No Smoking" signs with lettering of approved size shall be conspicuously posted in such areas and shall read, "By Order of the Fire Marshal".

(4) *Welding warning signs.*

Conspicuous signs shall be posted in the vicinity of all spraying areas, dipping operations and paint storage rooms, conveying the following warning:

NO WELDING

The use of welding or cutting equipment in, or near this area is dangerous because of fire and explosion. Welding and cutting shall be done only under the supervision of the foreman in charge.

(5) *Electric wiring and equipment.*

No person shall permit any flammable finishing operation to be conducted in any structures unless electric wiring and equipment shall conform to the provisions of this article and shall otherwise be installed in accordance with nationally recognized safe practice.

(6) *Location of spray finishing operations.*

No person shall permit spray finishing operations to be conducted in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for the purpose, protected with an approved system of automatic sprinklers and separated vertically and horizontally from other areas by construction having not less than two (2) hours fire resistance rating.

(7) *Spray booths.*

No person shall permit spraying of flammable finishes to be conducted in spray booths which violate the following:

- (a) Spray booths shall be substantially constructed of noncombustible material.
- (b) The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise designed to prevent pocketing of residues and facilitate cleaning and washing without injury.
- (c) The floor of the spray booth and operators' working area, if combustible, shall be covered with noncombustible, nonsparking material of such character as to facilitate the safe cleaning and removal of residues.
- (d) If installed, baffle plates shall be of noncombustible material, readily removable or accessible on both sides for cleaning, and designed to promote an even flow of air through the booth and to prevent the deposit of over-spray before it enters the exhaust duct. Such baffle plates shall not be located in exhaust ducts.
- (e) Each spray booth having a frontal area larger than nine square feet shall have a metal deflector or curtain not less than two and one-half inches (2½") deep installed at the upper outer edge of the booth, over the opening.
- (f) Each spray booth shall be separated from other operations by not less than three feet, or by a greater distance, or by such partition or wall as the fire marshal may require to reduce the danger from juxtaposition of hazardous operations.
- (g) Spray booths shall be so installed that all portions are readily accessible for cleaning. A clear space of not less than three feet on all sides shall be kept free from storage or combustible construction.
- (h) When spraying areas are illuminated through glass panels or other transparent materials, only fixed lighting units shall be used as a source of illumination. Panels shall effectively isolate the spraying area from the area in which the lighting unit is located, and shall be of noncombustible material of such a nature or so protected that breakage will be unlikely. Panels shall be so arranged that normal accumulations of residue on the exposed surface of the panel will not be raised to a dangerous temperature by radiation or conduction from the source of illumination.

(8) *Dry type overspray collectors (exhaust air filters).*

No person shall install or permit overspray dry filters or filter rolls to be installed in conventional dry type spray booths unless in conformance with the following:

- (a) The spraying operations shall be so designed, installed and maintained that the average air velocity over the open face of the booth (or booth cross-section during spraying operations) shall be not less than one hundred (100) linear feet per minute. Visible gauges or audible alarm or pressure activated devices shall be installed to indicate or insure that the required air velocity is maintained.
 - (b) All discarded filter pads and filter rolls shall be immediately removed to a safe, well detached location or placed in a water-filled metal container and disposed of at the close of the day's operation unless maintained completely in water.
 - (c) The location of filters in a spray booth shall be so as to not reduce the effective booth enclosure of the articles being sprayed.
 - (d) Space within spray booth on the downstream and upstream sides of filters shall be protected with approved automatic sprinklers.
 - (e) Filters or filter rolls shall not be used when applying a spray material known to be highly susceptible to spontaneous heating and ignition.
 - (f) Clean filters or filter rolls shall be noncombustible or of approved type.
 - (g) Filters and filter rolls shall not alternately be used for different types of coating materials, where the combination of materials may be conducive to spontaneous ignition.
- (9) *Electrical and other sources of ignition.*

No person shall spray or permit any flammable finish to be sprayed in any structure which does not comply with the following:

- (a) There shall be no open flame or spark producing equipment in any spraying area as defined in this code, nor within twenty feet (20') thereof, unless separated by a partition, except as permitted in section 13-809(14), Drying Apparatus, and in sections 13-809(26) to 13-809(29), Electrostatic Apparatus.
- (b) Room heating appliances, steam pipes or hot surfaces shall not be located in a spraying area where deposits of combustible residues may readily accumulate.
- (c) Unless specifically approved for locations containing both deposits of readily ignitable residue and explosive vapors, there shall be no electrical equipment in any spraying area, whereon deposits of combustible residues may readily accumulate, except wiring in rigid conduit or in boxes or fittings containing no taps, splices or terminal connections and except as hereinafter provided in sections 13-809(14)(c) relating to drying apparatus and 13-809(26) to 13-809(29) relating to electrostatic apparatus.
- (d) Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area shall be of explosion-proof type approved for use in such hazardous locations.
- (e) Electrical wiring, motors, and other equipment outside of but within twenty feet (20') of any spraying area, and not separated therefrom by partitions, shall not produce

sparks under normal operating conditions. Such area shall be considered a Class I, Division 2 hazardous location under the National Electrical Code.

- (f) Electric lamps outside of but within twenty feet (20') of any spraying area and not separated therefrom by a partition, shall be totally enclosed to prevent the falling of hot particles and shall be protected from physical damage by suitable guards or by location.
 - (g) Portable electric lamps shall not be used in any spraying area during spraying operations. Portable electric lamps, if used during cleaning or repairing operations, shall be of the type approved for hazardous locations.
 - (h) All metal parts of spray booths, exhaust ducts and piping systems conveying flammable liquids shall be properly electrically grounded in an effective and permanent manner.
- (10) *Ventilation of spray booths and spray finishing areas.*

No person shall spray or permit any flammable liquid to be sprayed in any structure which does not comply with the following:

- (a) All spraying areas shall be provided with mechanical ventilation adequate to prevent the dangerous accumulation of vapors and to safely remove such vapors to a safe location.
- (b) Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and drying finishing material residue to be exhausted.
- (c) Each spray booth shall have an independent exhaust duct system discharging to building exterior, except multiple cabinet spray booths in which identical spray finishing material is used with a combined frontal area of not more than eighteen square feet may have a common exhaust. If more than one fan serves one booth, all fans shall be so interconnected that one fan cannot operate without operating all.
- (d) Electric motors driving exhaust fans shall not be placed inside booths or ducts. Fan rotating element shall be nonferrous or nonsparking or the casing shall consist of or be lined with such material.
- (e) Belts shall not enter duct or booth unless belt and pulley within the duct or booth are tightly enclosed.
- (f) Exhaust ducts shall be constructed of steel and shall be substantially supported.
- (g) Exhaust ducts shall have a clearance from unprotected combustible construction or material of not less than 18 inches. If combustible construction is provided with the following protection applied to all surfaces within eighteen inches (18"), clearances may be reduced to the distances indicated.
 - (1) 28 gauge sheet metal on ¼-inch asbestos mill board 12 inches
 - (2) 28 gauge sheet metal on 1/8 inch asbestos mill board spaced out one inch on noncombustible spacers 9 inches
 - (3) 22 gauge sheet metal on 1 inch rockwool bats reinforced with wire mesh or the equivalent.

(h) Air exhausted from spraying operations shall not be recirculated.

(11) *Storage and handling of flammable liquids.*

No person shall store, handle or permit flammable liquids to be stored or handled in violation of the following:

- (a) The storage and handling of flammable liquids shall be in accordance with article 16 and shall also conform to the provisions of this section.
- (b) Where the quantity of liquid in five-gallon (5 gal.) and smaller containers, other than original sealed containers, exceeds a total of ten gallons (10 gals.) it shall be stored in a storage cabinet conforming to section 13-810(1) or in storage or mixing rooms conforming to sections 16.32 or 16.72 (b) and (c).
- (c) Original closed containers, approved portable tanks, approved safety cans or a properly arranged system of piping shall be used for bringing flammable liquids into spray finishing areas. Open or glass containers shall not be used.
- (d) Containers supplying spray nozzles shall be of closed type or provided with metal covers kept closed. Containers not resting on floors shall be on noncombustible supports or suspended by wire cables. Containers supplying spray nozzles by gravity flow shall not exceed ten gallons (10 gals.) capacity.
- (e) All containers or piping to which is attached a hose or flexible connection shall be provided with a shut-off valve at the connection. Such valves shall be kept shut when not in use.
- (f) Heaters shall not be located in spray booths or other locations subject to the accumulation of deposits or combustible residue.
- (g) If flammable liquids are supplied to spray nozzles by positive displacement pumps, pump discharge line shall be provided with an approved relief valve discharging to pump suction or to a safe detached location, or a device shall be provided to stop the prime mover when the discharge pressure exceeds one hundred twenty-five (125) percent of the normal operating pressure.
- (h) whenever flammable liquids are transferred from one container to another, both containers shall be bonded or effectively grounded. Piping systems for flammable liquids shall be permanently grounded.

(12) *Fire protection equipment.*

Suitable portable fire extinguishers, small hose or other fire extinguishing equipment installed near all spraying areas as specified by the fire marshal.

(13) *Operations and maintenance.*

No person shall spray with flammable liquids or permit flammable liquids to be sprayed in violation of the following:

- (a) All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary.
- (b) Scrapers, spuds or other such tools used for cleaning purposes shall be of nonsparking material.

- (c) Residue scrapings and debris contaminated with residue shall be immediately removed from premises and properly disposed of.
- (d) The use of flammable solvents for cleaning operations shall be restricted to those having flash points not less than kerosene except solvents with flash points not less than those normally used in spraying operations may be used for cleaning spray nozzles and auxiliary equipment, provided such cleaning is conducted inside spray booths and ventilating equipment is operating during cleaning.
- (e) Spray booths shall not be alternately used for different types of coating materials, where the combination of the materials may be conducive to spontaneous ignition, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second.
- (f) Approved metal waste cans shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily and at the end of each shift.

(14) *Drying apparatus.*

No person shall use or permit any apparatus for the drying of flammable liquids be used which does not comply with the following:

- (A) Drying apparatus shall, in addition to conforming with the requirements of this article, comply with the applicable provisions of subsection (13) above.
- (B) Spraying booths, rooms or other enclosures used for spraying operations shall not alternately be used for the purpose of drying by any arrangement which will cause a material increase in the surface temperature of the spray booth, room, or enclosure.
- (C) Except as specifically provided in section 13-809(14) drying or baking units, utilizing a heating system having open flames or which may produce sparks, shall not be installed in a spraying area as defined herein, but may be installed adjacent thereto when equipped with an interlocked ventilating system arranged to:
 - (1) Thoroughly ventilate the drying space before heating system can be started;
 - (2) Maintain a safe atmosphere at any source of ignition;
 - (3) Automatically shut down heating system in the event of failure of the ventilating system.
- (D) Automobile refinishing booths or enclosures, otherwise installed and maintained in conformity with this division, may alternately be used for drying with portable infra-red drying apparatus when conforming with the following:
 - (1) The procedure shall be restricted to low-volume, occasional spray application.
 - (2) Interior of spray enclosures shall be kept free of overspray deposits.
 - (3) During spray operations, the drying apparatus and electrical connections and wiring thereto shall not be located within spray enclosure nor in any other location where spray residue may be deposited thereon.

- (4) Spraying apparatus, drying apparatus, and ventilating system of spray enclosure shall be equipped with suitable inter-locks so arranged that:
 - (a) Spraying apparatus cannot be operated while drying apparatus is inside spray enclosure.
 - (b) Spray enclosure will be purged of spray vapors for a period of not less than three (3) minutes before drying apparatus can be energized.
 - (c) Ventilating system will maintain a safe atmosphere within the enclosure during the drying process and drying apparatus will automatically shut off in the event of failure of the ventilating system.
- (5) All electrical wiring and equipment of drying apparatus shall conform to the provisions of this article and shall otherwise be installed in accordance with nationally recognized safe practice. Only equipment of a type approved for Class I, Division 2 Hazardous Locations shall be located within eighteen inches (18") of floor level. All metallic parts of drying apparatus shall be properly electrically bonded and grounded.

(15) *Location of dip tank operations.*

No person shall conduct or permit to be conducted, dip tank operations in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for the purpose, protected with an approved system of automatic sprinklers and separated vertically and horizontally from other areas by construction having not less than two (2) hours fire resistance rating.

(16) *Ventilation of vapor areas.*

No person shall operate or permit any dip tanks to be operated in violation of the following:

- (a) All vapor areas shall be provided with mechanical ventilation adequate to prevent the dangerous accumulation of vapors and to remove such vapors to a safe location.
- (b) Required ventilating systems shall be so arranged that the failure of any ventilating fan shall automatically stop any dipping conveyor system.

(17) *Construction of dip tanks.*

No person shall install or permit dip tanks to be installed or constructed in violation of the following:

- (a) Dip tanks, including drain boards if provided, shall be constructed of substantial noncombustible material, and their supports shall be of heavy metal, reinforced concrete or masonry.
- (b) Dip tanks of over one hundred fifty (150) gallons in capacity or ten square feet (10 sq. ft.) in liquid surface area shall be equipped with a properly trapped overflow pipe leading to a safe location outside buildings.
- (c) The bottom of the overflow connection shall be not less than six inches (6") below the top of the tank.
- (d) Dip tanks over five hundred (500) gallons in liquid capacity shall be equipped with bottom drains automatically and manually arranged to quickly drain tank in event of

fire, unless the viscosity of the liquid at normal atmospheric temperature makes this impractical. Manual operation shall be from a safely accessible location. Where gravity flow is not practicable, automatic pumps shall be provided.

- (e) Such drains shall be trapped and discharge to a closed properly vented salvage tank or to a safe outside location.
- (f) Dip tanks utilizing a conveyor system shall be so arranged that in the event of fire, the conveyor system shall automatically cease motion and required bottom drains shall open.

(18) *Electrical and other sources of ignition.*

No person shall operate or permit a dip tank to be operated in violation of the following:

- (a) There shall be no open flames, spark producing devices, or heated surfaces having a temperature sufficient to ignite vapors in any vapor area.
- (b) Electrical wiring and equipment in any vapor area shall be explosion-proof type approved for use in such hazardous locations. Such area shall be considered as Class I, Division 1 Hazardous Location under the National Electrical Code.
- (c) Unless specifically approved for locations containing both deposits of readily ignitable residues and explosive vapors, there shall be no electrical equipment in the vicinity of dip tanks or associated drain boards or drying operations which are subject to splashing or dripping of dip tank liquids, except wiring in rigid conduit or in threaded boxes or fittings containing no taps, splices or terminal connections and except as hereinafter specifically permitted in sections 13-809(22) to 13-809(28) relating to electrostatic apparatus.
- (d) In any floor space outside a vapor area, but within twenty feet (20') therefrom, and not separated by tight partitions, there shall be no open flames or spark producing devices, except drying and baking apparatus may be installed adjacent to vapor areas when conforming to section 13-809(14) (c). Such area shall be considered a Class I, Division 2 Hazardous Location under the National Electrical Code.

(19) *Operations and maintenance.*

No person shall operate or permit a dip tank to be operated in violation of the following:

- (a) Areas in vicinity of dip tanks shall be kept as clear of combustible stock as practical and shall be kept entirely free of combustible debris.
- (b) When waste or rags are used in connection with dipping operations, approved metal waste cans shall be provided and all impregnated rags or waste deposited therein immediately after use. The contents of waste cans shall be disposed of at the end of each shift by methods approved by the fire marshal.

(20) *Fire extinguishing equipment.*

- (a) No person shall operate or permit a dip tank to be operated unless the areas in the vicinity of dip tanks shall be provided with manual fire extinguishers suitable for flammable liquid fires, as specified by the fire marshal.

- (b) Dip tanks of over one hundred fifty (150) gallons capacity or ten square feet (10 sq. ft.) liquid surface area shall be protected with at least one of the following automatic extinguishing facilities:
 - (1) Approved automatic water spray extinguishing system;
 - (2) Approved automatic foam extinguishing system;
 - (3) Approved automatic carbon dioxide system.
 - (4) Dip tank covers conforming to section 13-809(21).
- (c) Dip tanks containing a liquid with a flashpoint below 110°F. (when used in such manner that the liquid temperature may equal or be greater than its flashpoint from artificial or natural causes) shall conform to section 13-809(20) (b) when having both a capacity of more than ten (10) gallons and a liquid surface area of more than four square feet (4 sq. ft.).

(21) *Dip tank covers.*

No person shall operate or permit dip tanks to be operated unless:

- (a) Covers arranged to close automatically in event of fire shall be actuated by approved automatic devices and shall also be arranged for manual operation.
- (b) Covers shall be of substantial noncombustible material or of tin-clad type with enclosing metal applied with locked joints.
- (c) Chains or wire rope shall be used for cover support or operating mechanism where the burning of a cord would interfere with the action of the device.
- (d) Covers shall be kept closed when tanks are not in use.

(22) *Hardening and tempering tanks.*

No person shall operate or permit dip tanks to be operated unless:

- (a) Hardening and tempering tanks shall conform to sections 13-809(17), 13-809(18), 13-809(19), 13-809(20) (a), as well as to the following paragraphs of this section, but shall be exempt from other provisions of division III of this article.
- (b) Tanks shall be located as far as practicable from furnaces and shall not be located on or near combustible floors.
- (c) Tanks shall be provided with a noncombustible hood and vent or other equally effective means, venting to outside of building to serve as a vent in case of fire. All such vent ducts shall be treated as flues and be kept well away from combustible roofs or materials.
- (d) Tanks shall be equipped with a high temperature limit switch arranged to sound an alarm when the temperature of the quenching medium reaches 50° F. below the flash point.
- (e) Hardening and tempering tanks of over five hundred (500) gallons capacity or twenty-five square feet (25 sq. ft.) liquid surface area shall be protected as specified in section 13-809(20) (b).
- (f) Air under pressure shall not be used to fill or to agitate oil in tanks.

(23) *Flow coat operations.*

- (a) No person shall carry on or permit flow coat operations which do not conform to the requirements for dip tanks, considering the area of the sump and any areas on which paint flows as the area of a dip tank.
- (b) No person shall carry on or permit flow coat operation unless paint shall be supplied by direct low pressure pumping arranged to automatically shut down by means of approved heat actuated devices, in case of fire, or by a gravity tank not exceeding ten (10) gallons in capacity.

(24) *Roll coating.*

- (a) No person shall conduct the processes of roll coating, spreading and impregnating, in which fabrics, paper or other material is passed directly through a tank or through containing flammable liquids, or over the surface of a roller that revolves partially submerged in a flammable liquid shall conform to the requirements of this section and to the applicable provisions of this section 13-809.
- (b) No person shall conduct or permit roll coating operation to be conducted unless adequate arrangements shall be made to prevent sparks from static electricity by electrically bonding and grounding all metallic rotating and other parts of machinery and equipment and by the installation of static collectors or maintaining a conductive atmosphere by means such as high relative humidity.

ELECTROSTATIC APPARATUS

(25) *Equipment type and location.*

- (a) No person shall operate electrostatic apparatus and devices used in connection with paint spraying and paint detearing operations which are not of a type approved by the fire marshal.
- (b) No person shall operate or permit electrostatic apparatus to be operated unless transformers, power packs, control apparatus, and all other electrical portions of the equipment, with the exception of high voltage grids and electrostatic atomizing heads and their connections, shall be located outside of the spraying or vapor areas as defined herein or shall conform to the requirements of sections 13-809(9) or 13-809(18).
- (c) No person shall operate or permit electrostatic apparatus to be operated unless electrodes and electrostatic atomizing heads shall be of substantial construction, shall be rigidly supported in permanent locations and shall be effectively insulated from ground. Insulators shall be nonporous and noncombustible.

(26) *Controls.*

- (a) No person shall operate or permit electrostatic apparatus to be operated unless a space shall be maintained between goods being painted or deteared and electrodes, electrostatic atomizing heads or conductors of at least twice the sparking distance. A suitable sign stating the sparking distance shall be conspicuously posted near the assembly.

- (b) Electrostatic apparatus shall be equipped with automatic controls which will operate without time delay to disconnect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:
 - (1) Stoppage of ventilating fans or failure of ventilating equipment from any cause.
 - (2) Stoppage of the conveyor carrying goods past the high voltage grid.
 - (3) Occurrence of a ground or of an imminent ground at any point on the high voltage system.
 - (4) Reduction of clearance below that specified in section 15.42a.

(27) *Guards and signs.*

- (a) No person shall operate or permit electrostatic apparatus to be operated unless adequate booths, fencing, railings or guards shall be so placed about the equipment that they, either by their location or character or both, assure that a safe isolation of the process is maintained from plant storage or personnel. Such railings, fencing and guards shall be of conducting material, adequately grounded, and shall be at least five feet (5') from processing equipment.
- (b) Signs designating the process zone as dangerous as regards fire and accident shall be posted.

(28) *Maintenance.*

No person shall operate or permit electrostatic apparatus to be operated unless:

- (a) All insulators shall be kept clean and dry.
- (b) Drip plates and screens subject to paint deposits shall be removable and shall be taken to a safe place for cleaning.

AUTOMOBILE UNDERCOATING

(29) *Operations included.*

- (a) Automobile undercoating spray operations, conducted in areas having adequate natural or mechanical ventilation, may be exempt from the provisions of sections 13-809(6) through 13-809(15) of this article, on approval of the fire marshal, when using undercoating materials which are not more hazardous than kerosene, or undercoating materials using only solvents having a flashpoint in excess of 100°F.
- (b) Undercoating spray operations not conforming with paragraph (a) of this section shall be subject to all applicable provisions of this article.

Sec. 13-810. - Flammable liquids.[\[5\]](#)

(1) *General.*

In addition to the provisions of this code, flammable liquids are regulated by state law. The reader is directed to regulations 29-62-1 through 29-62-210 of the commissioner of state police governing the storage, use and transportation of flammable liquids. These regulations contain specific requirements dealing with the design and nature of the materials, devices and structures in which flammable liquids may be stored and transported and provisions governing service

stations, commercial and industrial establishments and other structures in which flammable liquids are handled and used.

(2) *License from fire marshal required to deal with flammable liquids.*

No person shall manufacture, refine, sell or keep on sale or storage any crude or refined petroleum, earth oil, coal or rock oil, benzine or any other inflammable or explosive composition of which any of the foregoing substances constitute a principal ingredient, of a fire test of less than one hundred and ten degrees Fahrenheit (110°), unless licensed so to do by the fire marshal after a thorough investigation made by him of the premises in which said material is to be stored and a certificate on his part that all requirements of the city ordinances have been faithfully complied with. The fee for such licenses shall be as provided in section 17-20 (13). This section shall not apply to the storage of fuel oil in one and two family dwellings where such oil is used for cooking and/or heating.

(3) *Dealing with flammable liquids, petroleum in vehicles.*

- (a) *License.* No person shall engage in the selling, peddling, delivering or storing of flammable liquids in wagons, carts or motor vehicles without first having obtained a license from the fire marshal. The fee for such license shall be as provided in section 17-20 (13) for each individual wagon, cart or motor vehicle, for each year or portion thereof in all cases and unless sooner revoked shall expire on the first day of May succeeding the date of issue. Licenses are not transferable and shall be revoked upon any deviation from these regulations.
- (b) *Approval of vehicles, equipment of fire marshal.* All tanks and equipment attached to such wagon, cart or motor vehicle for the purpose of keeping or storing flammable liquids for sale or delivery, must first be approved by the fire marshal before a license is issued.
- (c) *Sign on vehicle.* Each person so licensed shall in selling, peddling, delivering or storing flammable liquids conspicuously place on such wagon, cart or motor vehicle, a sign designed and furnished by the fire marshal bearing the number of his license and the year in which license shall expire and the words "Flammable Liquids."

(4) *Applications for licenses under sections 13-810(2) and 13-810(3).*

Every applicant for a license to manufacture, refine, sell or keep on sale or storage any of the products mentioned in sections 13-810(2) and 13-810(3) shall contain the name of the party or parties, nature of the business, the substances to be dealt in and the precise place or locality where the substance is to be located.

(5) *Limitation on licenses under sections 13-810(2) and 13-810(3).*

No person shall receive a license to sell or keep on sale or storage any of the substances mentioned in sections 13-810(2) and 13-810(3) upon any street or wharf nor in any building or place not approved by the fire marshal, nor upon any floor of a building above the first floor, nor in any receptacle except in the original unbroken receptacle, in which they are shipped, or in metallic vessels approved in writing by the fire marshal. (CC 13-33).

(6) *Automobile service station regulations.*

Automobile service stations are regulated by state law. The reader is directed to regulations 14-332-1 through 14-332-5 of the motor vehicle department governing the sale of gasoline and

motor oil and also regulations 29-62-1 through 29-62-210 of the commissioner of state police governing the storage, use and transportation of flammable liquids.

Cross reference— Construction of filling stations, Pars. 608.3—608.31 of Building Code, Vol. III of this Code.

(7) *Storage containers for flammable oils, paint.*

No person operating or conducting an automobile storage station, painters' supply store, or other establishment where inflammable oils are sold, kept or offered for sale, shall keep such products in other than metal tanks located to the approval of the fire marshal.

(Ord. No. 1304, Pt. I(k)(5), 12-17-01)

Footnotes:

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Cross reference— Building requirements for establishments using flammable liquids, Par. 608.1 of the Building Code contained in Vol. III of this Code.

Sec. 13-811. - Fruit ripening process.

(1) *General.*

This section shall apply to the process of ripening green bananas or citrus fruits in tightly closed rooms heated with direct fired heaters and shall include those processes where ethylene gas is introduced into the room to assist the ripening process.

(2) *Permit required.*

No person shall conduct any of the processing described in this section unless he holds a permit.

(3) *Use of ethylene.*

No person shall use or permit the use of ethylene in fruit ripening process unless:

- (a) The location of buildings in which fruit ripening processes utilizing ethylene are conducted shall be approved by the fire marshal.
- (b) Ethylene shall be introduced by some means under positive control and measured so that the quantity introduced does not exceed one (1) part ethylene to one thousand (1,000) parts of air.
- (c) Containers storing ethylene shall be built in accordance with nationally recognized good practice.
- (d) Containers other than those connected for use shall be stored outside of the building or in a special building except that not more than two portable ICC containers not connected for use may be stored inside the building premises. Such inside rooms or portions of buildings used for storage of these containers shall be within a portion of the building which is one-story in height, without cellar or basement, of construction having a fire resistance rating of not less than one hour and with openings to other parts of the building protected by approved self-closing fire doors or stationary wired

glass windows in approved metal frames. Adequate ventilation shall be provided and the rooms or portions of buildings shall not be used for any other purpose.

- (e) Ethylene piping shall be of iron pipe. Flexible connectors and hose, when used, shall be of approved type. Tubing shall be of brass or copper with not less than 0.049 inch wall thickness.

(4) *Electrical equipment.*

No person shall conduct or permit fruit ripening to be conducted in any structure unless:

- (a) Electrical wiring and equipment shall be installed in accordance with nationally recognized good practice.
- (b) Lighting shall be by electricity.

(5) *Heating.*

No person shall conduct or permit any fruit ripening to be conducted in any structure unless:

- (a) Heating of ripening rooms shall be by indirect means with low pressure steam hot water; or warm air; approved electric heaters; or approved gas heaters or approved kerosene heaters both of which shall have sealed combustion chambers.
- (b) Steam and hot water pipes and radiators shall have a clearance of at least one inch to combustible material.
- (c) Gas heaters and their vents shall be installed in accordance with nationally recognized good practice. Gas heaters shall be equipped with an automatic pilot device to shut off the gas supply whenever the flame is extinguished.
- (d) Burners for gas or kerosene heaters shall be installed so that air for combustion is taken from outside the ripening room and the products of combustion are discharged to the outside.
- (e) Kerosene heaters shall be installed in accordance with the applicable provisions of section 13-825.
- (f) Electric heaters shall be of a type having no exposed surface at a temperature higher than eight hundred degrees Fahrenheit (800°F.) and with thermostatic elements which produce no sparks and shall be of a type approved for use in hazardous locations.
- (g) A protective guard shall be provided around any heater to prevent the possibility of its being knocked over by other equipment such as vehicles or lift trucks.

(6) *Open flames.*

No person shall conduct or permit any fruit ripening to be conducted in violation of the following:

- (a) Open flame heaters and open lights shall not be permitted in ripening rooms.
- (b) "No Smoking" signs shall be posted at every entrance and smoking shall be prohibited in the ripening rooms.

(7) *Housekeeping.*

Any person operating a fruit ripening process shall frequently clear ripening rooms of all combustible material.

Sec. 13-812. - Fumigation and thermal insecticidal fogging.

(1) *General.*

The provisions of this section apply to fumigation and thermal insecticidal fogging operations in enclosed spaces only. These operations are also regulated by state and other local law, however, and the reader is directed to the public health code of the State of Connecticut, promulgated by the public health council, and to sections 16-25 through 16-38 of the New Haven Code which govern pest and insect control.

(2) *Permit required.*

No person shall conduct any fumigation or thermal insecticidal fogging operations unless he holds a permit.

(3) *Sources of ignition.*

No person shall conduct any fumigation or internal insecticidal fogging unless:

(a) All fires, open flames and similar sources of ignition shall be eliminated from the space under fumigation or thermal insecticidal fogging. Heating if needed, shall be by indirect means with steam or hot water.

(b) Electricity shall be shut off except circulating fans may be used provided such equipment is designed and installed so as not to create an ignition hazard.

(4) *Notification of fumigation.*

Any person conducting any fumigation or thermal insecticidal fogging shall notify the fire marshal in writing at least twenty-four hours before any building or structure is to be closed in connection with the use of any toxic or flammable fumigant.

(5) *Breathing apparatus required.*

All persons engaged in the business of fumigation or thermal insecticidal fogging shall maintain and have available protective breathing apparatus approved by the fire marshal.

(6) *Watchman required during fumigation.*

Any person conducting any fumigation or thermal insecticidal fogging shall during the period fumigation is in progress, except when fumigation is conducted in a gas-tight vault or tank, shall a capable, alert watchman or watchman remain on duty at the entrance or entrances to the building, ship, or enclosed space fumigated until after the fumigation is completed and until the premises are properly ventilated and again safe for human occupancy. Sufficient watchmen shall be provided to prevent any person from entering the building, ship or enclosed space under fumigation without being observed.

(7) *Thermal insecticidal fogging liquids.*

No person conducting any fumigation or thermal insecticidal fogging shall use any fogging liquid that has a flash point below one hundred degrees Fahrenheit (100°F.).

Sec. 13-813. - Garages.

(1) *Permit required.*

No person shall conduct or maintain any garage unless he holds a permit.

(2) *Cleaning with flammable liquids.*

No person shall use or permit to be used a flammable liquid with a flash point below 100°F. in any garage for washing parts or removing grease or dirt, unless in a special closed machine approved for the purpose or in a separate well ventilated room enclosed by walls having a fire-resistance rating of not less than two hours with openings therein protected by approved fire doors or fire windows, and with no opening from such room to any upper or lower story.

(3) *Handling of gasoline and oils.*

No person shall operate or permit the garage to be operated in violation of the following:

- (a) The fuel tanks of motor vehicles shall be filled directly through hose from approved pumps attached to approved portable tanks or drawing from underground storage tanks. Storage and handling of flammable liquids shall conform to section 13-810(1). No transfer of gasoline in any garage shall be made in any open container.
- (b) Garage floors shall drain to oil separators or traps discharging to sewer. Contents of oil separators or traps of floor drainage systems shall be collected at sufficiently frequent intervals and removed from the premises to prevent oil from being carried into the sewers. Self-closing metal cans shall be used for all oily waste or waste oils.

Sec. 13-814. - Hazardous chemicals.

(1) *General.*

This section shall apply to materials not otherwise covered in this code which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability, or liability to explosion render fire fighting abnormally dangerous or difficult; also to flammable liquids which are chemically unstable and which spontaneously form explosive compounds, or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials, and poisonous gases.

(2) *Permit required.*

- (a) No person shall store or handle more than sixty-five (65) gallons of corrosive liquids; or more than five hundred pounds (500 lbs.) of oxidizing materials; or more than ten pounds (10 lbs.) of organic peroxides; or more than five hundred pounds (500 lbs.) of nitromethane; or one thousand pounds (1,000 lbs.) or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures covered in section 13-814(6) or any amount of highly toxic material or poisonous gas without a permit.
- (b) No person shall store or handle more than one microcurie of radium not contained in a sealed source; or more than one millicurie of radium or other radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the United States Atomic Energy Commission is required in accordance with nationally recognized good practice, without a permit.

(3) *General requirements.*

No person shall or permit the manufacturing, storage, handling or use of hazardous chemicals in violation of the following:

- (a) The manufacture, storage, handling and use of hazardous chemicals shall be safeguarded with such reasonable protective facilities as public safety requires.
- (b) The fire marshal may require the separation, or isolation of any chemical that in combination with other substances may bring about a fire or explosion or may liberate a flammable or poisonous gas. The fire marshal may require separation from other storage, occupancies or buildings when the quantity stored constitutes a material hazard.
- (c) Defective containers which permit leakage or spillage shall be disposed of or repaired, in accordance with recognized safe practices; no spilled materials shall be allowed to accumulate on floors or shelves.
- (d) Where kept for retail sale in containers or packages usual to the retail trade, storage shall be neat and orderly and shelves shall be of substantial construction.
- (e) Where specific requirements are not otherwise established, storage, handling and use of hazardous chemicals shall be in accordance with nationally recognized good practice.

(4) *Oxidizing materials.*

No person shall store or permit packaged oxidizing materials to be stored in other than dry locations separated from stored organic materials. Bulk oxidizing materials shall not be stored on or against wooden surfaces.

(5) *Radioactive materials.*

No person shall or permit the manufacturing, storage, handling or use of hazardous chemicals in violation of the following:

- (a) Durable, clearly visible signs warning of radiation dangers shall be placed at all entrances to areas or rooms where radioactive materials are used or stored. In addition, each container in which radioactive materials are used, stored, or transported shall bear a durable, clearly visible, appropriate warning sign. Such signs shall bear the three-bladed radiation symbol in magenta or purple on a yellow background in accordance with nationally recognized good practice.
- (b) Signs are not required for storage of manufactured articles other than liquids, such as instruments or clock dials or electronic tubes or apparatus of which radioactive materials are a component part, and luminous compounds, when securely packed in strong containers, provided the gamma radiation at any surface of the package is less than ten (10) milliroentgen in twenty-four (24) hours.
- (c) When not in use, radioactive materials shall be kept in adequately shielded fire-resistant containers of such design that the gamma radiation will not exceed two hundred (200) milliroentgens per hour or equivalent at any point of readily accessible surface.
- (d) The reader is also directed to regulations 19-13-E11 through 19-13-E24 of the state department of health governing radiation sources and radioactive materials.

(6) *Potentially explosive chemicals.*

No person shall or permit the manufacturing, storage, handling or use of potentially explosive chemicals in violation of the following:

- (a) Potentially explosive chemicals shall be stored away from all heat-producing appliances and electrical devices and shall be protected from external heat, fire and explosion. Explosives and blasting agents shall not be stored in the same building or in close proximity to such materials, except in accordance with the provisions of this code on explosives. Good housekeeping shall be maintained. Uncontaminated contents of broken or cracked bags, packages or other containers shall be transferred to new and clean containers before storing. Other spilled materials and discarded containers shall be promptly gathered up and destroyed in an approved manner. All electric bulbs shall be equipped with guards to prevent breakage. Open lights or flames and smoking shall be prohibited in or near storage areas. Internal combustion motor vehicles or lift trucks shall not be parked or stored in the room or compartment where such chemicals are located.
- (b) *Organic peroxides.* A detached, well isolated, ventilated and unheated storage building constructed with walls having a fire resistance rating of not less than two hours (2 hrs.); a noncombustible floor and a light-weight insulated roof shall be provided for the storage of fifty pounds (50 lbs.) or more of organic peroxides. If not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage building shall be located the following minimum distances from flammable liquid storage, combustible materials in the open and from any other building or highway:

<i>Weight or Organic Peroxide (pounds)</i>	<i>Distance (feet)</i>
50 to 100	75
100 to 500	100
500 to 1000	125
1000 to 3000	200
3000 to 5000	300

The organic peroxides shall be stored in the original shipping containers (I.C.C. containers). Care shall be taken to avoid rough handling or contamination of these chemicals. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

- (c) *Nitromethane.* A suitable isolated outdoor storage area shall be provided for nitromethane. Hazardous processing shall not be permitted in the vicinity of this storage area. Nitromethane shall be stored in the drums in which it is received or in an underground tank with suitable corrosion protection and a minimum of two feet (2') of earth over the tank or in barricaded tanks aboveground. If the drum storage is not adequately protected by a fast acting deluge type automatic sprinkler system, the

storage of two thousand pounds (2,000 lbs.) or more shall be located the following minimum distances from inhabited buildings:

Weight (<i>pounds over</i>) (<i>pounds not over</i>)	Approximate Number of Drums	Distance (feet)
Beginning at 2,000 4		100
2,000 to 10,000	20	200
10,000 to 20,000	40	300
20,000 to 40,000	80	400
40,000 to 80,000	160	500

Care shall be taken to avoid rough handling or contamination of this chemical. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

(d) *Ammonium nitrate.*

- (1) All flooring in storage and handling areas shall be of noncombustible material and shall be without drains, traps, pits or pockets into which any molten ammonium nitrate could flow and be confined in case of fire.
- (2) Each storage pile of bags or other authorized packages and containers of such materials shall not exceed twelve feet (12') in height, fifteen feet (15') in width and thirty feet (30') in length. Such pile units shall be separated by a clear space of not less than thirty-six inches (36") in width from the base to the top of the piles, serving as cross-aisles. At least one service or main aisle in the storage area shall not be less than four feet (4') in width. A clearance of not less than thirty inches (30") shall be maintained from building walls and partitions and of not less than thirty-six inches (36") from ceilings or roof structural members with a minimum of eighteen inches (18") from sprinklers.
- (3) Ammonium nitrate storage areas shall be separated by a space of thirty feet (30') or by a tight noncombustible partitions from storages or organic chemicals corrosive liquids, compressed gases, flammable and combustible materials or other contaminating substances, such as sulphur, coal, flour, and metallic powders such as zinc, copper and magnesium where storage of such materials is permitted with ammonium nitrate.
- (4) Quantities of ammonium nitrate or ammonium nitrate fertilizer, having no organic coating, in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade and technical grade ammonium nitrate and ammonium nitrate phosphate (containing sixty percent (60%) or more ammonium nitrate by weight) of more than fifty (50) tons total weight shall be stored in a well-ventilated building of fire-resistive or noncombustible construction, or in buildings of these types or construction equipped with an

approved automatic sprinkler system. In populated areas, quantities of two thousand five hundred (2,500) tons or more shall be stored in well-ventilated buildings of fire-resistive or noncombustible construction equipped with an approved automatic sprinkler system, and no combustible materials or ammonium nitrate sensitizing contaminants shall be stored in this building.

- (5) Storage of ammonium nitrate, coated or mixed with organic anti-caking materials, except compounded blasting agents, shall not be permitted in populated and congested areas. Outside such areas, quantities of five hundred (500) tons or less may be stored in well-ventilated buildings of fire-resistive or noncombustible construction equipped with an approved automatic sprinkler system.

(7) *Highly toxic materials.*

No person shall or permit the manufacturing, storage, handling, or use of highly toxic materials in violation of the following:

- (a) Highly toxic materials shall be segregated from other chemicals and combustible and flammable substances by storage in a room or compartment separated from other areas by walls and floor and ceiling assemblies having a fire resistance rating of not less than one hour. The storage room shall be provided with adequate drainage facilities and natural or mechanical ventilation to the outside atmosphere.
- (b) Legible warning signs and placards stating the nature and location of the highly toxic materials shall be posted at all entrances to areas where such materials are stored or used.

(8) *Poisonous gases.*

No person shall or permit the manufacturing, storage, handling or use of highly toxic material in violation of the following:

- (a) Storage of poisonous gases shall be in rooms of at least one-hour fire-resistant construction and having natural or mechanical ventilation adequate to remove leaking gas. Such ventilation shall not discharge to a point where the gases may endanger any person.
- (b) Legible warning signs stating the nature of hazard shall be placed at all entrances to locations where poisonous gases are stored or used.

(9) *Corrosive liquids.*

No person shall store or handle or permit the storage or handling of corrosive liquids without making satisfactory provisions for containing and neutralizing or safely flushing away leakage of corrosive liquids.

Sec. 13-815. - Junk yards, automobile wrecking yards and waste material handling plants.

(1) *General.*

In addition to the provisions of this section, motor vehicle junk dealers are governed by state law and other city regulations. The reader is directed to state regulations 21-22-1 and 21-22-2 which impose a fee upon motor vehicle junk dealers and also to the zoning regulations of the City of New Haven.

(2) *Permit required.*

No person shall conduct or maintain any such yard or plant unless he holds a permit.

(3) *Location.*

No person shall operate a junk yard, automobile wrecking yard or waste material handling plant in any location which will seriously expose adjoining or adjacent properties to fire or an unreasonable threat of fire.

(4) *Burning operations.*

No person shall burn or permit wrecked or discarded automobiles or any parts thereof or any junk or waste material to be burned at hours, in a manner and at such locations in violation of section 13-825 (1) of this Code and the laws of the State of Connecticut, City of New Haven or such reasonable regulations as may be adopted by the fire marshal governing burning within the City of New Haven. No person shall burn or permit more than two motor vehicles to burn at one time.

(5) *Construction and protection requirements.*

- (a) No person shall handle or store large quantities of waste paper, rags or other combustible materials in a building of wood frame or ordinary construction unless the building is sprinklered. Vertical openings shall be enclosed in an approved manner.

(6) *Access to yards.*

- (a) Any person operating a junk yard, automobile wrecking yard or waste material handling plant shall maintain all material in an orderly manner, which in the opinion of the fire marshal, provides adequate ingress and egress from all portions of the yard or plant.
- (b) No person shall operate any junk yard, automobile wrecking yard or waste material handling plant unless picking rooms are separated from storage rooms by construction having a fire resistance rating of not less than one hour, with each door opening provided with an approved fire door. Picking rooms shall be provided with exhaust systems of sufficient capacity to adequately remove dust and lint.

Sec. 13-816. - Liquefied petroleum gases.

(1) *General.*

All liquefied petroleum gas equipment including such equipment installed at utility gas plants, shall be installed in accordance with nationally recognized good practice, as provided in this code. Liquefied petroleum gas equipment is also governed by state law. The reader is directed to regulations 29-72-1 through 29-72-134 of the commissioner of state police governing the storage, use and transportation of liquefied petroleum gas, reference to which is made. These regulations cover the design and material requirements of devices used for the storage, handling and transportation of liquefied petroleum gas, including handling requirements in highway mobile vehicles, gas service stations and other buildings and structures.

Sec. 13-817. - Lumberyards.

(1) *Permit required.*

No person shall store in excess of one hundred thousand (100,000) board feet of lumber without a permit.

(2) *Open yard storage.*

No person shall operate a lumberyard in violation of the following:

- (a) Lumber shall be piled with due regard to stability of piles and in no case higher than twenty feet (20').
- (b) Driveways between and around lumber piles shall be at least fifteen feet (15') wide and maintained free from accumulation of rubbish, equipment or other articles or materials. Driveways shall be so spaced that a maximum grid system unit of fifty feet (50') by one hundred fifty feet (150') is produced.
- (c) Permanent lumber storage, operating under a permit, shall be surrounded with a suitable fence at least six feet (6') high, unless storage is within a building.

(3) *Operational fire hazards in lumber yards.*

No person shall operate a lumberyard in violation of the following:

- (a) The burning of shavings, sawdust and refuse materials shall be permitted only under boilers, in furnaces, or in incinerators or refuse burners safely constructed and located. Stacks shall be provided with approved spark arresters having openings not greater than three-quarter-inch ($\frac{3}{4}$ "), or other effective means provided which will eliminate the danger from sparks, such as an expansion chamber, baffle walls or other effective arrangement. At boiler or other points where sawdust or shavings are used as fuel, a storage bin of noncombustible construction with raised sill, shall be provided.
- (b) Smoking shall be prohibited except in specified safe locations in buildings. Large "No Smoking" signs shall be painted on exterior building walls and on signs, erected at driveways' edges. "No Smoking" signs shall be posted throughout all buildings except in specific locations designated as safe for smoking purposes.
- (c) Weeds shall be kept down throughout entire yard and shall be sprayed as often as needed with a satisfactory weed killer or cut or grubbed out. Dead weeds shall be removed.
- (d) Debris such as sawdust, chips and shorts shall be removed regularly from piling areas and not less frequently than once a year. Proper housekeeping shall be maintained at all times.

(4) *Fire extinguishing equipment in open yards and buildings.*

No person shall operate a lumberyard unless water barrels and pails or other approved portable fire extinguishing equipment are provided for open yards and sheds. Water barrels with three pails each shall be located at driveways so that a travel distance of not more than seventy-five feet (75') along driveways is needed from any part of open yard to reach a barrel. In buildings, fire extinguishing equipment shall be provided as specified by the fire marshal in accordance with nationally recognized good practice.

(5) *Woodworking plants.*

No person shall operate a lumberyard unless:

- (a) Sawmills, planing mills and other woodworking plants shall be equipped with refuse removal systems which will collect and remove sawdust and shavings as produced; or suitable metal or metal-lined bins, provided with normally closed covers or automatically closing covers, shall be installed at or near such machines, and shavings and sawdust shall be swept up and deposited in such bins at sufficiently frequent intervals as to keep the premises clean. Blower and exhaust systems shall be installed in accordance with nationally recognized good practice.
- (b) Fire fighting equipment, either portable fire appliances or small hose supplied from a suitable water system, shall be provided near any machine producing shavings or sawdust.
- (c) Where specific requirements are not otherwise established, woodworking plants shall comply with nationally recognized good practice.

Sec. 13-818. - Magnesium.

(1) *General.*

This section applies to the storage, handling and processing of magnesium.

(2) *Permit required.*

No person shall melt, cast, heat, treat, machine or grind more than ten pounds (10 lbs.) of magnesium on any single working day without a permit.

(3) *Storage of pigs, ingots and billets.*

- (a) No person shall store magnesium pigs, ingots and billets out of doors in piles exceeding one million pounds (1,000,000 lbs.) each, separated by aisles not less in width than one-half ($\frac{1}{2}$) the height of pile, and separated from combustible material or buildings on the same adjoining property by a distance of not less than the height of the nearest pile.
- (b) No person shall store magnesium pigs, ingots and billets in buildings except on floors of noncombustible construction, in piles not larger than five hundred thousand pounds (500,000 lbs.) each, separated by aisles not less in width than one-half ($\frac{1}{2}$) the height of the pile.

(4) *Melting pots.*

No person shall melt magnesium unless the floors under and around melting pots are of noncombustible construction.

(5) *Storage of magnesium articles in foundries and processing plants.*

No person shall store magnesium in foundries or processing plants in piles exceeding one thousand two hundred fifty cubic feet (1,250 cu. ft.) which are separated by aisles not less in width than one-half ($\frac{1}{2}$) the height of pile.

(6) *Heat treating ovens.*

No person shall heat magnesium unless approved means shall be provided for control of magnesium fires in heat treating ovens.

(7) *Magnesium processing operations.*

No person shall conduct any magnesium processing operation in violation of the following:

- (a) At each grinding, buffing or wire brushing operation on magnesium, not including rough finishing of castings, dust shall be collected by means of suitable hoods or enclosures connected to a liquid precipitation type of separator, such that the dust will be converted to sludge without contact in a dry state with any high speed moving parts.
 - (b) Connecting ducts or suction tubes shall be completely grounded and as short as possible, with no unnecessary bends. Ducts shall be carefully fabricated and assembled, with a smooth interior and with internal lap joints pointing in the direction of air flow, and without unused capped side outlets, pockets or other dead-end spaces which might allow an accumulation of dust.
 - (c) Each machine shall be equipped with its individual dust separating unit, except that with multi-unit machines not more than two dust-producing units may be served by one separator. Not more than four portable dust-producing units in a single enclosure or stand may be served by one separator unit.
 - (d) Power supply to machines shall be interlocked with (1) exhaust air flow and (2) liquid pressure level or flow in such a way that improper functioning of the dust removal and separator system will shut down the machine it serves.
 - (e) All electric wiring, fixtures and equipment in the immediate vicinity of and attached to dust-producing machines, including those used in connection with separator equipment, shall be of types approved for use in Class II, Group E hazardous locations under the National Electrical Code and shall be installed in accordance with nationally recognized safe practice. Compliance with applicable provisions of the standard of the National Board of Fire Underwriters known as the "National Electrical Code" shall be deemed prima facie evidence of compliance with nationally recognized safe practice.
 - (f) All equipment shall be securely grounded by permanent ground wires.
- (8) *Fire extinguishing powder.*

Any person heating magnesium shall keep a supply of approved extinguishing powder in a substantial container with a hand scoop or shovel for applying powder on magnesium fires or an approved extinguisher unit designed for use with such powder within easy reach of every operator performing a machining, grinding or other processing operation on magnesium.

- (9) *Storage of magnesium articles in warehouses and stores.*

No person shall keep or store magnesium articles in violation of the following:

- (a) Magnesium storage in quantity greater than fifty cubic feet (50 cu. ft.) shall be separated from storage of other materials that are either combustible or in combustible containers, by aisles equal in width to not less than the height of the piles of magnesium.
- (b) Magnesium storage in quantity greater than one thousand cubic feet (1,000 cu. ft.) shall be separated into piles each not larger than one thousand cubic feet (1,000 cu. ft.) with aisles between equal in width to not less than the height of the piles.

- (c) Where storage in quantity greater than one thousand cubic feet (1,000 cu. ft.) is in a building of combustible construction, or the magnesium is packed in combustible crates or cartons, or there is other combustible storage within thirty feet (30') of the magnesium, the storage area shall be protected by automatic sprinklers.
- (10) *Handling of magnesium fines (fine magnesium scrap).*
- No person shall handle fine magnesium scrap in violation of the following:
- (a) Chips, turnings and other fine magnesium scrap shall be collected from the pans or spaces under machines and from other places where they collect at least once each working day, and placed in a covered, vented steel container and removed to a safe location.
 - (b) Magnesium fines shall be kept separate from other combustible materials.
 - (c) Storage in quantity greater than fifty cubic feet (50 cu. ft.) of fine magnesium scrap (six fifty-five-gallon (55 gals.) steel drums) shall be separated from other occupancies by fire-resistive construction without window openings or by an open space of at least fifty feet (50').
 - (d) Storage in quantity greater than one thousand cubic feet (1,000 cu. ft.) shall be separated from all buildings other than those used for magnesium scrap recovery operations by a distance of not less than one hundred feet (100').

Sec. 13-819. - Matches and smoking.

(1) *Permit required.*

No person shall manufacture matches or store more than an aggregate of twenty-five (25) cases of matches without a permit.

(2) *Wholesale storage.*

Any person storing more than twenty-five (25) cases shall arrange shipping containers in piles not exceeding eighteen feet (18') in height nor twenty-five thousand cubic feet (25,000 cu. ft.) in volume. Such pile units shall be separated from each other and from other combustible material by a clear space of not less than four feet (4').

(3) *Housekeeping.*

Any person storing matches shall keep the broken containers and contents neatly piled with other match stock in a portion of the room devoted to match storage exclusively.

(4) *Fire marshal to designate areas where smoking shall be prohibited.*

Where conditions are such as to make smoking a hazard in any areas of piers, wharves, warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the fire marshal is empowered and authorized to order the owner or occupant in writing to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The fire marshal shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

(5) *Posting no smoking signs.*

It shall be unlawful for any person to fail to post "No Smoking" signs pursuant to an order issued by the fire marshal.

(6) *Smoking and removal of no smoking signs prohibited.*

It shall be unlawful for any person to remove any legally required "No Smoking" sign or to smoke in any place, where such signs are posted.

Sec. 13-820. - Miscellaneous fire hazards.

(1) *Flammable substances under pressure prohibited; exceptions.*

No machine, retort, cylinder and other receptacle or contrivance containing inflammable substances, whether gaseous or otherwise, under a greater pressure than five pounds (5 lbs.) to the square inch, shall be located, placed or used in any building other than a laboratory of an institution of learning without license therefor from the fire marshal, and no such license shall be granted for the use of any such device in any building which is used for purposes other than such laboratories; except that the fire marshal may issue licenses for such use of any gases which he finds are in common use in trades, professions, or lines of business; provided he also finds that such use is consistent with public safety.

(2) *Hay, stalks, straw, husks, flags—Building containing people to have approved heating arrangement.*

No person shall deposit or keep any hay, stalks, straw, husks, or flags in any building in said city wherein any person dwells, or in which a fire is kindled, until the arrangement in such building for heating purposes shall have been examined and approved by the fire marshal.

(3) *Same—Accumulations endangering property prohibited.*

No person shall keep or suffer to accumulate any shavings, straw or other combustible material in or near any building so as to endanger property from fire.

(4) *Same—Open flames, smoking near.*

No person shall carry into, or use in, any barn, stable or other building in which hay, stalks, straw, husks or flags are deposited any lighted candle lamp or fire, unless the same be well secured in a lantern, nor carry into such building a lighted pipe or cigar.

(5) *Careless disposition of matches, fireworks.*

No person shall throw or drop any matches, unused or with any fire on them, or any fireworks, into or in any barn, stable, shop, store or factory, or upon any combustible materials.

(6) *Minimum distance of lumber piles from dwellings.*

No person shall pile, or cause to be piled, any boards, timber, shingles, lath or any other lumber, in the vicinity of any dwelling house in said city, at any less distance from dwelling house, at the nearest point, than double the height of such pile.

(7) *Ashes on wooden floors prohibited; chimneys cleaning regulated.*

No person shall keep or allow to be kept any ashes in any wooden box, cask or barrel or emptied upon any wooden floor within any building in said city.

No person shall clean any chimney by burning except during the daytime and when rain or snow is falling.

(8) *Approval of gas appliances by fire marshal.*

- (a) It shall be unlawful for any person to use, sell, expose or offer for sale, to install or fix in the city any illuminating gas fixture, stove, heater or lamp, or other gas appliances, unless such device, shall be constructed according to nationally recognized good practice.
- (b) The state fire marshal may also issue regulations governing the use of gas appliances pursuant to Public Act 135 (1961) of the General Assembly to which the reader's attention is directed.

(9) *License from fire marshal for production of lighting gas required.*

No person shall use or permit to be used any machine or contrivance in any building in said city for generating gas from oil or other fluid, for lighting purposes, without a permit.

Sec. 13-821. - Nitrate motion picture film.

(1) *General.*

The storage, handling and projection of nitrate film is governed by state law. The reader's attention is directed to regulations 29-109-71 through 29-109-116 of the commissioner of state police and sections 608.7 through 608.8 of the New Haven building code which govern the storage, handling and projection of nitrate film.

Sec. 13-822. - Oil burning equipment.

(1) *General.*

The design, construction and installation of oil burning equipment is covered by state law. The reader's attention is directed to regulations 29-60-1 through 29-60-51 of the commissioner of state police, covering the installation of oil burning equipment. These regulations contain specific provisions with regard to the installation and ventilation of oil burning equipment, oil storage tanks, pumps, piping, vent piping and valve requirements, and provisions governing the installation of conversion oil burners and oil-fired units and also the installation of heating and cooking appliances.

(2) *Permit required.*

A permit shall be required for the installation of any oil burner that utilizes a fuel oil tank in excess of twenty-five gallons (25 gals.) in a building or in excess of sixty gallons (60 gals.) outside of a building.

Sec. 13-823. - Ovens, industrial baking and drying.

(1) *General.*

This section applies to the location, design, construction and operation of industrial baking and drying ovens which are heated with oil or gas fuel or which during operation contain flammable vapors from the products being baked or dried. It is the intent of this article to provide requirements for the operation of these ovens within certain limitations of control depending on oven design, paint formulation, and ventilation requirements, the disregard of which may cause them to function in an unsafe manner, thereby becoming liable to destruction by fire or explosion.

(2) *Permits and plans required.*

No building permit for the construction, installation or modification of any industrial baking or drying ovens shall be issued unless the fire marshal shall certify that the plans for such construction, installation, or modification are in compliance with the provisions of this code.

(3) *Location and construction.*

No person shall operate or permit an industrial baking or drying oven to be operated in violation of the following:

- (a) Ovens, oven heaters and related equipment shall be located with due regard to the possibility of fire resulting from overheating or from the escape of fuel gas or fuel oil and the possibility of damage to the building and injury to persons resulting from explosion.
- (b) Ovens shall be located at or above grade, or if in basements at least fifty percent (50%) of the wall area of the room in which the oven is located shall be above grade.
- (c) Ovens shall be so located as to be readily accessible for inspection and maintenance and with adequate clearances to permit the proper functioning of explosion vents. Roofs and floors of ovens shall be sufficiently insulated and ventilated to keep temperatures at combustible ceilings and floors below one hundred sixty degrees (160°) Fahrenheit.
- (d) Ovens shall be constructed of noncombustible materials throughout except where the maximum oven operating temperature is not over one hundred sixty degrees (160°) Fahrenheit. The amount of insulation used in oven panel construction shall be enough to prevent the outside surface temperature from exceeding one hundred sixty degrees (160°) Fahrenheit, or adequate guards shall be provided to protect personnel.
- (e) Ovens which may contain flammable air-gas mixtures shall be equipped with relief vents for freely relieving internal explosion pressures, and all explosion-venting panels or doors shall be arranged so that when open, the full vent opening will be an effective relief area.
- (f) All duct work shall be constructed of noncombustible material. Ducts shall be made tight throughout and shall have no openings other than those required for the proper operation and maintenance of the system. Ducts passing through combustible walls, floors, or roofs shall have adequate insulation and clearances to prevent surface temperatures from exceeding one hundred sixty degrees (160°) Fahrenheit. Exhaust ducts shall not discharge near doors, windows or other air intakes in a manner that will permit re-entry of vapors into the building.

(4) *Ventilation.*

No person shall operate or permit an industrial baking or drying oven to be operated in violation of the following:

- (a) Ovens in which flammable or toxic vapors are liberated or through which products of combustion are circulated shall be ventilated by the introduction of a supply of fresh air and proper exhaust to outdoors. Discharge pipes shall not terminate within ten feet (10') measured horizontally from any door, window or wood frame walls of any building. Such oven ventilation shall be arranged to provide vigorous and well distributed air circulation within the oven and to insure that the flammable vapor

concentration will be safely below the lower explosive limit at all times. Unless the oven is operated in accordance with specific approval specifying particular solvents and rate of ventilation, the rate of ventilation shall not be less than ten thousand cubic feet (10,000 cu. ft.) of fresh air per gallon of solvent evaporated in continuous process ovens, and not less than three hundred eighty cubic feet (380 cu. ft.) per minute per gallon of flammable solvent evaporated in batch process ovens.

- (b) Exhaust duct openings shall be located in the area of greatest concentration of vapors.
- (c) All exhaust shall be by mechanical means using power driven fans.

(5) *Safety controls.*

No person shall operate or permit an industrial baking or drying oven to be operated in violation of the following:

- (a) Safety controls shall be sufficient in number, and substantially constructed and arranged to maintain the required conditions of safety and prevent the development of fire and explosion hazards.
- (b) Ventilation controls, suitably interlocked, shall be provided which will insure required ventilation of the system.
- (c) Fuel safety controls, suitably interlocked and arranged to minimize the possibility of dangerous accumulations of explosive air-fuel mixtures in the heating system, shall be provided.
- (d) Excess temperature controls shall be provided to maintain a safe operating temperature within the oven.
- (e) Conveyor interlocks shall be provided in conveyor ovens having a flammable vapor hazard, so that the conveyor cannot move unless ventilating fans are operating and discharging the required amount of air.

Sec. 13-824. - Places of assembly, public buildings and institutional buildings.

(1) *General permit required.*

- (a) In addition to the provisions contained in this code, places of assembly are also regulated by state law. The reader is directed to regulations 29-40-1 through 29-40-226 of the state fire marshal, which regulations constitute the Connecticut fire safety code, and regulations 29-109-1 through 29-109-116 of the commissioner of state police governing places of assembly, hotels, hospitals, convalescent homes, schools, boarding homes, rooming houses, child day care centers and related facilities. These regulations contain comprehensive requirements regarding entrances, exits, exit signs, maximum occupancy, standing room conditions, physical design and location of structures, aisles, emergency lighting, housekeeping and other physical features. In addition, special requirements are provided for structures used for specific purposes.
- (b) No place of assembly shall be maintained, operated or used as such without a permit, except that no permit shall be required for any place of assembly used solely as a place of religious worship.

(2) *Decorative material.*

No person shall maintain or permit any Place of Assembly, Public Building or Institutional Building to be maintained in violation of the following:

- (a) No decorative material shall be used which as applied will ignite and allow flame to spread over the surface when exposed to match flame test applied to a piece removed from the material and tested in a safe place. The piece shall be held in a vertical position and the bottom edge exposed to a flame from a common match held in a horizontal position, one-half inch underneath the piece, and at a constant location for a minimum of fifteen (15) seconds.
- (b) Treatments used to accomplish this flameproofing shall be renewed as often as may be necessary to maintain the flameproof effect.

(3) *Pyroxylin coated fabric.*

No person shall maintain or permit any Place of Assembly, Public Building or Institutional Building to be maintained in violation of the following:

Pyroxylin coated fabric used as a decorative material in accordance with section 13-824(2), or as a surface covering on fixed furnishings, shall be limited as follows: Such fabrics containing one and four-tenths ounces (1.4 ozs.) or more of cellulose nitrate per square yard shall not be used in excess of a total amount equivalent to one square foot of fabric surface to fifteen cubic feet (15 cu. ft.) of room volume. Each square foot of such fabric which contains one and seven-tenths ounces (1.7 ozs.) or more of cellulose nitrate per square yard shall be counted as two square feet in making this computation.

(4) *Motion picture screens.*

No person shall use or permit a motion picture screen or screen masking to be used in any place of assembly, public building, or institutional building which will ignite and allow flame to spread over the surface when exposed to the match flame test described in section 13-824(2).

(5) *Exit doors.*

No person shall permit a place of assembly, public building or institutional building to be occupied when any exit door shall be locked, bolted, or otherwise fastened or obstructed by any means, so that the door cannot be opened from the inside by the use of the ordinary door latch or knob or by pressure on the door or on a panic release device.

(6) *Aisles.*

No person shall permit a place of assembly, public building or institutional building to be occupied unless in each room where chairs, or tables and chairs, are used, the arrangement shall be such as will provide for ready access by aisles to each exit doorway. Aisles leading directly to exit doorways shall have not less than thirty-six inches (36") clear width which shall not be obstructed by chairs, tables or other objects.

(7) *Use of exit ways.*

No person shall permit a place of assembly, public building or institutional building to be occupied of any part of a stairway, whether interior or exterior, or of a hallway, corridor, vestibule, balcony or bridge leading to a stairway or exit of any kind, will be used in any way that will obstruct its use as an exit or that will present a hazardous condition.

(8) *Ash trays.*

Any person permitting a place of assembly, public building or institutional building to be occupied shall provide on each table and other convenient places in areas where smoking is permitted, suitable noncombustible ash trays or match receivers.

(9) *Open flames.*

Open flame illuminating devices presenting a reasonable threat of fire are prohibited.

(10) *Plan of exit ways and aisles.*

No person shall permit a place of assembly, public building or institutional building to be occupied unless a plan showing the capacity and location of exit ways and of aisles leading thereto has been submitted and approved by the fire marshal and an approved copy placed and kept on display in the premises.

(11) *Marking and lighting of exits.*

No person shall permit a place of assembly, public building or institutional building to be occupied unless all fire escapes and exitways in places of assembly shall be marked and lighted in accordance with section 13-826 of this Code.

Sec. 13-825. - Precautions against fire, general.

(1) *Open fires.*

- (a) No person shall cause, suffer, or allow the burning of materials of any type, including, but not limited to, trash, rubbish, garbage, leaves, brush, building materials, wire insulation, and automobile bodies, outdoors in the open air within the city limits. The provisions of this section shall not apply to the occasional cooking of food for human consumption.
- (b) The chief of the department of fire service, with approval of the director of public health, is hereby authorized to permit in writing, the burning prohibited in subsection (a) at such places and under such conditions and safeguards as public convenience, health and safety require, subject to the standards set forth in subsection (e).
- (c) The provisions of this section concerning the burning of automobile bodies shall become effective March 6, 1969.
- (d) The chief of the department of fire service may prohibit any or all fires in the City of New Haven or any part thereof not otherwise prohibited in subsection (a) when, in the opinion of the chief, atmospheric or wind conditions, or local circumstances make such fires hazardous.
- (e) No person shall kindle or maintain any fire not otherwise prohibited by law or authorize any such fire to be kindled or maintained unless (A) the location is not less than fifty feet (50') from any structure and adequate provision is made to prevent fire from spreading to within fifty feet (50') of any structure, or (B) the fire is contained in an approved waste burner located safely not less than fifteen feet (15') from any structure. And further, no such fire shall be kindled or maintained after 2:00 p.m. or before sunrise except with a permit so permitting from the chief of the department of fire services.

(2) *Kindling of fire on land of others prohibited.*

No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

(3) *Use of torches for removing paint.*

No person shall use a torch or other flame-producing device for removing paint from any building or structure without providing one approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises one hour after the torch or flame-producing device has been used.

(4) *Hot ashes and other dangerous materials.*

No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle, or place the same within ten feet (10') of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet (2') away from any combustible wall or partition or exterior window opening.

(5) *Accumulations of waste materials.*

No person shall accumulate or permit to accumulate waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, which in the determination of the fire marshal, endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

(6) *Handling readily combustible materials.*

No person making, using, storing or having in charge, or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal-lined, covered, receptacles or bins. In any store, apartment building, factory or any other building or part or portion of a building where paper and waste material are not removed at least every second day there shall be provided baling presses which in the determination of the fire marshal shall be suitable to reasonably prevent fire or the spread of fire.

(7) *Storage of readily combustible materials.*

- (a) *Permit required.* No person shall store, keep or have on hand in any building or structure or any portion thereof in excess of two thousand five hundred cubic feet (2,500 cu. ft.) gross volume of combustible empty packing cases, boxes, barrels, or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material without a permit naming the person and specifying the building, structure or property in which such activities are to be conducted.
- (b) *Storage requirements.* No person shall store readily combustible materials unless in accordance with the following:

- (1) Storage in buildings shall be orderly, shall not be within two feet (2') of the ceiling, and not so located as to endanger exit from building.
- (2) Storage in the open shall not be more than twenty feet (20') in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.

(8) *Flammable decorative materials other than Christmas trees.*

Highly flammable materials such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies unless flameproofed. Electric light bulbs in mercantile and institutional occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

(9) *Christmas trees and decorative materials.*

No person shall maintain or permit any Christmas decorations in the interior of any Place of Assembly, Public Building or Institutional Building in violation of the following:

- (a) A natural Christmas tree, without electrical decorations, may be used if freshly cut within ten (10) days prior to the first day of its use indoors and if it has a high moisture content. In no case, however, shall a Christmas tree be installed indoors before December 1st. The tree must be held secure in an upright position in a stand or other container having a broad base and a water capacity adequate to replenish daily any lost moisture content.
- (b) All trees, including artificial ones, shall be illuminated only by indirect lighting. Where indirect lighting is used, all electrical equipment shall meet the standards of a nationally recognized testing laboratory and shall be installed pursuant to nationally recognized standards and practices. Indirect lighting shall also apply to decorative metal Christmas trees because of the casualty hazard from possible electric shock.
- (c) No tree or other decorative material, such as wreaths or sprays, shall be in direct contact with electrical wiring or electrical equipment, or near an open flame or other sources of heat.
- (d) No tree shall be trimmed with any decoration or material that is flammable or combustible.
- (e) No tree shall be so located that it will block or obstruct any exit or passageway.
- (f) Trees and decorative material shall be removed in accordance with such reasonable regulations as may be established by the fire marshal.
- (g) Good general housekeeping practices shall be maintained at all times by guarding against smoking hazards and making provision for metal-covered containers for flammable waste material disposal that may accumulate during holiday socials.

(10) *Use of open flame or light restricted.*

- (a) No person shall take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible, or explosive material is kept, unless

such light or flame shall be tightly secured in a glass globe, wire mesh cage or similar approved device.

- (b) No person shall use any heating or lighting apparatus or equipment capable of igniting flammable materials of the types stored or handled in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.

(11) *Maintenance of chimneys and heating appliances.*

- (a) No person shall construct or maintain any chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, restaurant type cooking equipment, incinerators, fire boxes or boilers to which they are connected in such a manner as to create a hazardous condition.
- (b) No person shall use any commercial or industrial type incinerator for the burning of rubbish or other readily combustible solid waste material and any flame fed incinerator which is not provided with approved operating spark arrestors or other effective means for arresting sparks and fly particles.

(12) *Trap doors to be closed.*

No person shall occupy or permit any building or structure to be occupied unless all trapdoors, except those which are automatic in their operation, in any factory building or building used for storage shall be closed at the completion of the business of each day.

(13) *Shaftways to be marked.*

No person shall occupy or permit any building or structure which is to be used for manufacturing purposes or for storage to be occupied unless every outside window which opens directly on any hoistway or other vertical means of communication between two or more floors in such building, shall be plainly marked with the word "SHAFTWAY" in red letters at least six inches high on a white background; such warning sign to be so placed as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word, "SHAFTWAY" so placed as to be easily visible to any one approaching the shaftway from the interior of the building.

(Ord. of 2-6-67)

Amendment note— Ord. of Feb. 6, 1967, enacted Feb. 6, 1967, approved Feb. 16, 1967, effective March 6, 1967, with the exception of subsection (c) which becomes effective March 6, 1969, amended § 13-825(1) to read as herein set out. Due to the nature of the subject matter, a detailed analysis of the amendment is not included.

Sec. 13-826. - Fire escapes and exit ways.

- (1) *General.*

Fire escapes and exit ways are regulated by state and local law. The reader is directed to the following provisions: Connecticut general statutes, Chapter 353 governing fire escapes and exit ways in public and other buildings; regulations 29-40-1 through 29-40-226 of the state fire marshal constituting the state fire safety code which govern fire escapes and exit ways in places of assembly, hotels, hospitals, convalescent homes, schools and school buildings, boarding homes, rooming houses and child day care centers; regulations 29-67-1 through 29-67-30 of the state fire marshal governing dry cleaning plants and self-service and coin-operated dry cleaning facilities; regulations 29-109-1 through 29-109-116 of the commissioner of state police governing moving picture exhibitions; regulations 29-140-1 through 29-140-16 of the commissioner of state police governing outdoor amusements under tents and portable shelters; and Article VII of the New Haven Building Code [\[6\]](#) governing the design, construction and arrangement of exit facilities.

(2) *Obstructions to means of egress.*

- (a) No person shall at any time place an encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire.
- (b) In other dwellings, no person shall place, store or keep, or permit to be placed, stored or kept on or under or at the bottom of any exit stairway, inside or outside, exit hallway, elevator or other means of egress, any materials the presence or the burning of which would obstruct or render hazardous, egress of persons from building.
- (c) No person shall occupy or permit any building or structure to be used for mercantile occupancy where any aisle, passageway or stairway is obstructed with tables, show cases, or other obstruction during hours such occupancy is open to the public.
- (d) No person shall occupy or permit any building to be occupied unless all doors in or leading to required public exit ways shall be kept unlocked at all times when the building or floor area served thereby is occupied.

(3) *Marking of exit ways.*

- (a) No person shall occupy or permit rooms accommodating more than seventy-five (75) persons to be occupied unless required exit doorways, other than those normally used for entrance, shall be plainly marked by approved exit signs, sufficiently illuminated when the floor area is occupied, to be readily distinguished.
- (b) No person shall occupy or permit any building to be occupied unless exit doorways and directional signs, as required by the fire marshal shall be placed on walls or otherwise displayed in conspicuous locations to direct occupants to exit doorways not otherwise conveniently visible from all locations in public corridors.

(4) *Lighting of exit ways.*

No person shall occupy or permit any building or structure to be occupied unless required stairways, hallways and other means of egress, including exterior open spaces to or through which exit ways lead, shall be kept adequately lighted at all times that the building served thereby is occupied.

(5) *Stairway doors to be kept closed.*

It shall be unlawful for any person to block or to permit any stairway enclosure door which leads to or from a floor of the building, and which by any statute, regulation, code of ordinance is required to be self closing to remain blocked.

Footnotes:

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Cross reference— The Building Code is set out in Vol. III of this Code of Ordinances.

Sec. 13-827. - Fire protection equipment.

(1) *General.*

Fire protection equipment including fire extinguishers, sprinklers, stand pipes, etc., is required by state and local law. The reader is directed to the following provisions: Regulations 29-40-1 through 29-40-226 of the state fire marshal, constituting the state fire code, which govern places of assembly, hotels, outside stairways, hospitals, convalescent homes, schools and school buildings, boarding homes, rooming houses and child day care centers; regulations 29-67-1 through 29-67-30 of the state fire marshal which govern dry cleaning and dry dyeing and also cover self-service and coin-operated facilities; regulations 29-109-1 through 29-109-116 of the commissioner of state police which govern moving picture exhibitions; regulations 29-140-1 through 29-140-16 of the commissioner of state police which govern outdoor amusements under tents and portable shelters; and the New Haven Building Code, Article XXIV, [\[7\]](#) setting forth the requirements for standpipes and sprinkler equipment in certain buildings and structures. The above materials contain specific requirements for fire extinguishing devices and fire protection devices which vary, depending upon the size, type and nature of the building or structure.

(2) *Fire marshal to survey premises and specify equipment to be provided.*

The fire marshal shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, multi-family house, and trailer camp and shall specify, in instances of reasonable threat of fire, suitable fire detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens of restaurants, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages, and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire, or suitable asbestos blankets, manual or automatic covers, or carbon dioxide or other special fire extinguishing systems. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

(3) *Maintenance of equipment.*

Sprinkler systems, standpipe systems, fire alarm systems, and other fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or because of any law or ordinance, shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The fire marshal shall be notified before such tests, repairs, alterations or additions are started unless the work is to be continuous until completion.

Footnotes:

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Cross reference— The building code is contained in Vol. III of this Code of Ordinances.

Sec. 13-828. - Space heaters.

(1) "Space heater" defined.

"Space heater" as used herein shall mean a heating unit which uses or is designed to use solid, liquid or gaseous fuel, and which is designed to heat or is used to heat the area in which it is located, and which is not connected with a heat distribution system.

(2) *Sale and installation of space heaters unlawful to be used; prohibited; penalty.*

Effective thirty (30) days after enactment of this article, no person shall keep for sale, sell, offer to sell, install or offer to install, within the limits of the city any space heater whose use in dwelling units is prohibited by the applicable statutes, ordinances, code and regulations of the State of Connecticut and the City of New Haven, as they may from time to time be amended.

Every person who shall violate this section shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or both.

(3) *Permits to install space heaters.*

(a) *Required.* Effective thirty (30) days after enactment of this article, it shall be unlawful for any person to install within the city any space heater, unless such person shall have obtained from the department of fire service a permit to install said heater.

(b) *Fee: contents.* Permits to install space heaters shall be issued by the department of fire service on application and payment of a fee of three dollars (\$3.00). Each permit shall state the name and address of the seller of the heater, the name and address of the purchaser of the heater, the name and address of person or firm which is to install the heater, and the address of the premises on which it is to be installed.

(c) *Penalty.* Every person who shall install a space heater in violation of this section shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or both.

(4) *Inspection by department of fire service.*

(a) *Required.* The department of fire service shall promptly inspect each space heater and its installation for which a permit has been issued under section 13-829 (3) hereof, and shall periodically inspect all dwellings, dwelling units and buildings where there is reason to believe a space heater has been installed or is in use. For purposes of inspection the fire chief, the fire marshal or the authorized representatives of either may at reasonable hours enter upon any premises where a space heater has been or is to be installed, or where he has reason to believe that a space heater has been installed or may be in use.

(b) *Findings upon inspection.* Whenever the fire chief or the fire marshal, upon inspection, shall determine that a space heater, for any reason is dangerous to use, or that its use would be contrary to applicable statutes, ordinances, codes or regulations, he shall

order its removal. The Department of Fire Service shall keep a record of all inspections and orders made pursuant to this article.

- (5) *Prohibition of use in any building of space heaters unlawful to be used in dwelling units.*
- (a) *Use prohibited.* Effective October 1, 1963, no person shall use or maintain or permit the use of maintenance in any building within the limits of the city any space heater unless such space heater and its installation shall meet all the requirements of the statutes, ordinances, codes and regulations of the State of Connecticut and the City of New Haven as they may be amended from time to time with respect to space heaters in dwelling units, with the exception of existing kitchen ranges which are used for heating and/or cooking until October 1, 1966.
 - (b) *Noncompliance with applicable laws.* For the purposes of this section it shall be deemed that a property owner has permitted the use of a space heater if, knowing that the premises are not centrally heated, he has failed to ensure that the heating apparatus used by the occupants of the property is in full conformance with all applicable codes, ordinances and regulations.
 - (c) *Penalty.* Every person who shall violate this section shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or both. Each day of violation of this section shall constitute a separate and distinct violation.

(Ord. of 4-15-85, § 2)

Sec. 13-829. - Tents.

- (1) *General. Permit required.*
- (a) Tents are governed by state law. The reader is directed to regulations 29-140-1 through 29-140-16 of the commissioner of state police. These regulations contain license requirements and deal with the location and nature of the tent or tent-like structure and the site thereof, plus the lighting, seating, aisles and exists within the shelter, occupancy limitations, fire and police protection required and other general requirements.
 - (b) No person shall erect or use a tent covering an excess of one hundred twenty square feet (120 sq. ft) without a permit.

Sec. 13-830. - Tire rebuilding plants.

- (1) *Permit required.*

No person shall maintain any tire rebuilding plant unless he holds a permit.

- (2) *Construction and protection requirements.*

No person shall maintain any tire rebuilding plant in violation of the following:

- (a) Tire rebuilding plants shall have floor and stairway openings enclosed in a manner approved by the fire marshal which will reduce the threat of fire or the spread of fire.
- (b) Existing tire rebuilding plants in buildings of wood frame construction or in buildings used in part for residential occupancy shall be separated from other portions

of the building by construction having a fire resistance rating of not less than two hours, and shall be equipped with an approved automatic sprinkler system.

(3) *Dust collecting system.*

No person shall maintain any tire rebuilding plant unless buffing machines are located in a room separated from the remainder of the plant by construction having a fire resistance rating of not less than one hour, with each door opening protected by an approved self-closing fire door. Each machine shall be connected to an ample dust collecting system discharging to a suitable container which shall be cleaned at frequent intervals.

(4) *Ventilation.*

No person shall maintain any tire rebuilding plant unless each room in which rubber cement is used or mixed, or flammable solvents are applied, is equipped with effective mechanical or natural ventilation.

Sec. 13-831. - Welding or cutting, calcium carbide and acetylene generators.

(1) *General.*

Welding or cutting shall include gas, electric-arc, or flammable liquid welding or cutting or any combination thereof.

(2) *Permit required for welding or cutting.*

- (a) A permit shall be required of each company, corporation, co-partnership or owner-operator performing welding or cutting operations except as provided in paragraph (b) of this subsection (2). This permit shall not be required for each welding or cutting job location. The company, corporation, co-partnership or owner-operator shall notify the fire marshal in advance where such work is taking place except where such work is done in response to an emergency call that does not allow time for the fire marshal to be notified in advance of the work. A fee of shall be paid for each permit as set out in section 17-20 of this Code.
- (b) A permit shall not be required of any company, corporation, co-partnership, or owner-operator:
 - (1) Where the welding or cutting is performed in areas approved for the purpose, or
 - (2) Having an approved permit system established for control of the fire hazards involved.
- (c) Application for a permit required by this article shall be made by the company, corporation, co-partnership or owner-operator performing the welding or cutting operation or by his duly authorized agent.
- (d) A permit for welding or cutting operations shall not be issued unless the individuals in charge of performing such operations are capable of doing such work in a safe manner. Demonstration of a working knowledge of the provisions of this article shall constitute acceptable evidence of compliance with this requirement.
- (e) Companies, corporations, co-partnerships and owner-operators required to have a permit shall maintain a record of all locations where welding or cutting operations are performed and have it available for inspection by the fire marshal.

(3) *Compliance with nationally recognized good practice.*

No person shall use or permit to be used any welding or cutting equipment unacceptable to the fire marshal and the equipment shall be installed and operated in accordance with nationally recognized good practice.

(4) *Fire prevention.*

No person shall weld or perform any cutting operation in violation of the following:

- (a) Before welding or cutting operations are begun in areas not designed or approved for the purpose, specific authorization shall be obtained from the owner of the premises or his duly authorized agent.
- (b) When welding or cutting operations are performed above, or within thirty-five feet (35') of combustible construction or material exposed to the operation, or within thirty-five feet (35') of floor, ceiling or wall openings so exposed:
 - (1) Such combustible construction or material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide.
 - (2) Such floor, ceiling or wall openings shall be protected by noncombustible shields or covers.
 - (3) A fire watcher shall be provided to watch for fires, make use of portable fire extinguishers or fire hose, and perform similar fire prevention and protection duties. The fire watcher shall remain on the job at least thirty (30) minutes after the welding or cutting operations have been completed to insure that no fire exists. A signed inspection report attesting to that fact shall be filed and available for inspection by the Bureau of Fire Prevention.
- (c) One or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.
- (d) Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust, or loose combustible stocks are present when sparks or hot metal from the welding or cutting operations may cause ignition or explosion of such materials.
- (e) Except as provided in paragraph (f) of this subsection, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or inerted or purged.
- (f) "Hot tapping" may be permitted on tanks and pipe lines provided such operations are performed by companies, corporations, copartnerships or owner-operators not required to have a permit under section 13-831(2)(b)(2).
- (g) Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is done close to automatic sprinkler heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.

(5) *Gas welding and cutting.*

No person shall use gas in welding or cutting in violation of the following:

- (a) Devices or attachments facilitating or permitting mixture of air or oxygen with combustible gases prior to consumption, except at the burner or in a standard torch or blowpipe, shall not be allowed unless approved for the purpose.
- (b) The user shall not transfer gases from one cylinder to another or mix gases in a cylinder.
- (c) Acetylene gas shall not be generated, piped (except in approved cylinder manifolds and cylinder manifold connections), or utilized at a pressure in excess of fifteen pounds (15 lbs.) per square inch gauge unless dissolved in a suitable solvent in cylinders manufactured according to Interstate Commerce Commission requirements.
- (d) Acetylene gas shall not be brought in contact with unalloyed copper except in a blowpipe or torch.
- (e) A cylinder or cylinder manifold for oxygen shall be provided with a pressure regulating device intended for use with oxygen, and so marked.
- (f) Cylinders permitted inside of buildings shall be stored at least twenty feet (20') from highly combustible materials and in locations where they are not subject to excessive rise in temperature, physical damage or tampering by unauthorized persons. Empty cylinders shall have their valves closed in storage and when shipped.
- (g) When a cylinder is not in use, the valve shall be closed and the valve protection cap shall be in place, hand tight.
- (h) Tests for leaks in any piping system or equipment shall be made with soapy water. Flames shall not be used.
- (i) Welding or cutting work shall not be supported on compressed gas cylinders or other containers.
- (j) Fuel gas cylinders shall be placed with valve end up whenever they are in use.
- (k) Fuel gas shall not be used from cylinders through torches or other devices equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.
- (l) Cylinders, valves, regulators, hose and other apparatus and fittings containing or using oxygen shall be kept free from oil or grease. Oxygen cylinders, apparatus and fittings shall not be handled with oily hands or gloves or greasy tools or equipment.
- (m) When moving compressed gas cylinders by crane, suitable cradles shall be used to prevent the possibility of dropping them. Ordinary rope slings or electromagnets shall not be used.
- (n) Oxygen and fuel gas cylinders and acetylene generators shall be placed far enough away from the welding area to prevent them from being heated by radiation from heated materials, by sparks or slag, or by misdirection of the torch flame.
- (o) When gas welding or cutting operations are discontinued for a substantial period of time such as during lunch hour or overnight, the torch valves shall be closed and the gas supply to the torch completely shut off.

(6) *Electric arc-welding and cutting.*

No person shall electric arc-weld or cut in violation of the following:

- (a) The frame or case of the welding machine except internal combustion engine driven machines shall be grounded. Ground connections shall be mechanically strong and electrically adequate for the required current.
- (b) Welding current return circuits from the work to the machine shall have proper electrical contact at all joints and periodic inspection shall be made to ascertain that proper electrical contact is maintained.
- (c) When electric arc welding or cutting is to be discontinued for any substantial period of time, such as during lunch hour or overnight, all electrodes shall be removed from the holders, the holders shall be carefully located so that accidental contact cannot occur, and the machines shall be disconnected from the power source.

(7) *Permit required for storage of calcium carbide.*

No person without a permit shall store or keep calcium carbide in excess of two hundred pounds (200 lbs.).

(8) *Containers for calcium carbide.*

No person shall store or permit calcium carbide to be stored in any container which is not of sufficient strength to insure handling without rupture, and which is not provided with a screw top or its equivalent. The containers shall be of water-tight and air-tight construction. Solder shall not be used on joints in such manner that fire would disrupt the package. Packages shall be marked "Calcium Carbide—Dangerous If Not Kept Dry".

(9) *Storage of calcium carbide in buildings.*

No person shall store or permit calcium carbide to be stored in violation of the following:

- (a) Storage of calcium carbide inside buildings shall be in a dry, waterproof and well ventilated location.
- (b) Calcium carbide not in excess of six hundred pounds (600 lbs.) may be stored inside of buildings or in the same room with fuel gas cylinders but not with oxygen cylinders.
- (c) Calcium carbide in excess of six hundred pounds (600 lbs.) but not in excess of five thousand pounds (5,000 lbs.) shall not be stored in a building containing other occupancy unless in an acetylene generator room or separate room or compartment, in a one-story building without cellar or basement underneath the carbide storage section. Such rooms shall be of construction having a fire resistance rating of not less than one (1) hour, with openings to other parts of the building protected by approved self-closing fire doors or stationary wired glass windows in approved metal frames. Adequate ventilation shall be provided. This room shall not be used for any other purpose.
- (d) Calcium carbide in excess of five thousand pounds (5,000 lbs.) shall be stored in one story buildings without cellar or basement and used for no other purpose, or in outside acetylene generator houses. Location of such storage buildings shall be outside congested mercantile and manufacturing districts. If storage building is of noncombustible construction, it may adjoin other one story buildings if separated

therefrom by unpierced fire walls; if detached less than ten feet (10') from such building or buildings, there shall be no opening in any of the mutually exposing sides of such buildings within said distance. If the storage building is of combustible construction it shall not be within twenty feet (20') of any other one or two story building, nor within thirty feet (30') of any other building exceeding two stories.

(10) *Permit required for acetylene generators.*

No person shall operate an acetylene generator having a carbide capacity exceeding five pounds (5 lbs.) without a permit.

(11) *Generators to be approved.*

No person shall operate or permit any acetylene generators to be operated which are not of an approved type, and are not plainly marked with the rate in cubic feet of acetylene per hour for which they are designed, the amount or weight of carbide necessary for a single charge, the manufacturer's name and address, and the name or number of the type of generator.

(12) *Stationary generators.*

No person shall install stationary generators which are not either in a well ventilated one story noncombustible outside generator house, or in a well ventilated room or compartment of ample size and of construction as outlined in section 13-831(13), either in a one story building or on the top floor or roof of a multi-storied building. The storage of fuel gas cylinders in such rooms or compartments shall not exceed a total capacity of two thousand cubic feet (2,000 cu. ft.) of gas (300 pounds in case of liquefied petroleum gas).

(13) *Inside generator rooms or compartments.*

No person shall install, operate or permit acetylene generators in violation of the following:

- (a) The walls or partitions, floor and ceiling of such room or compartment shall be of construction having a fire resistance rating of not less than one hour. Walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall of an inside generator room shall be an exterior wall.
- (b) Openings from generator room or compartment to other parts of the building shall be protected by an approved self-closing fire door of the swinging type and close into a rabbet, or otherwise be made tight to prevent passage of flame around edges. Exit doors shall be located so as to be readily accessible in case of emergency. Windows, if provided in partitions, shall be wired glass in approved metal frames with fixed sash.
- (c) A portion of the exterior walls equal to not less than ten percent (10%) of the combined areas of the enclosing walls shall be of light noncombustible material such as single thickness, single strength glass. Single thickness, single strength window glass skylights, or lightly fastened roof hatch covers, swinging doors in exterior wall opening outward, sheet metal siding or lightly fastened roofs, may be accepted in part or entirely in lieu of the glass area or its equivalent, provided the required percentage of explosion venting area is thus obtained.

(14) *Portable generators.*

- (a) No person shall use or cause a portable generator to be used in rooms of total volume less than thirty-five (35) times the total gas generating capacity per charge of all

generators in the room. The gas generating capacity in cubic feet per charge shall be assumed as four and five tenths (4.5) times the weight of carbide per charge in pounds. Generators shall not be used in rooms having a ceiling height less than ten feet (10').

- (b) No person shall move or cause an acetylene generator to be moved by derrick, crane or hoist while charged.

(15) *Protection against freezing.*

No person shall place or cause a generator to be placed where water will freeze. No common salt (sodium chloride) or other corrosive chemical shall be used as a protection against freezing.

(16) *Permit required for cylinder storage.*

A permit shall be required for the storage of cylinders used in conjunction with welding or cutting operations when more than two thousand cubic feet (2,000 cu. ft.) of flammable compressed gas other than liquefied petroleum gas, three hundred pounds (300 lbs.) of liquefied petroleum gas, or six thousand cubic feet (6,000 cu. ft.) of nonflammable compressed gas is stored.

(17) *Storage of cylinders.*

No person shall store or cause welding cylinders of fuel gas to be stored in violation of the following:

- (a) Cylinders of fuel gases stored inside of building, except those in actual use or attached ready for use, shall be limited to a total capacity of two thousand cubic feet (2,000 cu. ft.) of gas or three hundred pounds (300 lbs.) of liquefied petroleum gas. For storage in excess of two thousand cubic feet (2,000 cu. ft.) total gas capacity of cylinders or three hundred pounds (300 lbs.) of liquefied petroleum gas, a separate room or compartment as provided for by section 13-831(9)(c) shall be provided, or cylinders shall be kept outside or in a special building. Buildings, rooms or compartments provided for such storage shall be well ventilated and be without open flame heating or lighting devices.
- (b) Cylinders or oxygen stored inside of buildings shall comply with the requirement for oxygen manifolds covered in section 13-831(19)(a).

(18) *Piping systems for fuel gases and oxygen.*

No person shall install or use or cause any piping system for fuel gases and oxygen to be installed in violation of the following:

- (a) Except as provided in paragraphs (b) and (c) of this section, piping shall be steel, wrought iron, brass or copper pipe, or seamless copper, brass, or stainless steel tubing. Piping and fittings shall comply with nationally recognized good practice except that pipe and fittings shall be standard weight as a minimum for sizes not over six inches in nominal size.
- (b) Acetylene piping shall be steel or wrought iron pipe only.
- (c) Oxygen piping at pressures in excess of seven hundred pounds (700 lbs.) per square inch shall be stainless steel or nonferrous tubing.
- (d) Joints in steel or wrought iron pipe shall be welded or made up with threaded or flanged fittings; or rolled, forged or cast steel, or malleable iron fittings may be used.

Joints in brass or copper pipe may be welded, brazed, threaded or flanged. Joints in seamless copper, brass or stainless steel tubing shall be by approved gas tubing fittings or shall be brazed. Socket type joints in brass or copper pipe or in seamless copper, brass or stainless steel tubing shall be brazed with silver brazing alloy or similar high melting point filler metal. Cast iron fittings shall be prohibited. Threaded connections in oxygen piping shall be tinned, or made up with litharge and glycerine, or other joint compound approved for oxygen service and applied to male threads only.

- (e) Piping shall be protected against physical damage, and allowance made for contraction, expansion, jarring and vibration. If laid underground it shall be below the frost line and protected against corrosion. Low points in piping shall be provided with drip pots and drain valves, the latter to be normally closed with screw caps or plugs.
- (f) All piping shall be tested and proved tight at one and one-half times its maximum working pressure. Any medium used for testing oxygen lines shall be oil-free.
- (g) All buried pipe and tubing and outdoor ferrous pipe and tubing shall be covered or painted with a suitable corrosion resisting material.

(19) *Manifolding of cylinders.*

No person shall install, use or cause welding cylinders to be used in violation of the following:

- (a) Oxygen manifolds shall not be located in an acetylene generator room. Oxygen manifolds shall be located at least twenty feet (20') away from both highly flammable material, such as oil or grease and combustible gas cylinders unless the combustible gas cylinders are separated by a fire-resistive partition constructed as specified in section 13-831(9)(c).
- (b) The aggregate capacity of oxygen cylinders connected to one manifold inside a building shall not exceed six thousand cubic feet (6,000 cu. ft.). More than one such manifold may be located in the same room provided the manifolds are at least fifty feet (50') apart.
- (c) An oxygen manifold connected to cylinders having an aggregate capacity of more than six thousand cubic feet (6,000 cu. ft.) shall be located outside, in a separate building, or in a separate room constructed in accordance with section 13-831(9)(c) with no combustible material within twenty feet (20') of the manifold.
- (d) Oxygen manifolds with service pressures not exceeding two hundred pounds (200 lbs.) per square inch gage shall be marked:

Low Pressure Manifold

Do Not Connect High-Pressure Cylinders

Maximum Pressure—250 PSIG

- (e) The aggregate capacity of fuel gas cylinders connected to one manifold inside a building shall not exceed three thousand cubic feet (3,000 cu. ft.) of gas or three hundred pounds (300 lbs.) of liquefied petroleum gas. More than one such manifold may be located in the same room provided the manifolds are at least fifty feet (50') apart.

- (f) A fuel gas manifold connected to cylinders having an aggregate capacity of more than three thousand cubic feet (3,000 cu. ft.) of gas or three hundred pounds (300 lbs.) of liquefied petroleum gas shall be located outside, in a separate building, or in a separate room constructed in accordance with section 13-831(9)(c).

(20) *Hose and hose connections.*

No person shall use or cause welding hose or welding hose connection to be used in violation of the following:

- (a) Hose shall be capable of withstanding a hydrostatic pressure of at least eight hundred pounds (800 lbs.) per square inch.
- (b) A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage shall not be used.
- (c) Single and double hose except as provided in paragraph (d) of this section shall be identified by exterior colors using green for oxygen hose, red for acetylene, LP-Gas and other fuel gases and black for inert gases and air hose.
- (d) When two hoses are joined by a web to form integral lengths of double hose, the color of both hoses shall be red and the exterior surface of oxygen hose shall be smooth to the touch while fuel gas hose shall be corrugated or ribbed.
- (e) When parallel lengths of oxygen and acetylene hose are taped together for convenience and to prevent tangling, not more than four inches out of each eight shall be covered by tape.
- (f) Hose connections shall be clamped or otherwise securely fastened in a manner that will withstand, without leakage, twice the pressure to which they are normally subjected in service but in no case less than a pressure of three hundred pounds (300 lbs.) per square inch.
- (g) Hose shall be inspected frequently for leaks, burns, worn places, loose connections or other defects, which may render the hose unfit for service. Where hose shows excessive wear or has been subjected to flashback it shall be inspected and tested at twice the normal pressure to which it is subjected in service but in no case at less than two hundred pounds (200 lbs.) per square inch before being returned to service. Defective lengths of hose shall be discarded.

(Ord. of 12-4-89; Ord. of 5-24-99; Ord. No. 1345, 2-2-04; Ord. No. 1386, 7-5-05)

ARTICLE IX. - FIRE DISTRICTS^[8]

Footnotes:

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Editor's note— Ord. enacted Feb. 5, 1973, effective March 5, 1973, provided that the ordinance was a revision of the fire district ordinance, contained in paragraph 500 of the building code, superseded by the state building code as provided in § 19-395(e) of the General Statutes.

Sec. 13-901. - Fire District No. 1.

The portion of the city included within the following boundaries shall be known as Fire District No. 1, namely: beginning at the intersection of the center of Sea Street, extended easterly with the Harbor Line; thence through the center of Sea Street to the center of Hallock Avenue, through the center of Hallock Avenue to the center of Lamberton Street, through the center of Lamberton Street to the center of Cedar Street, through center of Cedar Street to the center of Rosette Street; thence northerly along the Light Industry Zone boundary, which boundary, and all other Zone boundaries herein referred to, is shown on a map entitled "City of New Haven Zoning Maps" (consisting of a series of section maps, numbered 1 to 20) and dated March 1, 1971, which accompanies and is hereby declared to be a part of this ordinance where referred to and which is on file in the Office of the City Clerk, and may be viewed in that office during normal working hours, to the center of the intersection of Spring Street and Union Avenue; thence through the center of Union Avenue to the center of Columbus Avenue; thence through the center of Columbus Avenue to the center of Church Street South; thence through the center of Church Street South to the center of Lafayette Street; thence through the center of Lafayette Street to the intersection of Washington Avenue; thence through the center of Washington Avenue to the intersection of Daggett Street; thence through the center of Daggett Street to the center of Congress Avenue; thence easterly through the center of Congress Avenue to the center of Vernon Street; thence through the center of Vernon Street to the center of Sylvan Avenue; thence westerly through the center of Sylvan Avenue to the center of Ward Street; thence through the center of Ward Street to the center of Legion Avenue; thence through the center of Legion Avenue to the center of the intersection of Howe Street and Howard Avenue; thence through the center of Howe Street to the center of George Street; thence through the center of George Street to the center of Dwight Street; thence northerly through the center of Dwight Street through the center of Chapel Street to the BA zone boundary; thence westerly along the BA zone boundary to the intersection with the BB zone boundary; thence westerly along the BB zone boundary to the intersection with the BA zone boundary; thence westerly along the BA zone boundary to Pendleton Street, northerly along Pendleton Street to Whalley Avenue, and easterly along the BA zone boundary to the intersection with the BB zone boundary; thence easterly and northerly along the BB zone boundary to the intersection with the BA zone boundary; thence northerly along the BA zone boundary to the center of the intersection of Shelton Avenue and Munson Street; thence northerly through the center of Shelton Avenue to the center of Division Street; thence easterly through the center of Division Street to the center of Mansfield Street; thence southerly through the center of Mansfield Street to the center of Munson Street; thence westerly through the center of Munson Street to the center of Winchester Avenue; thence southerly through the center of Winchester Avenue to the center of Webster Street; thence westerly through the center of Webster Street to the center of Ashmun Street; thence northerly through the center of Ashmun Street to the center of Munson Street; thence westerly through the center of Munson Street to the intersection of the BA zone boundary; thence southerly along the BA zone boundary to the center of Tower Parkway; thence through the center of Tower Parkway to the center of York Street; thence through the center of York Street to the center of Ashmun Street; thence through the center of Ashmun Street to the center of Lock Street; thence through the center of Lock Street to the center of Canal Street; thence northerly through the center of Canal Street to the center of Sachem Street; thence through the center of Sachem Street to the center of Whitney Avenue; thence through the center of Whitney Avenue to the center of Trumbull Street; thence through the center of Trumbull Street to the intersection of the BA zone boundary; thence northerly along the BA zone boundary to the IL zone boundary; thence northerly and easterly along the IL zone boundary to

the intersection of James Street and State Street; thence through the center of James Street to the center of Market Street; thence through the center of Market Street to the center of Haven Street; thence southerly through the center of Haven Street to a point 100 feet north of the northerly street line of Grand Avenue; thence easterly by a straight line to the intersection of James Street and the BA zone boundary; thence easterly along the BA zone boundary to Front Street, southerly along Front Street to the center of Exchange Street, westerly along Exchange Street to the intersection of the RM 1 and BA zone boundary, westerly along the BA zone boundary to the center of Exchange Street; thence westerly through the center of Exchange Street to the intersection with Ferry Street and the BA zone boundary; thence westerly along the BA zone boundary to the center of James Street; thence westerly by a straight line to a point in the center of Haven Street 85 feet south of the southerly street line of Grand Avenue; thence southerly through the center of Haven Street to the center of Exchange Street; thence easterly through the center of Exchange Street to the center of James Street; thence southerly through the center of James Street to the center of Chapel Street; thence through the center of Chapel Street to the center of Ferry Street; thence southerly through the center of Ferry Street to the U.S. Harbor Line; thence easterly along a straight line to the intersection of the BC and IH zone boundaries and the U.S. Harbor Line on the eastern bank of the Quinnipiac River; thence easterly along the IH zone boundary to the center of Lenox Street; thence through the center of Lenox Street to the center of Quinnipiac Avenue; thence through the center of Quinnipiac Avenue to the center of Townsend Avenue; thence northerly through the center of Townsend Avenue to the center of Woodward Avenue; thence through the center of Woodward Avenue to a point approximately 750 feet south of the intersection of Woodward Avenue and Park Lane, thence by a straight line 90° westward to the westerly boundary of the East Shore Parkway right of way; thence in a northerly direction along said westerly boundary of the East Shore Parkway right of way to a concrete monument set in said westerly boundary of the East Shore Parkway right of way at coordinates North 6549.86 and East 1127.75 on the U.S. Harbor Coordinate System for New Haven Harbor; thence by a straight line bearing north 82 degrees, 08 minutes, 000 seconds west to the U.S. Harbor Line; thence by a straight line to the point of beginning.

(Ord. of 2-5-73)

Sec. 13-902. - Fire District No. 2.
Reserved

Sec. 13-903. - Outside fire limits.

Any portion of the city not included within the boundaries set forth in section 13-901 shall be designated Outside Fire Limits.

(Ord. of 2-5-73)

Sec. 13-904. - Appeals.

- (1) Any owner of property, which property is located within the boundaries described in section 13-901 and 13-902 of this Code, or the authorized agent of such owner, who is aggrieved by the inclusion of said property in said boundaries may appeal to the fire prevention code appeals board and said board may exempt said property from inclusion in said boundary, provided that upon the granting of any such exemption, said board may

attach any conditions or safeguards for any proposed development or redevelopment of said property as it deems necessary or desirable.

- (2) In determining whether an exemption should be granted under this section, said board shall base its decision upon specific findings of fact as to the following factors:
 - (a) The extent to which any proposed development or redevelopment of said property promotes the public interest and the general welfare of the citizens of New Haven;
 - (b) The nature of the surrounding area and the extent to which any proposed development or redevelopment might create a fire threat to such surrounding area should the exemption be granted;
 - (c) The extent to which the petitioner would suffer exceptional difficulty or undue hardship should the exception not be granted;

Provided, however, said board shall not grant any exemption unless alternative methods of satisfying the objectives of this article exist and will be utilized in any proposed development or redevelopment of said property.

- (3) Any appeal under this section shall be submitted to the fire prevention code appeals board by written petition of the party claiming to be aggrieved, which petition shall be filed with the fire marshal and shall request a hearing and set forth a brief statement of the grounds for the appeal. On receipt of such petition, the fire marshal shall notify said board to set a time and place for such hearing and shall give the petitioner not less than two (2) days written notice thereof. The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed. At such hearing the petitioner shall be given an opportunity to be heard and to show why an exemption should be granted.
- (4) The proceedings at such hearings, including the findings and decision of the board, shall be summarized, reduced to writing and entered as a matter of public record in the office of

the fire marshal and shall be open to reasonable public inspection. Any person aggrieved by the decision of the board may seek relief therefrom in any court of competent jurisdiction, as provided by the general statutes.

(Ord. of 2-5-73)