
State Demolition Code CGS 29-401 to 29-415

Presented by:
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Town of New Canaan



PLEASE TURN DEVICES OFF OR TO
SILENT





CONNECTICUT GENERAL STATUTES

CHAPTER 541 PART IV

ENTITLED

“STATE DEMOLITION CODE”

&

SECTIONS 115, 116 & 3303 OF IBC

DISCLAIMER

- Attendance at this presentation does not release us from our obligation to read the governing documents in their **entirety**. This presentation is taken verbatim from the code but **is not** cover to cover just some of the more important touch points.

- The State Health Code also has requirements and regulatory authority regarding demolitions which we will not address today but make sure your local health director is reviewing and approving demo permits in addition to yourself.

- The governing CT General Statutes for asbestos abatement are 19a-332a-5
- (not our gig!!!!!!!!!!)

HIERARCHY OF DOCUMENTS

- Both the State Demo Code **and** the provisions of the IBC must be complied with, where/if there is a conflict statute always trumps code.

Conflict

- Differing requirements are only a “conflict” when one requirement makes it impossible to comply with the other. If both requirements are different but not mutually exclusive it is not a conflict and both requirements must be complied with.

Sec. 29-402

License for demolition business

There are 2 classes of certificate/license for demo contractors;

1) Class A: structures which exceed two and half stories or 35' in height.

2) Class B: structures equal to or less than two and half stories or 35' in height.

- Major contractors license, Home Improvement Contractor Registration, or New Home Builder Registration does **NOT** take the place of a demo license or include demolition.

Sec. 29-401-3 (sub sec “c”)

Certificates of registration

- There shall be no subcontracting of demolition operations unless the subcontractor possesses a proper demolition certificate.

Sec 29-401-1 Definitions

- “Demolition” means any wrecking activity directed to the disassembling, dismantling, dismembering and/or razing of any structure or part thereof not exempt under the provisions of section 29-402 of CT General Statutes.

Sec. 29-402

License for Demolition Business

- (b) No person shall engage in the business of demolition of buildings without a license obtained from the Department of Administrative Services.
- The provisions of this **SECTION** shall **NOT** apply to;
- (1) a person who is engaged in the disassembly, transportation & reconstruction of historic buildings for historical purposes,



Cont.

- or in the demolition of farm buildings, or in the renovation, alteration or reconstruction of a single family residence or ***in the disassembly of nonstructural building materials of a building for the purpose of reusing or recycling such building materials,***



Sec, 29-402 continued

- (2) The removal of underground petroleum storage tanks.

Sec. 29-402 continued

- (3) The burning of a building or structure as part of an organized fire department training exercise.





Sec. 29-402 continued

- (4) The demolition of a single family residence or outbuilding by an owner of such structure if it does not exceed a height of 35' provided the owner shall be present on site while such demolition work is in progress and shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition.

29-402 Cont.

- Such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition.
- The local building official may require additional clearance when deemed necessary for safety.

Note

- This section does not state the owner must be performing the demo just be “present on site.” Keep in mind they still need a permit they just get a pass on having a demo certificate/license.

Note

- This section states “clearance from other **structures, roads, or highways**” NOT clearance from adjoining property lines.

Sec. 29-404

- Local building official to administer State Demolition Code.
- Such official shall pass upon any question relative to the manner of demolition or materials or equipment to be used in the demolition of buildings or structures.

Sec. 29-406

- No person shall demolish any building, structure or part thereof without obtaining a permit for the particular demolition undertaking from the building official.

- Notice there is no specific threshold or square footage that triggers a demo permit. A certain amount of “demo” is part and parcel of any given building permit. This said the question is; can a minor or small amount of demo be included in the building permit as one permit??????????

Sec 29-401-1 Definitions

- “Demolition” means any wrecking activity directed to the disassembling, dismantling, dismembering and/or razing of any structure or part thereof not exempt under the provisions of section 29-402 of CT General Statutes.

NOTE

CGS 19a-332a-1 definitions

- “Demolition” means the wrecking or taking out of any load supporting structural member.
- This statutory definition comes from the statutes governing asbestos abatement and cannot be applied here for our purposes.

Sec. 29-401-1 Definitions Cont.

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

F.Y.I

- A “chattel” is an item of tangible property other than real estate.
- Who knew????????????????????????????????

Sec 29-401-1 Cont.

“Structure” means an assembly of materials above or below ground level forming a construction for occupancy or use including, but not limited to, buildings, stadiums, platforms, radio towers, trestles, piers, wharves, sheds, coal bins, bridges, boilers, shelters, and display signs. The term structure shall include a structure, or any part or parts thereof.

Structure??????????



Sec. 29-406 continued

- No person shall be eligible to receive a permit under this section unless he furnishes to the building official written evidence of financial responsibility in the form of certificate of insurance specifying demolition purposes and providing liability coverage for bodily injury of at least \$100,000.00 per person with an aggregate of at least \$300,000.00 each such certificate shall provide that the city/town and its agents shall be “saved harmless.”



Memorandum

Date: September 24, 2014

To: Municipal Building Officials
Chief Elected Officials

From: Joseph V. Cassidy, P.E., Acting State Building Inspector

Subject: Insurance Certificate Requirements for Demolition Permits

The State of Connecticut, Office of the State Building Inspector is providing this memorandum and guidance to address a conflict between state laws relating to (1) insurance requirements for demolition permits; and (2) the form and content of "certificates of insurance."

C.G.S. §29-406 outlines the requirements for obtaining a demolition permit, and states in relevant part:

No person shall be eligible to receive a permit under this section unless such person furnishes written notice to the building official (1) of financial responsibility in the form of a certificate of insurance specifying demolition purposes and providing liability coverage for bodily injury of at least one hundred thousand dollars per person with an aggregate of at least three hundred thousand dollars, and for property damage of at least fifty thousand dollars per accident with an aggregate of at least one hundred thousand dollars; *each such certificate shall provide that the town or city and its agents shall be saved harmless from any claim or claims arising out of the negligence of the applicant or his agents or employees in the course of the demolition operations; . . .* (emphasis provided).

Public Act 14-74 relates to "certificates of insurance," and provides in relevant part that:

No certificate of insurance shall warrant that the referenced insurance policy complies with the insurance or indemnification requirements of a contract. The inclusion of a contract number or contract description on a certificate shall not be construed as making such a warranty.

It has come to our attention that the C.G.S. § 29-406 clause requiring that certificates of insurance include save harmless language conflicts with Public Act 14-74 and the Connecticut Unfair Insurance Practices Act under C.G.S. §38a-816, and may be problematic for insurance agents to fully comply given the coverage afforded under standard commercial general liability policies.

Please be advised that the Department of Administrative Services will be working with the legislature next session to revise C.G.S. § 29-406 to eliminate the conflict in the statutes and to ensure that any insurance required to obtain a demolition permit is commercially available and acceptable.

Until the statutory conflict is resolved, the Office of the State Building Inspector will no longer require that certificates of insurance relating to demolition permits include save harmless language. We recommend that municipalities accept the following documents instead to fulfill this statutory requirement:

- 1) A certificate of insurance demonstrating the prescribed coverage, and which names the municipality issuing the demolition permit as an additional insured; and
- 2) A separate declaration from the contractor, on company letterhead signed by an officer of the company, with the following save harmless statement:

In accordance with Connecticut General Statute § 29-406, we [**contractor**] hereby agree to save harmless the [**town or city**] and its agents from any claim or claims arising out of the negligence of the applicant or his agents or employees in the course of the demolition operations associated with [**project title, address**].

Meat & Potatoes

- Demo contractor must provide a declaration
- 1) on a company letter head
- 2) signed by an officer of the company

- with the following statement;

Save harmless statement

- “In accordance with Connecticut General Statutes sec. 29-406, we (contractor) hereby agree to save harmless the (your municipality) and its agents from any claims arising out of negligence of the applicant or his/her agents or employees in the course of the demolition operations associated with (project title, address.”)

Sec. 29-406 continued

- Certificate of notice executed by all public utilities having service connections within the premises proposed to be demolished, stating that such utilities have severed such connections and service.
- i.e. water, sewer, electric.....

Sec. 29-406 continued

- Very, very important
- No permit shall be issued under this section unless signed by the owner and the demolition contractor.
- The owners agent cannot sign the application in place of the owner.

OWNER

MEANS

OWNER

Sec. 29-406 continued

- Each such permit shall contain a printed intention on the part of the signers to comply with the provisions of this part.

example

- We the undersigned agree to comply with all the restrictions and regulations set forth in sections 29-401 through 29-415 of the Connecticut General Statutes entitled “State Demolition Code.”
- Signature of owner _____ Date _____
- Signature of demo contractor _____ Date _____

Sec. 29-406 continued

- In addition to the powers granted pursuant to this part, any town, city, borough may, by ordinance, impose a waiting period of not more than 180 days before granting any permit for the demolition of any building or structure or any part thereof, ***except when the demolition permit is required for the removal of a structure acquired by the Department of Transportation for a transportation project.***

Note

- This is the enabling statute for demolition delay ordinances which has been recently (6 to 7 years ago give or take) revised to 180 days up from 90 days.

Sec 29-407

- NOTICE TO ADJOINING PROPERTY OWNERS.
- No person shall commence any demolition operation unless he first notifies each adjoining property owner by registered or certified mail at such owners last address according to the records of the assessor of that city, town etc.
- Note; adjoining property owner not tenant or occupant.
- Note; return receipt not required.

- **Wrong house demolished after Mich. homeowner allegedly swaps address numbers**
- **The Oakland County Sheriff's Office is investigating allegations of a setup. Neighbors, who describe the home torn down on accident as rundown, were thrilled with the mistake, but a demolition crew returned later to take down the right house.**
- BY [Nina Golgowski](#)
- NEW YORK DAILY NEWS
- Wednesday, September 11, 2013, 11:36 AM

Sec 29-408

- No person shall remove or demolish any building or structure or part thereof without providing adequate safety measures for all workmen and suitable protections for the public.

- Sub section (b) of 29-408 goes on to mandate a fence or barricade and offer specific requirements and criteria for fencing/barricade but closes with the statement “The building official may waive the requirements of this **subsection**, or may make such further requirements as he deems necessary for the protection of the public etc.”

Fencing?????????



Sec. 29-409

This section has all requirements for sidewalk sheds but again closes by giving the building official some authority to “waive any of the requirements of this section.” This time there is a threshold to waiving the requirements which is; “if the object to be demolished is more than 40’ from any street line or area used as a public way and its demolition is accomplished by the removal of one story at a time.”

Sec. 29-410

Excavation of sidewalk area

- No person shall excavate the area occupied by a sidewalk or temporary walkway in use unless such area is provided with a walkway capable of supporting not less than 150 lbs. per square foot and unless such walkway is provided with suitable ramps at each end.

Sec. 29-411

- No person shall use demolition procedures which involve hazard or risk to the general public or unnecessary danger to the workmen, and no person shall use demolition procedures not in accord with good practice.

Sec. 29-412

- No person shall demolish any building without making suitable provision for the disposal of all accumulated materials.

Sec. 29-412 continued

- No person shall, during demolition operations, allow materials to accumulate which would, by their nature, upon removal, cause an excessive amount of dust, dirt, or debris in the air, without suitably wetting down such accumulations with water, dehydrated lime or some similar agent.







Sec. 29-413

- No person shall allow any basement, cellar, hole, or the like to remain uncovered or open. The basement, cellar, hole or the like must be filled to the same grade and remove all excess materials, rubbish and debris from the premises.



Sec. 29-413 continued

- If a new building or structure is to be built or erected on the site the building official may waive any of the provisions of this section.

29-414 Penalty

- Any person who violates any provision of this part shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

Sec 115.1 IBC

- Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate MOE, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy shall be deemed unsafe.

QUESTION

- Does section 115.1 require us to order the building or structure demolished????????

Sec. 115.1 continued

- Unsafe buildings shall be taken down or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

Note

- This code section gives us the authority to order a building demolished but does not exempt us from all other permitting requirements including but not limited to; licensing, utility disconnects, insurance certificates, save harmless, etc.











Sec 115.2 IBC

- **Record**

The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy and the nature of the unsafe condition.

Sec. 115.3 IBC

- **Notice**

If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time.

Sec. 115.3 continued

Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

Sec. 115.4

- **Method of service**

Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail with the return receipt requested; or (c) delivered in any other manner as prescribed by local law.

Sec. 115.4 continued

- Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Sec. 116.1 IBC

Emergency measures

- Imminent danger

When, in the opinion of the building official, there is imminent danger of failure or collapse of a building or structure or any part thereof which endangers human life, or when any building or structure or part thereof has fallen and human life is endangered by the occupation of the building or structure, the building official

Sec. 116.1 continued

Is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The building official shall post, or cause to be posted at each entrance to such building or structure a notice reading as follows: “This structure is unsafe and its occupancy has been prohibited by the building official.”

Sec. 116.1 continued

It shall be unlawful for any person to enter such premises except upon permission granted by the building official for the purposes of making the required repairs or of demolishing the premises.

DANGER

This Structure Is Declared Unsafe
For Human Occupancy or Use.
It Is Unlawful For Any Person To
Use Or Occupy This Building

After _____

Any Unauthorized Person Removing This Sign
WILL BE PROSECUTED

Address of Building _____

Building Official _____

Code _____

Art. _____

Sec. _____

Date _____

Refer To Ordinance No. **2007 3 1** _____



UNSAFE

**DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)**

The structure has been inspected, found to be seriously deteriorated and is unsafe to occupy, as described below:

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

Date: _____

Title: _____

This facility was inspected under emergency conditions for

(jurisdiction)

Inspector ID / Agency

Do Not Remove, Alter, or Cover this Placard
until Authorized by Governing Authority

Sec 116.2 Temporary safeguards

- When in the opinion of the building official, there is imminent danger to human life due to an unsafe condition, the building official shall cause the necessary work to be done to render such building or structure temporarily safe, whether or not the legal procedure described in Section 115 has been instituted.

Sec 116.4 Emergency work

When imminent danger or an unsafe condition requiring immediate action exists and the owner of the building or structure cannot be located, or refuses or is unable to expeditiously render the employment of the necessary labor and materials to perform the required work as expeditiously as possible. Such work shall include that required, in the building officials sole opinion, to make the premises temporarily safe, up to and including demolition.

Sec 116.5 Costs of emergency work

- Costs incurred in the performance of emergency repairs or demolition under the order of the building official shall be paid from the treasury of the town, city or borough in which the building or structure is located on approval of the building official. The legal counsel of the town, city or borough shall institute appropriate action against the owner of the premises where the unsafe building or structure is or was located.

Sec. 105.2.5 2009 Amendment

Federal Agency exemptions. A federal agency performing construction on federally owned land or on leased land **totally** under the control of the federal government shall not be required to obtain a building permit or a demolition permit from the local building official.

Sec. 105.2.4 State agency exemptions

- A state agency shall not be required to obtain a building permit from the local building official. A state agency shall obtain a building permit for construction or alteration of state buildings or structures from the State Building Inspector.
- **Exception:** State agencies shall obtain demolition permits from the local building official in accordance with the provisions of sec 29-401 through 29-415 of the C.G.S.

More exceptions in CGS 29-415

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

- **IMMINENT DANGER**

“Likely to occur at any moment; impending.”

“Ready to take place, hanging, threateningly over ones head.”

- **UNSAFE**

- “Not safe; perilous.”

- **HAZARDOUS**

- “A source of danger”
- “Something causing unavoidable danger, peril, risk, or difficulty.”
- “The absence or lack of predictability; chance; uncertainty.”

QUESTIONS

- Is this an “unsafe” condition?
- Is this a “hazardous” condition?
- Is there a threat of “imminent” danger?

Hazardous, unsafe, or imminent?



Hazardous, unsafe, or imminent?



Hazardous, unsafe, or imminent?





©Only 1 Time

Hazardous, unsafe, or imminent?



Sec 3303.2 Pedestrian protection

- The work of demolishing and building shall not be commenced until pedestrian protection is in place as required by this chapter.



Sec 3303.3 Means of egress

- A party wall balcony or horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.
- Note: your local fire marshal should be included in this as well.

Sec 3303.5 water accumulation

- Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

Sec 3303.6 Utility connections

- Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the authority having jurisdiction.

Sec 3303.7 IBC

Demolition of structures

- This section was added in the CT Supplement and tells us in case we didn't already know that all demolitions must be conducted in accordance with Connecticut General Statutes and this code.

IRC

- Sections R115 & R116 of the CT Supplement entitled “unsafe structures and equipment” and “emergency measures” respectively refer us to sections 115 & 116 of the IBC.

QUESTIONS?????



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