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History: 1969 act made provisions of Subsec. (b) applicable to housing authorities, redevelopment agencies, community housing development corporations and other public authorities as well as to municipalities; 1971 acts repealed Subsec. (c) re fifty dollar maximum fine for violation and replaced "United States of America Standards Institute" with "American National Standards Institute" in Subsecs. (a) and (b); P.A. 75-392 replaced reference to standards of the Institute with reference to standards in accordance with Lead-Based Paint Poisoning Prevention Act; P.A. 77-614 replaced director of purchases with commissioner of administrative services; Sec. 19-65a transferred to Sec. 21a-82 in 1983.

Cited. 31 CA 359, 362.

Sec. 21a-83. (Formerly Sec. 19-65b). Packaging or sale of paint not conforming to federal standards. Labeling requirements. On or after January 1, 1976, no person, firm or corporation shall package, distribute, offer for sale, sell or give away any paint which does not conform to the most recent standards of federal law, in accordance with the Lead-Based Paint Poisoning Prevention Act, Chapter 63 of the Social Security Act, as amended, unless it bears the following warning statement:

CAUTION—CONTAINS LEAD OR OTHER COMPOUNDS HARMFUL IF SWALLOWED. Do not apply on any interior surfaces of a dwelling or of a place used for the care of children or on window sills, toys, cribs or other furniture which might be chewed by children. Wash thoroughly after handling and before eating or smoking. Close container after each use.

KEEP OUT OF REACH OF CHILDREN

Such warning statements shall be placed in a conspicuous place on the immediate container of such paint and shall be printed on gallon-size containers in letters of not less than ten-point type for the words—CAUTION—CONTAINS LEAD OR OTHER COMPOUNDS HARMFUL IF SWALLOWED and KEEP OUT OF REACH OF CHILDREN and not less than eight-point type for the remainder of the statement. Proportionately smaller type may be used on smaller containers. Such printing shall be legible and in a conspicuous color contrast with other printing appearing on the container. Stocks of paint which fail to conform to the standards herein established and which were manufactured prior to October 1, 1975, can be made to conform with the requirements of this section by the application of a separate warning label, which shall be affixed directly on the existing label. No person, firm or corporation shall package, distribute, offer for sale, sell or give away any paint not conforming with the standards herein established after one year from October 1, 1975, unless the warning is an integral part of the printed container label.

(1969, P.A. 533, S. 1; 1971, P.A. 194, S. 7; P.A. 75-392, S. 3.)

History: 1971 act replaced "United States of America Standards Institute" with "American National Standards Institute"; P.A. 75-392 replaced 1970 date and 1969 dates with 1976 and 1975 dates and replaced standards of the Institute with standards of federal law in accordance with Lead-Based Paint Poisoning Prevention Act; Sec. 19-65b transferred to Sec. 21a-83 in 1983.

Cited. 31 CA 359, 362.

Sec. 21a-84. (Formerly Sec. 19-65c). Seizure of mislabeled paint. The commissioner of consumer protection may seize and remove for safe keeping paint which any person, firm or corporation packages, distributes, offers for sale, sells or gives away in violation of section 21a-83. When such person, firm or corporation from whom the commissioner has seized paint furnishes assurance satisfactory to the commissioner of compliance with the provisions of section 21a-83, the commissioner shall release such paint to such person, firm or corporation.

(1969, P.A. 533, S. 2.)

History: Sec. 19-65c transferred to Sec. 21a-84 in 1983.

Sec. 21a-85. (Formerly Sec. 19-65d). **Penalty.** Any person, firm or corporation violating any of the provisions of sections 21a-82 and 21a-83 shall be fined not more than five hundred dollars.

(1971, P.A. 35, S. 1.)

History: Sec. 19-65d transferred to Sec. 21a-85 in 1983.

Cited. 31 CA 359, 362.

Sec. 21a-86. Definitions. As used in sections 21a-86a to 21a-86g, inclusive, "plumbing fixtures" means water closets, including tank-type toilets, flushometer-tank toilets, flushometer-valve toilets, electromechanical hydraulic toilets and any other toilet that uses water; urinals; showerheads; and bathroom, lavatory and kitchen faucets.

(P.A. 89-303, S. 1, 9.)

Sec. 21a-86a. Regulations establishing minimum efficiency standards for plumbing fixtures and other water-saving devices. (a) On or before October 1, 1990, the commissioner of consumer protection, in consultation with the secretary of the office of policy and management, the chairperson of the Public Utilities Control Authority, the state building inspector and the commissioners of public health and addiction services and environmental protection, shall adopt regulations in accordance with the provisions of chapter 54 establishing minimum efficiency standards for plumbing fixtures and other water-using devices, as appropriate.

(b) The maximum water use allowed in the regulations adopted under subsection (a) of this section for showerheads, urinals, faucets and replacement aerators manufactured or sold on or after October 1, 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen faucets and replacement aerators, 2.5 gallons per minute, except that lavatories in restrooms of public facilities shall be equipped with outlet devices which limit the flow rate to a maximum of 0.5 gallons per minute. The maximum water use allowed in the regulations adopted under subsection (a) of this section for tank-type toilets, flushometer-valve toilets, flushometer-tank toilets and electromechanical hydraulic toilets manufactured or sold on or after January 1, 1992, shall be 1.6 gallons per flush, unless and until equivalent standards for similar types of toilets are adopted by the American National Standards Institute, Inc.

(c) Notwithstanding the provisions of subsection (b) of this section, the commissioner of consumer protection, after consultation with the secretary of the office of policy and management, the chairperson of the Public Utilities Control Authority, the state building inspector and the commissioners of public health and addiction services and environmental protection, may increase the level of efficiency for plumbing fixtures upon determination that such increase would promote the conservation of water and energy and be cost-effective for consumers who purchase and use such fixtures. Any increased efficiency standard shall be effective one year after its adoption.

(d) The commissioner of consumer protection, in consultation with the secretary of the office of policy and management, the chairperson of the Public Utilities Control Authority, the state building inspector and the commissioners of public health and addiction services and environmental protection, shall adopt regulations in accordance with the provisions of chapter 54 necessary to implement the provisions of sections 21a-86 to 21a-86g, inclusive. Such regulations shall provide for (1) the sale of plumbing fixtures which do not meet the

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. (a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the public health code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or cause to be abated such nuisance and remove or cause to be removed such filth.

(b) When any such nuisance or source of filth is found on private property, such director of health shall order the owner or occupant of such property, or both, to remove or abate the same within such time as the director directs. If such order is not complied with, within the time fixed by such director: (1) Such director, or any official of such town, city or borough authorized to institute actions on behalf of such town, city or borough, may institute and maintain a civil action for injunctive relief in any court of competent jurisdiction to require the abatement of such nuisance, the removal of such filth and the restraining and prohibiting of acts which caused such nuisance or filth, and such court shall have power to grant such injunctive relief upon notice and hearing; (2) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth allowed to remain after the time fixed by the director in his order has expired, except that the owner or occupant of such property or any part thereof on which a public eating place is conducted shall not be subject to the provisions of this subdivision, but shall be subject to the provisions of subdivision (3). Such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough, and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

(c) If the director institutes an action for injunctive relief seeking the abatement of a nuisance or the removal of filth, the maintenance of which is of so serious a nature as to constitute an immediate hazard to the health of persons other than the persons maintaining such nuisance or filth, he may, upon a verified complaint stating the facts which show such immediate hazard, apply for an ex parte injunction requiring the abatement of such nuisance or the removal of such filth and restraining and prohibiting the acts which caused such nuisance or filth to occur, and for a hearing on an order to show cause why such ex parte injunction should not be continued pending final determination on the merits of such action. If the court finds that an immediate hazard to the health of persons other than those persons maintaining such nuisance or source of filth exists, such ex parte injunction shall be issued, provided a hearing on its continuance pending final judgment is ordered held within seven days thereafter and provided further that any persons so enjoined may make a written request to the court or judge issuing such injunction for a hearing to vacate such injunction, in which event such hearing shall be held within three days after such request is filed.

(d) In each town, except in a town having a city or borough within its limits, the town director of health shall have and exercise all the power for preserving the public health and preventing the spread of diseases; and, in any town within which there exists a city or bor-

ough, the limits of which are not coterminous with the limits of such town, such town director of health shall exercise the powers and duties of his office only in such part of such town as is outside the limits of such city or borough, except that when such city or borough has not appointed a director of health, the town director of health shall, for the purposes of this section, exercise the powers and duties of his office throughout the town, including such city or borough, until such city or borough appoints a director of health.

(e) When such nuisance is abated or source of filth is removed from private property, such abatement or removal shall be at the expense of the owner or occupant of such property, or both, and damages for such abatement or removal may be recovered against them by the town, city or borough in a civil action as provided in subsection (b) or in a separate civil action brought by the director of health or any official of such city, town or borough authorized to institute civil actions.

(1949 Rev., S. 3850; 1959, P.A. 445; P.A. 77-465; P.A. 87-521, S. 2.)

History: 1959 act added provision for director of health authorizing qualified person to act; P.A. 77-465 placed previous provisions in Subsecs. (a) and (d) and added new provisions in Subsecs. (b), (c) and (e) clarifying general provisions re maintaining nuisance or source of filth injurious to public health stated in Subsec. (a) and added exception in Subsec. (d) re town health director's jurisdiction in cities or boroughs lacking health directors of their own; Sec. 19-79 transferred to Sec. 19a-206 in 1983; P.A. 87-521 amended Subsec. (a) to provide for the delegation of duties to an authorized agent and a sanitarian and to make technical changes.

See Sec. 21a-62 re power of local health authority to order analyses of foods and medicines or other articles for human consumption.

See Sec. 26-192g re duties of local directors of health with regard to unauthorized taking of shellfish in contaminated or posted areas.

Annotations to former section 19-79:

Towns not liable for acts of health officers, acting in good faith, and doing no unnecessary damage. 51 C. 93-102. No distinction between nuisances and filth as to power of health officer. 51 C. 98, 99. Health officer is not liable for error of judgment when acting in good faith. 51 C. 93-102. Filth and nuisances may be removed although not endangering health at time of removal. 51 C. 102. Duty to prevent spread of disease. 86 C. 677. A person cannot be charged with a crime under this section until the time allowed in an order for compliance with its terms has expired. 148 C. 439. Cited. 170 C. 387, 389, 390. Cited. *Id.*, 675, 678.

First selectmen of towns have never possessed any authority concerning matters affecting the public health. 8 CS 431. History and purpose discussed; the nuisances referred to are confined to those injurious to public health. 24 CS 242.

Sec. 19a-207. (Formerly Sec. 19-80). Duties of local officials. Emergencies. Regulations. The local director of health or his authorized agent or the board of health shall enforce or assist in the enforcement of the public health code and such regulations as may be adopted by the commissioner of public health and addiction services. Towns, cities and boroughs may retain the power to adopt, by ordinance, sanitary rules and regulations, but no such rule or regulation shall be inconsistent with the public health code as adopted by said commissioner. In any emergency when the health of any locality is menaced or when any local board of health or director of health fails to comply with recommendations of the department of public health and addiction services, said department may enforce such regulations as may be required for the protection of the public health.

(1949 Rev., S. 3806; 1957, P.A. 13, S. 84; P.A. 77-614, S. 323, 610; P.A. 78-303, S. 65, 136; P.A. 87-521, S. 3; P.A. 93-381, S. 9, 39.)

History: P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 78-303 replaced public health council with commissioner of health services; Sec. 19-80 transferred to Sec. 19a-207 in 1983; P.A. 87-521 provided for the appointment of an authorized agent to perform the duties of the local director of health and deleted reference to "quarantine" regulations re department's enforcement of regulations to protect the public health; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993.

See Sec. 19a-36 re public health code.

Annotation to former section 19-80:
Cited. 166 C. 337, 342.

Sec. 19a-208. (Formerly Sec. 19-81). Health conferences. Town, city, borough and