15

City Council-Ad-Hoc Committee

Downtown Incentive Package

September 24th, 2012

Chairman Stephen Darcy called the Committee meeting to order at 7:17pm.

COMMITTEE MEMBERS PRESENT: Chairman Stephen Darcy, Joseph Cavo, and Peter Nero ALSO PRESENT: Les Pinter, Deputy Corporation Counsel; Dennis Elpern, Director of Planning; Bruce Tuomala, Director of Economic Development; Antonio Iadarola, P.E., Director of Public Works; and Andrea Gartner, City Center.

Chairman Darcy made introductions and stated the purpose of the meeting and then asked Mr. Elpern to remind the committee about the genesis of the proposed changes of the Code of Ordinances. Mr. Elpern briefly discussed the Downtown Revitalization Task Force and the recommendation it had made to provide incentives to businesses to operate Within the Downtown Revitalization Zone. He stated that the last change is in regard to the sidewalks

Chairman Darcy asked Mr. Pinter to review the proposed changes to the Code of Ordinance as it relates to the sidewalks. Mr. Pinter directed the committee to changes in Code of Ordinance 17-7. He reviewed all the changes which outline the obligations of the property owners, the authority and discretion of the Director of Public Works, clarification of obstruction and enforcement. A brief discussion occurred regarding these changes. Mr. Iadarola and Mr. Tuomala supported the changes.

Mr. Pinter reminded those present that this item would go before the City Council at the October meeting at which time the Council is required to send it to Public Hearing before Voting on the changes

Councilman Cavo moved to recommend that the City Council adopt the proposed amendments to Code of Ordinances Sections 11-2,6-02,11-7 and the amendments to Code Section 17-7 regarding sidewalks as presented;
and Move to recommend that the Council adopt the resolutions regarding the fee modifications authorizing the Director of Health and Human Services Department to impose a fee for certificates of occupancy for apartments, and to impose a licensing fee per room for rooming houses or hotels, and to impose a fee reducing the annual license Revitalization Zone, all as set forth in the attached Resolutions.

As there was no further business before the committee, Mr. Cavo moved to adjourn the meeting at 7:33. Mr. Nero seconded the motion. VOTE, all in favor, motion unanimously approved.

Respectfully Submitted,

Stephen Darcy, Chair

Joe Cavo

Peter Nero

15-1

CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666
m.boughton@danbury-ct.gov

June 20, 2012

Honorable Members of the City Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: "Downtown Public Incentive Package - Ordinances and Resolutions"
Downtown Revitalization Zone

Dear Members of the Council:

I submit the attached "Downtown Public Incentive Package - Ordinances and Resolutions" which have been prepared as a result of the recommendations of the Main Street Renaissance Task Force in its report entitled *Downtown Danbury: Issues & Recommendations 2010.*

The proposed new ordinances and resolutions will help to promote development in downtown Danbury by reducing current application fees for properties located in the Downtown Revitalization Zone ("DRZ"), as well as provide several financial incentives which help to reduce the cost of doing business downtown by reducing certain licensing fees. Additionally, the package contains an ordinance which provides that sidewalks within the DRZ are to be repaired or replaced by the City, with the abutting owners being responsible for keeping them clean, safe and unobstructed.

For your reference and convenience, please find a listing of the proposed ordinances and resolutions submitted as the "Downtown Public Incentive Package - Ordinances and Resolutions":

1) Section 11-2 Code of Ordinances-reduction in engineering and fire marshal review fees by 50% for land use applications submitted on properties located in the DRZ,

2) Section 6.02 Code of Ordinances-Amendment of Connecticut Basic Building Code-reduction in building permit fees by 50% for commercial and residential structures located in the DRZ,

3) Resolution to authorize the Director of the Health and Human Services Department to impose a fee of $40.00 for certificates of apartment occupancy for apartments located in the DRZ, and to impose a licensing fee of $4.00 per room for rooming houses or hotels located in the DRZ,

4) Resolution to authorize the Director of the Health and Human Services Department to reduce the annual license fees for food service establishments by 50% for property located in the DRZ,

5) Section 11-7 of the Code of Ordinances- reduction in license fees for public pools located in the DRZ by 50%, and

6) Section 17-7 of the Code of Ordinances-City to repair and replace sidewalks in the DRZ if abutting owners keep them clean and unobstructed.

Therefore, it is requested that an ad hoc committee be formed to review the proposed "Downtown Public Incentive Package – Ordinances and Resolutions". The Office of the Corporation Counsel has prepared the proposed draft ordinances and resolutions which are attached hereto.

Thank you for your consideration of this matter.

Sincerely,

Mark D. Boughton
Mayor

Enclosures

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Subsection 11-2 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-2 Land use application processing fees; ~~subdivisions;~~ engineering and fire marshal review.

(a) *Purpose.* Pursuant to the provisions of section 8-1c of the Connecticut General Statutes, the City of Danbury is authorized to adopt a schedule of reasonable fees for the processing of applications by the zoning commission, planning commission, zoning board of appeals and environmental impact commission. The intention of this ordinance is to allow the aforementioned land use agencies to retain, to the extent possible, the right to establish general processing fees while establishing consistent engineering and fire marshal review fees pertaining to all land use applications.

(b) *Engineering fees.* In addition to the general processing fees established IN connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, ~~and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof,~~ whenever a review by the engineering division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) percent of the estimated cost of construction, but shall not exceed one thousand dollars ($1,000.00) nor be less than fifty dollars ($50.00). In addition to the foregoing, the applicant shall pay a fee of three hundred dollars ($300.00) for each and every review of revised or modified plans submitted by the applicant to the city and reviewed by THE engineering division of the department of public works.

(c) *Fire marshal fees.* In addition to the general processing fees established IN connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, ~~and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof,~~ whenever a review by the fire marshal of the City of Danbury is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) per cent of the estimated cost of construction, but shall not exceed five hundred dollars ($500.00) nor be less than fifty dollars ($50.00).

(d) *ENGINEERING AND FIRE MARSHAL FEES – DOWNTOWN REVITALIZATION ZONE.* THE ENGINEERING AND FIRE MARSHAL FEES MENTIONED IN SUBSECTIONS (B) AND (C) HEREOF, SHALL BE REDUCED BY FIFTY PERCENT (50%) FOR LAND USE APPLICATIONS SUBMITTED ON PROPERTIES LOCATED WITHIN THE DOWNTOWN REVITALIZATION ZONE AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS.

(e) ~~*General subdivision processing*~~ *LAND USE APPLICATION PROCESSING fees*. NOTHING IN THIS ORDINANCE SHALL BE CONSTRUED AS SUPERSEDING ANY FEES ESTABLISHED PURSUANT TO THE CITY OF DANBURY ZONING REGULATIONS , CITY OF DANBURY SUBDIVISION REGULATIONS OR THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE CITY OF DANBURY.~~Due to the supereeding effect of the provisions of this section created by section 8-1c of the Connecticut General Statutes upon the general subdivision processing fee previously provided for by the planning commission in the Subdivision Regulations of the City of Danbury, as amended, said fee is hereby established. ThThe general subdivision processing fee for subdivision applications shall be twenty fivetwenty five dollars ($25.0025.00) per lot within the subdivision.but in no case less than fifty dollars ($50.00).~~

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~

15-9

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

THAT Subsection 11-2 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-2 Land use application processing fees; engineering and fire marshal review.

(a) *Purpose.* Pursuant to the provisions of Section 8-1c of the Connecticut General Statutes, the City of Danbury is authorized to adopt a schedule of reasonable fees for the processing of applications by the zoning commission, planning commission, zoning board of appeals and environmental impact commission. The intention of this ordinance is to allow the aforementioned land use agencies to retain, to the extent possible, the right to establish general processing fees while establishing consistent engineering and fire marshal review fees pertaining to all land use applications.

(b) *Engineering fees.* In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, whenever a review by the engineering division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) percent of the estimated cost of construction, but shall not exceed one thousand dollars ($1,000.00) nor be less than fifty dollars ($50.00). In addition to the foregoing, the applicant shall pay a fee of three hundred dollars ($300.00) for each and every review of revised or modified plans submitted by the applicant to the city and reviewed by the engineering division of the department of public works.

(c) *Fire marshal fees.* In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, whenever a review by the fire marshal of the City of Danbury is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) per cent of the estimated cost of construction, but shall not exceed five hundred dollars ($500.00) nor be less than fifty dollars ($50.00).

(d) *Engineering and Fire Marshal fees – Downtown Revitalization Zone.* The engineering and fire marshal fees mentioned in subsections (b) and (c) hereof, shall be reduced by fifty percent (50%) for land use applications submitted on properties located within the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations.

(3) *Land use application processing fees.* Nothing in this ordinance shall be construed as superseding any fees established pursuant to the City of Danbury Zoning Regulations, City of Danbury subdivision regulations or the inland wetlands and watercourses regulations of the City of Danbury.

15-6

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Subsection 6-02(a) (1) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 6-02. Amendment of Connecticut Basic Building Code.

(a) *Fees generally:*

(1) In accordance with the provisions of Section 29-252-112.3.1 of the Connecticut Basic Building Code, before receiving a building permit the owner or his agent shall pay a fee in accordance with the following schedule and based on the value of the work to be performed:

Valuation of Work	*Fee*
For single and multi-family residential structures below one thousand dollars ($1,000.00) in value	Twenty two dollars ($22.00)*
One thousand dollars ($1,000) and above	Twenty two dollars ($22.00) for the first one thousand dollars ($1,000.00) in value plus eleven dollars ($11.00) for each additional one thousand dollars ($1,000.00) or part thereof *
For commercial and industrial structures	Eighteen dollars ($18.00) per one thousand dollars ($1,000.00) or part thereof *
For separate permits, available at the option of the owner, covering mechanicals, electrical, plumbing, heating and air conditioning, sprinklers, chimneys and fireplaces	Five dollars ($5.00) for each one hundred dollars ($100.00) in value up to one thousand dollars ($1,000.00) plus eleven dollars ($11.00) for each additional one thousand dollars ($1,000.00) *

* EXCEPT THAT THE FEE FOR ALL RESIDENTIAL AND COMMERCIAL STRUCTURES LOCATED IN THE DOWNTOWN REVITALIZATION ZONE AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS SHALL BE REDUCED BY FIFTY PERCENT (50%). ANY STATE FEES SHALL NOT BE REDUCED.

No application for a building permit shall be processed without payment of the foregoing fees. If after the filing of an application for a building permit a change is made to the scope of the work to be performed which affects the value of the work, a new fee shall be calculated. Any increase in fee shall be paid prior to the issuance of a building permit unless a building permit has already been issued, in which case said increased fee shall be paid prior to the issuance of a certificate of occupancy. Any decrease in fee resulting from a change in the work shall be refunded in accordance with the provisions of subsection (e) hereof.

(2) The fee established in paragraph 6-02(a)(1) shall cover the eight (8) inspections specified herein or so many thereof as are required or applied for on any particular project. Required inspections, to the extent applicable, include:

a. Soil conditions
b. Footing drains and waterproofing
c. Rough electrical
d. Rough plumbing
e. Framing
f. Insulation
g. Gas or oil burner
h. Final; including, but not limited to, electrical, plumbing, fire divisions and exits.

Additional inspections shall be performed for an additional fee of dollars ($33.00) per inspection. Each separate trip to the site shall be deemed to be a separate inspection. Such additional fees shall be due and payable prior to the issuance of a certificate of occupancy. The holder of a valid building permit may request that some or all of the foregoing inspections be performed outside of normal business hours. The Danbury building official may authorize performance of such inspections outside of normal business hours if appropriate personnel are available to provide such service. No certificate of occupancy shall be issued to any permit holder for whom inspections have been performed outside of normal business hours until the permit holder has paid a fee to cover the additional expense incurred by the city in connection with such inspections. All such fees shall be in an amount equal to the wages paid to personnel performing said inspections.

(b) *Additional fees.* Before receiving a permit or certificate for the following uses or for the conduct of any of the following activities, the owner or his agent shall pay the fee prescribed below:

Type of Permit or Certificate	*Fee*
(1) Demolition permits	Four percent (4%) of the actual cost of demolition
(2) Permits for the moving of buildings	Two hundred and seventy five dollars ($275.00) per building
(3) Permits for wood stoves	Fifty five dollars ($55.00) each
(4) Permits for tanks	
a. with a capacity of six hundred and sixty (660) gallons or less	Fifty five dollars ($55.00) each
b. with a capacity of more than six hundred and sixty (660) gallons but less than two thousand (2000) gallons	Eighty three dollars ($83.00) each
c. with a capacity of two thousand (2000) gallons or more	One hundred ten dollars ($110.00) each
(5) Permits for signs	
a. If ten (10) square feet or less	Eleven dollars ($11.00)
b. If in excess or ten (10) square feet	Eleven dollars ($11.00) for the first ten (10) square feet plus fifty five cents ($0.55) for each additional square foot or part thereof
(6) Certificate of occupancy	Twenty eight dollars ($28.00) each
(7) Pools	Fifty five dollars ($55.00) for the first one thousand dollars $1,000.00) in value plus eleven dollars ($11.00) for each additional one thousand dollars ($1,000.00) or part thereof

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~

15-8

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

THAT Subsection 6-02(a) (1) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 6-02. Amendment of Connecticut Basic Building Code.

(a) *Fees generally:*

(1) In accordance with the provisions of Section 29-252-112.3.1 of the Connecticut Basic Building Code, before receiving a building permit the owner or his agent shall pay a fee in accordance with the following schedule and based on the value of the work to be performed:

Valuation of Work	*Fee*
For single and multi-family residential structures below one thousand dollars ($1,000.00) in value	Twenty two dollars ($22.00) *
One thousand dollars ($1,000) and above	Twenty two dollars ($22.00) for the first one thousand dollars ($1,000.00) in value plus eleven dollars ($11.00) for each additional one thousand dollars ($1,000.00) or part thereof *
For commercial and industrial structures	Eighteen dollars ($18.00) per one thousand dollars ($1,000.00) or part thereof *
For separate permits, available at the option of the owner, covering mechanicals, electrical, plumbing, heating and air conditioning, sprinklers, chimneys and fireplaces	Five dollars ($5.00) for each one hundred dollars ($100.00) in value up to one thousand dollars ($1,000.00) plus eleven dollars ($11.00) for each additional one thousand dollars ($1,000.00) *

* Except that the fee for all residential and commercial structures located in the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be reduced by fifty percent (50%). Any state fees shall not be reduced.

No application for a building permit shall be processed without payment of the foregoing fees. If after the filing of an application for a building permit a change is made to the scope of the work to be performed which affects the value of the work, a new fee shall be calculated. Any increase in fee shall be paid prior to the issuance of a building permit unless a building permit has already been issued, in which case said increased fee shall be paid prior to the issuance of a certificate of occupancy. Any decrease in fee resulting from a change in the work shall be refunded in accordance with the provisions of subsection (e) hereof.

(2) The fee established in paragraph 6-02(a)(1) shall cover the eight (8) inspections specified herein or so many thereof as are required or applied for on any particular project. Required inspections, to the extent applicable, include:

a. Soil conditions
b. Footing drains and waterproofing
c. Rough electrical
d. Rough plumbing
e. Framing
f. Insulation
g. Gas or oil burner
h. Final; including, but not limited to, electrical, plumbing, fire divisions and exits.

Additional inspections shall be performed for an additional fee of dollars ($33.00) per inspection. Each separate trip to the site shall be deemed to be a separate inspection. Such additional fees shall be due and payable prior to the issuance of a certificate of occupancy. The holder of a valid building permit may request that some or all of the foregoing inspections be performed outside of normal business hours. The Danbury building official may authorize performance of such inspections outside of normal business hours if appropriate personnel are available to provide such service. No certificate of occupancy shall be issued to any permit holder for whom inspections have been performed outside of normal business hours until the permit holder has paid a fee to cover the additional expense incurred by the city in connection with such inspections. All such fees shall be in an amount equal to the wages paid to personnel performing said inspections.

(b) *Additional fees.* Before receiving a permit or certificate for the following uses or for the conduct of any of the following activities, the owner or his agent shall pay the fee prescribed below:

Type of Permit or Certificate	*Fee*
(1) Demolition permits	Four percent (4%) of the actual cost of demolition
(2) Permits for the moving of buildings	Two hundred and seventy five dollars ($275.00) per building
(3) Permits for wood stoves	Fifty five dollars ($55.00) each
(4) Permits for tanks	
a. with a capacity of six hundred and sixty (660) gallons or less	Fifty five dollars ($55.00) each
b. with a capacity of more than six hundred and sixty (660) gallons but less than two thousand (2000) gallons	Eighty three dollars ($83.00) each
c. with a capacity of two thousand (2000) gallons or more	One hundred ten dollars ($110.00) each
(5) Permits for signs	
a. If ten (10) square feet or less	Eleven dollars ($11.00)
b. If in excess or ten (10) square feet	Eleven dollars ($11.00) for the first ten (10) square feet plus fifty five cents ($0.55) for each additional square foot or part thereof
(6) Certificate of occupancy	Twenty eight dollars ($28.00) each
(7) Pools	Fifty five dollars ($55.00) for the first one thousand dollars $1,000.00) in value plus eleven dollars ($11.00) for each additional one thousand dollars ($1,000.00) or part thereof

15-10

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A.D. 2012

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, the City of Danbury has enacted ordinances designated as Section 10-10 concerning, among other things, the issuance of certificates of apartment occupancy; and Section 10-11 concerning among other things, the licensing of rooming houses and hotels; and

WHEREAS, Subsection 10-10(4) provides for the establishment of a fee to be charged in connection with the issuance of said certificates;

WHEREAS, Subsection 10-11(1)(e) provides for the establishment of a reasonable schedule of annual fees to be collected to defray the expenses of licensing rooming houses and hotels.

NOW, THEREFORE, BE IT RESOLVED THAT the Director of the Health and Human Services Department is hereby authorized and empowered to impose a fee of eighty dollars ($80.00) for the issuance of all such certificates of apartment occupancy, except that fees for certificates of occupancy for apartments located in the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be forty dollars ($40.00).

NOW, THEREFORE, BE IT RESOLVED THAT the Director of the Health and Human Services Department is hereby authorized and empowered to impose a licensing fee of eight dollars ($8.00) per room for each habitable room in each such rooming house or hotel, except that fees for licenses for rooming houses or hotels located in the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be four dollars ($4.00).

15-11

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A.D. 2012

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, the City of Danbury has enacted a food service establishment ordinance designated as Chapter 8A of the Danbury Code of Ordinances; and

WHEREAS, Section 8A-6 of said ordinance provides for the establishment of an annual schedule of fees to be collected to defray the expenses of food service establishment licensing.

NOW, THEREFORE, BE IT RESOLVED THAT the Director of the Health and Human Services Department is hereby authorized and empowered to impose the following fees for all licenses issued from July 1 through June 30 of each fiscal year.

1. All food service establishments, which are classified as a Class I food service establishment pursuant to Section 19-13-B42(s)(3)(A) of the Connecticut Public Health Code, shall pay an annual fee of one hundred and fifty dollars ($150.00).

2. All food service establishments, which are classified as a Class II food service establishment pursuant to Section 19-13-B42(s)(3)(B) of the Connecticut Public Health Code, shall pay an annual fee of two hundred and fifty dollars ($250.00).

3. All food service establishments which are classified as a Class III food service establishment pursuant to Section 19-13-B42(s)(3)(C) of the Connecticut Public Health Code, shall pay an annual fee of three hundred dollars ($300.00).

4. All food service establishments which are classified as a Class IV food service establishment pursuant to Section 19-13-B42(s)(3)(D) of the Connecticut Public Health Code, shall pay an annual fee of four hundred dollars ($400.00).

5. All itinerant food vending establishments which are classified as a Class I itinerant food vending establishment pursuant to Section 19-13-B48(2)(A) of the Connecticut Public Health Code, shall pay an annual fee of one hundred and fifty dollars ($150.00).

6. All itinerant food vending establishments which are classified as a Class II itinerant food vending establishment pursuant to Section 19-13-B48(2)(B) of the Connecticut Public Health Code, shall pay an annual fee of two hundred and fifty dollars ($250.00).

7. All itinerant food vending establishments which are classified as a Class III itinerant food vending establishment pursuant to Section 19-13-B48(2)(C) of the Connecticut Public Health Code, shall pay an annual fee of three hundred dollars ($300.00).

8. All itinerant food vending establishments which are classified as a Class IV itinerant food vending establishment pursuant to Section 19-13-B48(2)(D) of the Connecticut Public Health Code, shall pay an annual fee of four hundred dollars ($400.00).

9. Notwithstanding numbers 1 through 4 above, all annual license fees referred to in numbers 1 through 4 shall be reduced by fifty percent (50%) for property located within the Downtown Revitalization Zone, as specified in Section 7.F. of the City of Danbury Zoning Regulations.

10. Any food service establishment that fails to renew its license in accordance with the provisions of Section 8A-7 of the Danbury Code of Ordinances on or before August 1 of the applicable fiscal year shall be subject to a late payment fee of four hundred dollars ($400.00).

11. The fees established in paragraphs 1 through 8 hereof are intended to defray the costs associated with routine periodic inspections of food service establishments. All such establishments requiring additional inspections due to the existence of conditions observed during routine inspections, which require correction and therefore re-inspection, shall pay a fee of two hundred fifty dollars ($250.00) per re-inspection.

12. Any plan review and inspection required pursuant to Section 8A-2 and 8A-3 of the Danbury Code of Ordinances in connection with the construction, alteration or remodeling of food service establishments shall be performed by the Director of Health or his designee upon payment of a fee of three hundred fifty dollars ($350.00).

13. All food service establishments requiring more than one pre-operational inspection pursuant to Section 8A-3 of the Danbury Code of Ordinances due to the existence of conditions observed during the first pre-operational inspection which requires correction and therefore re-inspection, shall pay a fee of two hundred fifty dollars ($250.00) per re-inspection.

14. Any temporary food service establishment may obtain a license for its operations pursuant to Section 8A-8 of the Danbury Code of Ordinances upon payment of an eighty dollar ($80.00) license fee.

15. A license fee of thirty-five dollars ($35.00) shall be required of a non-profit entity operating a food service establishment, which entity has provided to the Director of the Health and Human Services Department or his designee, written proof of its officially designated non-profit status pursuant to the applicable provisions of the Internal Revenue Code. All necessary application materials must be filed with the Department of Health and Human Services at least five (5) business days prior to the date of the event pertaining to the temporary food license application. If all such materials are not filed on a timely basis, and additional time is required to process the application materials, then all such costs associated with the additional processing time shall be paid by the applicant. The Director or his designee may waive all or part of the additional expenses in his sole discretion.

COPY SHOWING DELETIONS AND NEW LANGUAGE:

THAT Section 11-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-7. Public swimming pools.

(a) Definitions. As used in this section, the phrase "public pool" shall have the definition assigned to it under the provisions of Section 19-13-B33b(a)(1) of the Regulations of Connecticut State Agencies, as amended.

(b) License to operate. No person, firm, corporation or other entity shall operate or maintain any public pool within the City of Danbury without a license. All such licenses shall be issued by the Health and Human Services Department upon written application made on forms provided by the Director. Licenses shall be effective for a period of not more than one year commencing on the date of issuance and expiring on the following June 30th unless otherwise revoked pursuant to the provisions of subsection (e) hereof.

(c) License fee. No license shall be issued by the Health and Human Services Department until the applicant has paid a fee of two hundred fifty dollars ($250.00) per public pool, ~~.~~ EXCEPT THAT LICENSE FEES FOR PUBLIC POOLS LOCATED ~~in~~ WITHIN THE DOWNTOWN REVITALIZATION ZONE AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS SHALL BE REDUCED BY FIFTY PERCENT (50%). ~~one hundred twenty-five dollars ($125).~~

(d) Inspections. Whenever the Director of Health and Human Services has ordered a licensee to correct one or more conditions that violate the provisions of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or that otherwise fail to comport with the demands of public health and safety the Director of Health and Human Services or his authorized designee shall thereafter perform an inspection to determine whether or not the licensee has complied with said order. If said inspection reveals that the licensee has failed to perform the required corrections or has performed said corrections inadequately, the licensee shall pay a fee of fifty dollars ($50.00) for each subsequent inspection that may be required in connection with said order.

(e) Suspension and Revocation. The Director of Health and Human Services shall have authority to order the suspension or revocation of any license issued pursuant to the provision of subsection (b) hereof whenever he concludes that the licensee has failed to comply with the requirements of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or otherwise when the demands of public health and safety require it. The Director of Health and Human Services shall promptly send a written notice of the order of revocation or suspension to the licensee indicating the reasons for said action and advising the licensee of his right to appeal said order to the Commissioner of Health Services in accordance with Section 19a-229 of the Connecticut General Statutes and Sections 19-2-1 to 19-2-43 inclusive of the Regulations of Connecticut State Agencies, as amended.

Note: New language is indicated by **CAPITALIZATION COMBINED WITH UNDERLINING** except that capitalization is not utilized for the letters in parenthesis which indicate subsections.

Deleted language is indicated ~~strikeouts~~.

15-14

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

THAT Section 11-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-7. Public swimming pools.

(a) Definitions. As used in this section, the phrase "public pool" shall have the definition assigned to it under the provisions of Section 19-13-B33b(a)(1) of the Regulations of Connecticut State Agencies, as amended.

(b) License to operate. No person, firm, corporation or other entity shall operate or maintain any public pool within the City of Danbury without a license. All such licenses shall be issued by the Health and Human Services Department upon written application made on forms provided by the Director. Licenses shall be effective for a period of not more than one year commencing on the date of issuance and expiring on the following June 30th unless otherwise revoked pursuant to the provisions of subsection (e) hereof.

(c) License fee. No license shall be issued by the Health and Human Services Department until the applicant has paid a fee of two hundred fifty dollars ($250.00) per public pool; except that license fees for public pools located within the Downtown Revitalization Zone as specified in Section 7.F. of the City of Danbury Zoning Regulations shall be reduced by fifty percent (50%).

(d) Inspections. Whenever the Director of Health and Human Services has ordered a licensee to correct one or more conditions that violate the provisions of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or that otherwise fail to comport with the demands of public health and safety the Director of Health and Human Services or his authorized designee shall thereafter perform an inspection to determine whether or not the licensee has complied with said order. If said inspection reveals that the licensee has failed to perform the required corrections or has performed said corrections inadequately, the licensee shall pay a fee of fifty dollars ($50.00) for each subsequent inspection that may be required in connection with said order.

(e) Suspension and Revocation. The Director of Health and Human Services shall have authority to order the suspension or revocation of any license issued pursuant to the provision of subsection (b) hereof whenever he concludes that the licensee has failed to comply with the requirements of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or otherwise when the demands of public health and safety require it. The Director of Health and Human Services shall promptly send a written notice of the order of revocation or suspension to the licensee indicating the reasons for said action and advising the licensee of his right to appeal said order to the Commissioner of Health Services in accordance with Section 19a-229 of the Connecticut General Statutes and Sections 19-2-1 to 19-2-43 inclusive of the Regulations of Connecticut State Agencies, as amended.

15-15

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT SECTION 17-7 OF THE CODE OF ORDINANCES OF DANBURY, CONNECTICUT IS HEREBY AMENDED AS FOLLOWS:

Sec. 17-7. - Removal of snow~~,~~ AND ice~~, sand and debris~~ from sidewalks; MAINTENANCE, REPAIR AND REPLACEMENT OF SIDEWALKS; OBSTRUCTIONS TO ~~and private property; deposit onto~~ public property; ENFORCEMENT.

(a) SNOW AND ICE.

(1) Every person owning or occupying any land fronting upon any sidewalk within the city shall, within four (4) hours of daylight immediately following the cessation of any fall of snow, or accumulation of ice thereon, cause the same to be removed, so that travel upon said sidewalk shall not be obstructed, dangerous or inconvenient, and upon failure so to do within the time limit~~,~~ shall be punished as provided in Section 1-7 OF THE CODE OF ORDINANCES. After the expiration of the time limit as aforesaid, if such snow and ice shall not have been removed, the DIRECTOR OF PUBLIC WORKS, ~~superintendent of highways~~ or his/HER designee, shall cause the same to be removed at the expense of such owner or occupier, such expense to be recovered from either the owner or occupier in an action brought in the name of the city.

(2) Pursuant to the provisions of ~~Public Act 81-340~~ SECTION 7-163a, and notwithstanding the provisions of Section 13a-149 of the CONNECTICUT General Statutes or any other General Statute or Special Act, the City of Danbury shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.

(3) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.

(4) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

(b) MAINTENANCE, REPAIR AND REPLACEMENT.

(1) Every person, firm, corporation, association or partnership owning any PROPERTY ABUTTING ~~land fronting on~~ any PUBLIC sidewalk within the City of Danbury shall be responsible for (a) ~~the~~ the REPAIR OR REPLACEMENT OF DAMAGED, UNPAVED OR UNSAFE SIDEWALKS, (b) KEEPING THE SIDEWALK UNOBSTRUCTED BY ANY OBJECT, UNLESS PRIOR APPROVAL IS GRANTED BY CITY COUNCIL, AND (c) KEEPING THE SIDEWALK CLEAN OF SAND, LITTER, TRASH OR OTHER DEBRIS AT ALL TIMES EXTENDING ALONG THE FULL FRONTAGE OF SAID PROPERTY. ~~maintenance and repair of said sidewalk~~.

(2) The DIRECTOR OF PUBLIC WORKS ~~superintendent of highways~~ or his/HER designee, may issue an order to any such owner requiring him/HER to repair OR REPLACE any DAMAGED, UNPAVED OR UNSAFE sidewalk abutting his/HER property within such period of time as is specified in said order. If the owner of any such property fails to comply with a proper order of the DIRECTOR OF PUBLIC WORKS ~~superintendent of highways~~ or his/HER designee, the DIRECTOR OF PUBLIC WORKS OR HIS/HER DESIGNEE, ~~superintendent of highways~~ shall cause repairs OR REPLACEMENT as specified to be made at the expense of such owner, such expense may be recovered from the owner of said abutting property in an action brought in the name of the City of Danbury.

(3) FOR PROPERTY ABUTTING ANY PUBLIC SIDEWALK LOCATED WITHIN THE DOWNTOWN REVITALIZATION ZONE, AS SPECIFIED IN SECTION 7.F. OF THE CITY OF DANBURY ZONING REGULATIONS, THE CITY MAY, AT ITS DISCRETION AND PROVIDED FUNDING IS DULY APPROPRIATED FOR SUCH PURPOSE IN ACCORDANCE WITH LAW, REPAIR OR REPLACE SUCH SIDEWALKS OR PORTIONS THEREOF.

(c) OBSTRUCTIONS TO PUBLIC PROPERTY.

No person shall place or cause to be placed any snow, ice, sand, LITTER, ~~or~~TRASH or OTHER debris OR ANY OBJECT that obstructs, may obstruct or otherwise interfereS with safe passage ~~upon,~~ or ~~otherwise interfere with~~ the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the city~~.~~

(d)~~(e)~~ ENFORCEMENT.

(1) All lawful expenses incurred by the City of Danbury by virtue of THIS SECTION 17-7(a) THROUGH (c) ~~subsection 17-7(a) or 17-7(b)~~ shall accrue interest at a rate of twelve (12) per cent per annum and shall be a lien upon the premises adjoining such SIDEwalk provided that the DIRECTOR OF PUBLIC WORKS, OR HIS/HER DESIGNEE, ~~superintendent of highways~~ shall cause a certificate of lien to be recorded in the town clerk's office within sixty (60) days of the completion of any

necessary repair, REPLACEMENT or removal authorized herein. SAID COSTS MAY ALSO BE ASSESSED AGAINST THE REAL ESTATE AND COLLECTED AS PART OF THE TAXES PURSUANT TO THE PROVISIONS OF SECTION 12-169b OF THE CONNECTICUT GENERAL STATUTES. ANY SUCH AMOUNT ADDED TO THE ASSESSMENT SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE AND MAY BE ENFORCED IN THE SAME MANNER AS PROPERTY TAX LIENS.

(2) FOR ANY VIOLATION OF THIS SECTION 17-7(a) THROUGH (c), any Danbury Police Officer or the ~~d~~Director of Ppublic Wworks or his/HER designee, OR MEMBER OF THE UNIFIED NEIGHBORHOOD INSPECTION TEAM FOR VIOLATIONS OCCURRING WITHIN THE DRZ, shall be authorized to issue citations AS SET FORTH IN SECTION 1-7 OF THE CODE OF ORDINANCES. ~~providing for penalties of ninety dollars ($90.00) per violation of this section.~~

~~(d) Pursuant to the provisions of Public Act 81-340 and notwithstanding the provisions of Section 13a-149 of the General Statutes or any other General Statute or Special Act, the City of Danbury shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.~~

~~(e) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.~~

~~(f) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.~~

~~(g) No person shall place or cause to be placed any snow, ice, sand or debris that obstructs, may obstruct or otherwise interfere with safe passage upon, or otherwise interfere with the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the city.~~

~~(h) Any Danbury Police Officer or the director of public works or his designee, shall be authorized to issue citations providing for penalties of ninety dollars ($90.00) per violation for violations of this section.~~

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~

15-18

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

That Section 17-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended as follows:

Sec. 17-7. - Removal of snow and ice from sidewalks; maintenance, repair and replacement of sidewalks; obstructions to public property; enforcement.

(a) Snow and Ice.

(1) Every person owning or occupying any land fronting upon any sidewalk within the City shall, within four (4) hours of daylight immediately following the cessation of any fall of snow, or accumulation of ice thereon, cause the same to be removed, so that travel upon said sidewalk shall not be obstructed, dangerous or inconvenient, and upon failure so to do within the time limit shall be punished as provided in Section 1-7 of the Code of Ordinances. after the expiration of the time limit as aforesaid, if such snow and ice shall not have been removed, the director of public works, or his/her designee, shall cause the same to be removed at the expense of such owner or occupier, such expense to be recovered from either the owner or occupier in an action brought in the name of the City.

(2) Pursuant to the provisions of Section 7-163a, and notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other General Statute or Special Act, the City of Danbury shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.

(3) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.

(4) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

(b) Maintenance, Repair and Replacement.

(1) Every person, firm, corporation, association or partnership owning any property abutting any public sidewalk within the City of Danbury shall be responsible for (a) the repair or replacement of damaged, unpaved or unsafe sidewalks, (b) keeping the sidewalk unobstructed by any object, unless prior approval is granted by City Council, and (c) keeping the sidewalk clean of sand, litter, trash or other debris at all times extending along the full frontage of said property.

(2) The Director of Public Works or his/her designee, may issue an order to any such owner requiring him/her to repair or replace any damaged, unpaved or unsafe sidewalk abutting his/her property within such period of time as is specified in said order. if the owner of any such property fails to comply with a proper order of the Director of Public Works or his/her designee, the Director of Public Works or his/her designee, shall cause repairs or replacement as specified to be made at the expense of such owner, such expense may be recovered from the owner of said abutting property in an action brought in the name of the City of Danbury.

(3) For property abutting any public sidewalk located within the Downtown Revitalization Zone, ("DRZ") as specified in Section 7.f. of the City of Danbury Zoning Regulations, the City may, at its discretion and provided funding is duly appropriated for such purpose in accordance with law, repair or replace such sidewalks or portions thereof.

(c) Obstructions to Public Property.

No person shall place or cause to be placed any snow, ice, sand, litter, trash or other debris or any object that obstructs, may obstruct or otherwise interferes with safe passage or the regular and proper maintenance or drainage of any street, road, public highway, sidewalk or other public property in the City.

(d) Enforcement.

(1) All lawful expenses incurred by the City of Danbury by virtue of this Section 17-7(a) through (c) shall accrue interest at a rate of twelve (12) per cent per annum and shall be a lien upon the premises adjoining such sidewalk provided that the Director of Public Works, or his/her designee, shall cause a certificate of lien to be recorded in the Town Clerk's office within sixty (60) days of the completion of any necessary repair, replacement or removal authorized herein. Said costs may also be assessed against the real estate and collected as part of the taxes pursuant to the provisions of section 12-169b of the Connecticut General Statutes. Any such amount added to the assessment shall constitute a lien upon the real estate and may be enforced in the same manner as property tax liens.

(2) For any violation of this Section 17-7(a) through (c), any Danbury Police Officer or the Director of Public Works or his/her designee, or member of the Unified Neighborhood Inspection Team for violations occurring within the DRZ, shall be authorized to issue citations as set forth in Section 1-7 of the Code of Ordinances.