

(16)

Committee Meeting as a Whole
Fire Marshal Code of Ordinance Section 8-33
DANBURY CITY COUNCIL
August 18, 2014

COUNCIL MEMBERS PRESENT: Michael J. Haddad Sr., Jack Knapp, Warren Levy, Gregg William Seabury, Colleen A. Stanley, Andrew Wetmore, Irving M. Fox, John Priola, Vinny DiGilio, Christopher J. Arconti, Joe Cavo, Peter Nero, Fred Visconti, Benjamin Chianese, Paul T. Rotello, and Joseph Scozzafava

COUNCIL MEMBERS ABSENT: Philip D. Curran and Thomas J. Saadi had family obligations, Elmer Palma and Duane E. Perkins has business obligations, and Marina Loyola is recovering.

PRESENT: 16 ABSENT: 5

ALSO PRESENT: Mark D. Boughton, Mayor; Laszlo L. Pinter, Deputy Corporation Counsel; David St. Hilaire, Director of Finance; Antonio Iadarola, Director of Public Works, and Jim Russell, Fire Marshal.

President Cavo called the Committee Meeting to order at 9:50 p.m. in the City Council Chambers.

Fire Marshal - Code of Ordinance Section 8-33

A motion was made by Andrew Wetmore and seconded by Irving M. Fox to recommend amending Subsection N of Code of Ordinances Section 8-33 to allow inspection of dispensers and authorize inspections of public service stations every three years.

Mr. Pinter outlined the changes requested in a letter from the Fire Marshal. The changes involve the fees related to inspection of public service stations. Changes include that the pump shall be identified as a dispenser and that the inspections shall be every three years instead of two. Mr. Russell noted the change from two years to three is to correct an error. He responded to Council questions regarding the difference between a pump and a dispenser and regarding past inspections.

The motion carried unanimously.

The Committee ended discussion of this item at 9:55 p.m.

Respectfully submitted,

Lori Goor
Recording Secretary

16-1

COPY SHOWING DELETIONS AND NEW LANGUAGE.

That Section 8-33 of the Code of Ordinances of Danbury, Connecticut, is hereby amended to read as follows:

Section 8-33 Fire Marshal Inspections- Fees for Inspections

(a) Liquor Licenses.

(1) The Fire Marshal or his designee shall inspect or cause to be inspected any premises applying for a new or existing liquor license. A one hundred dollar (\$100.00) fee for all liquor permits allowing the retail sale, serving and consuming of liquor on the premises shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all such premises which fall within the following categories: café permit; charitable organization permit; club permit; nonprofit club permit; concession permit; golf country club permit; hotel permit; resort permit; restaurant permit; special event permit; special sporting facility permit; stadium permit; tavern permit; temporary permit for beer and/or wine only; and university permit.

(2) Inspection of the premises shall be made to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

(b) Assembly Occupancies.

(1) The Fire Marshal or his designee shall inspect, or cause to be inspected, annually all assembly occupancies, with a minimum of fifty (50) occupants, or rented to the public for social functions or parties. The Fire Marshal shall require a license to be issued by his office. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all Class A, Class B or Class C facilities.

(2) Said annual inspection shall coincide with any other necessary inspections for licenses; such as a liquor license, health certificate and vendor permits with LPG tanks only. Inspection of assembly occupancies shall be made to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

(c) Child Day Care Centers.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all child day care centers in which more than twelve (12) children receive care, maintenance and supervision, by other than relatives or legal guardians, to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all day care centers.

(d) Group Day Care Homes.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all group day care homes in which at least seven (7) but not more than twelve (12) children receive care, maintenance and supervision, by other than their relatives or legal guardians, to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all group day care homes.

(e) (1) Nursing Homes.

The Fire Marshal or his designee shall inspect or cause to be inspected every two (2) years all nursing homes in which persons are cared for or live in a supervised environment and have physical limitations because of health or age, and receive medical treatment or other care and treatment, to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all nursing homes every two (2) years.

(2) Assisted Living Facilities.

The Fire Marshal or his designee shall inspect or cause to be inspected every two (2) years all Assisted Living facilities in which persons live in a supervised residential environment which provides personal care services to insure compliance with the Connecticut State Fire Safety Code. A fee of fifteen dollars (\$15.00) per unit shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all Assisted Living facilities every two (2) years.

(f) Lodging and Rooming Houses.

(1) The Fire Marshal or his designee shall inspect or cause to be inspected annually all lodging and rooming houses, in accordance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations and issue an approval to the Department of Health and Housing to license such occupancy upon compliance.

(2) A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all lodging and rooming houses. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(g) Dry Cleaning Establishments.

The Fire Marshal or his designee shall inspect or cause to be inspected every three (3) years all dry cleaning establishments to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all dry cleaning establishments.

(h) Carnivals.

The Fire Marshal or his designee shall inspect or cause to be inspected all carnival events prior to issuing approval to operate. The party sponsoring the carnival event using tents, portable cooking devices, rides, amusements and any other such activity, or combination thereof for any reason or cause, shall schedule an inspection with the Fire Marshal's office not less than thirty (30) days prior to the scheduled event. Also, not less than thirty (30) days prior to the scheduled event a plot plan showing all rides, booths, concessions, and amusements shall be submitted to the Fire Marshal's office along with all other relevant documents. A fee of seventy-five dollars (\$75.00) shall be paid to the City of Danbury prior to the Fire Marshal's review of the plot plan and inspection of the site.

(i) Hotels.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all hotels to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. For the purposes of this Ordinance, a hotel is defined as a building or a group of buildings under the same management in which there are more than sixteen (16) sleeping accommodations used primarily by transients for lodging, with or without meals, whether designed as a hotel, inn, club, motel, apartment, hotel or by any other name. A fee of fifteen dollars (\$15.00) per unit shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all hotels. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(j) Cargo Tank Motor Vehicles.

The Fire Marshal or his designee shall inspect or cause to be inspected annually any motor vehicle registered within his jurisdiction that is used for the storage or transportation of any bulk flammable or combustible liquids, liquid petroleum gas, or liquefied natural gas, or any other hazardous materials for the purpose of issuing a certificate as directed by Sections 29-322, 29-332 and 29-339 of the applicable Connecticut General Statutes and regulations. A fee of fifty dollars (\$50.00) per sticker shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all cargo tank motor vehicles.

(k) Vendor Permits/LPG Tanks.

The Fire Marshal or his designee shall inspect or cause to be inspected annually any carts or vehicles of vendor permit applicants which use liquefied petroleum gas as a fuel for cooking. Each liquefied petroleum gas tank and piping shall be installed and mounted per NFPA 58 Standards. At the time of application, a fee of twenty dollars (\$20.00) shall be paid to the City of Danbury and the cart or vehicle brought to the Fire Marshal's parking lot at the Danbury City Hall for inspection. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(l) Three family or more dwellings; Apartment Houses, Garden Apartments and Townhouses.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all residential buildings designed to be occupied by three or more families, including but not limited to, three family or greater dwellings, apartment houses, garden apartments and townhouses. Upon the scheduling of an inspection a fee of twenty-five dollars

16-4

(\$25.00) per unit shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(m) Portable shelters housing 100 or more persons.

The Fire Marshal or his designee shall inspect or cause to be inspected all tents, air supported plastic or fabric or other portable shelters governed by Section 29-140 of the applicable Connecticut General Statutes and regulations, and intended for assembly of one hundred or more persons. At the time of application for a permit to erect such a portable shelter, a fee of twenty-five dollars (\$25.00) shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(n) Public Service Stations.

The Fire Marshal or his designee shall inspect or cause to be inspected every three (3) years all public service stations to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. A fee of twenty-five dollars (\$25.00) per DISPENSER pump shall be paid to the City of Danbury prior to the Fire Marshal's inspection of Public Service Stations every THREE (3) ~~two (2)~~ years.

(o) Failure to Pay Inspection Fees.

The owner or occupant of any property inspected by the Office of the Fire Marshal shall pay the inspection fee within ten (10) days of receiving an invoice from the Office of the Fire Marshal. All such fees paid to the Office of the Fire Marshal shall be nonrefundable. In the event of failure to pay an inspection fee when due, the Fire Marshall shall issue a notice of failure to pay together with an invoice demanding payment of the inspection fee. Further action to collect the inspection fee shall be in accordance with the procedures set forth in Section 12-35 Citation hearing procedure, of the Danbury Code of Ordinances pertaining to enforcement, appeals and hearing.

(1) All premises subject to inspection shall be so inspected by the Fire Marshal pursuant to the provisions of the applicable Connecticut General Statutes and regulations as amended and all other applicable codes. Such inspections shall be scheduled and conducted at the discretion of the Fire Marshal in accordance with state law.

(2) If an applicant fails a first inspection, a re-inspection fee may be applied at the discretion of the Fire Marshal. A fee of \$25 shall be paid for each additional inspection conducted by the Office of the Fire Marshal until the subject approval is issued.

(3) No fees set forth in this section shall apply to inspections of property owned or operated by municipal or state governmental agencies, subdivisions, or entities.

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~~.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT CITY COUNCIL

_____ A.D. 2014

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

That Section 8-33 of the Code of Ordinances of Danbury, Connecticut, is hereby amended to read as follows:

Section 8-33 Fire Marshal Inspections-- Fees for Inspections

(a) Liquor Licenses.

(1) The Fire Marshal or his designee shall inspect or cause to be inspected any premises applying for a new or existing liquor license. A one hundred dollar (\$100.00) fee for all liquor permits allowing the retail sale, serving and consuming of liquor on the premises shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all such premises which fall within the following categories: café permit; charitable organization permit; club permit; nonprofit club permit; concession permit; golf country club permit; hotel permit; resort permit; restaurant permit; special event permit; special sporting facility permit; stadium permit; tavern permit; temporary permit for beer and/or wine only; and university permit.

(2) Inspection of the premises shall be made to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

(b) Assembly Occupancies.

(1) The Fire Marshal or his designee shall inspect, or cause to be inspected, annually all assembly occupancies, with a minimum of fifty (50) occupants, or rented to the public for social functions or parties. The Fire Marshal shall require a license to be issued by his office. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all Class A, Class B or Class C facilities.

(2) Said annual inspection shall coincide with any other necessary inspections for licenses; such as a liquor license, health certificate and vendor permits with LPG tanks only. Inspection of assembly occupancies shall be made to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

(c) Child Day Care Centers.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all child day care centers in which more than twelve (12) children receive care, maintenance and supervision, by other than relatives or legal guardians, to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of one

16-5

hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all day care centers.

(d) Group Day Care Homes.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all group day care homes in which at least seven (7) but not more than twelve (12) children receive care, maintenance and supervision, by other than their relatives or legal guardians, to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all group day care homes.

(e) (1) Nursing Homes.

The Fire Marshal or his designee shall inspect or cause to be inspected every two (2) years all nursing homes in which persons are cared for or live in a supervised environment and have physical limitations because of health or age, and receive medical treatment or other care and treatment, to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all nursing homes every two (2) years.

(2) Assisted Living Facilities.

The Fire Marshal or his designee shall inspect or cause to be inspected every two (2) years all Assisted Living facilities in which persons live in a supervised residential environment which provides personal care services to insure compliance with the Connecticut State Fire Safety Code. A fee of fifteen dollars (\$15.00) per unit shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all Assisted Living facilities every two (2) years.

(f) Lodging and Rooming Houses.

(1) The Fire Marshal or his designee shall inspect or cause to be inspected annually all lodging and rooming houses, in accordance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations and issue an approval to the Department of Health and Housing to license such occupancy upon compliance.

(2) A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all lodging and rooming houses. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(g) Dry Cleaning Establishments.

The Fire Marshal or his designee shall inspect or cause to be inspected every three (3) years all dry cleaning establishments to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all dry cleaning establishments.

(h) Carnivals.

The Fire Marshal or his designee shall inspect or cause to be inspected all carnival events prior to issuing approval to operate. The party sponsoring the carnival event using tents, portable cooking devices, rides, amusements and any other such activity, or combination thereof for any reason or cause, shall schedule an inspection with the Fire Marshal's office not less than thirty (30) days prior to the scheduled event. Also, not less than thirty (30) days prior to the scheduled event a plot plan showing all rides, booths, concessions, and amusements shall be submitted to the Fire Marshal's office along with all other relevant documents. A fee of seventy-five dollars (\$75.00) shall be paid to the City of Danbury prior to the Fire Marshal's review of the plot plan and inspection of the site.

(i) Hotels.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all hotels to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. For the purposes of this Ordinance, a hotel is defined as a building or a group of buildings under the same management in which there are more than sixteen (16) sleeping accommodations used primarily by transients for lodging, with or without meals, whether designed as a hotel, inn, club, motel, apartment, hotel or by any other name. A fee of fifteen dollars (\$15.00) per unit shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all hotels. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(j) Cargo Tank Motor Vehicles.

The Fire Marshal or his designee shall inspect or cause to be inspected annually any motor vehicle registered within his jurisdiction that is used for the storage or transportation of any bulk flammable or combustible liquids, liquid petroleum gas, or liquefied natural gas, or any other hazardous materials for the purpose of issuing a certificate as directed by Sections 29-322, 29-332 and 29-339 of the applicable Connecticut General Statutes and regulations. A fee of fifty dollars (\$50.00) per sticker shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all cargo tank motor vehicles.

(k) Vendor Permits/LPG Tanks.

The Fire Marshal or his designee shall inspect or cause to be inspected annually any carts or vehicles of vendor permit applicants which use liquefied petroleum gas as a fuel for cooking. Each liquefied petroleum gas tank and piping shall be installed and mounted per NFPA 58 Standards. At the time of application, a fee of twenty dollars (\$20.00) shall be paid to the City of Danbury and the cart or vehicle brought to the Fire Marshal's parking lot at the Danbury City Hall for inspection. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(l) Three family or more dwellings; Apartment Houses, Garden Apartments and Townhouses.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all residential buildings designed to be occupied by three or more families, including but not limited to, three family or greater dwellings, apartment houses, garden apartments and townhouses. Upon the scheduling of an inspection a fee of twenty-five dollars (\$25.00) per unit shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

16-8

(m) Portable shelters housing 100 or more persons.

The Fire Marshal or his designee shall inspect or cause to be inspected all tents, air supported plastic or fabric or other portable shelters governed by Section 29-140 of the applicable Connecticut General Statutes and regulations, and intended for assembly of one hundred or more persons. At the time of application for a permit to erect such a portable shelter, a fee of twenty-five dollars (\$25.00) shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(n) Public Service Stations.

The Fire Marshal or his designee shall inspect or cause to be inspected every three (3) years all public service stations to insure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. A fee of twenty-five dollars (\$25.00) per dispenser shall be paid to the City of Danbury prior to the Fire Marshal's inspection of Public Service Stations every three (3) years.

(o) Failure to Pay Inspection Fees.

The owner or occupant of any property inspected by the Office of the Fire Marshal shall pay the inspection fee within ten (10) days of receiving an invoice from the Office of the Fire Marshal. All such fees paid to the Office of the Fire Marshal shall be nonrefundable. In the event of failure to pay an inspection fee when due, the Fire Marshall shall issue a notice of failure to pay together with an invoice demanding payment of the inspection fee. Further action to collect the inspection fee shall be in accordance with the procedures set forth in Section 12-35 Citation hearing procedure, of the Danbury Code of Ordinances pertaining to enforcement, appeals and hearing.

(1) All premises subject to inspection shall be so inspected by the Fire Marshal pursuant to the provisions of the applicable Connecticut General Statutes and regulations as amended and all other applicable codes. Such inspections shall be scheduled and conducted at the discretion of the Fire Marshal in accordance with state law.

(2) If an applicant fails a first inspection, a re-inspection fee may be applied at the discretion of the Fire Marshal. A fee of \$25 shall be paid for each additional inspection conducted by the Office of the Fire Marshal until the subject approval is issued.

(3) No fees set forth in this section shall apply to inspections of property owned or operated by municipal or state governmental agencies, subdivisions, or entities.