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CITY OF DANBURY

DANBURY, CONNECTICUT 06810

Fire Marshal's Office
155 Deer Hill Avenue

James Johnson, Fire Marshal
(203) 796-1541
Fax (203) 796-1561

February 24, 2009

Mr. Joe Cavo President Common Council
155 Deer Hill Ave.
Danbury, Ct. 06810

RE: Section 8-33 Code of Ordinances, addition of Section 8-34

Dear President Cavo,

Enclosed you will find proposed changes and additions to the City Ordinance concerning fees for Fire Marshal Inspections and Plan Review. An Ad-Hoc is requested to review the proposal and for submission to the Common Council for approval of the changes and additions to the current ordinance.

Thank you in advance.

Sincerely,

James Johnson
Fire Marshal

J. J. Wiedl D/C

T. J. Wiedl
Deputy Fire Chief

Enc. 1



8-1

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

THAT Section 8-33 of the Code of Ordinances of the City of Danbury is hereby amended to read as follows:

Sec. 8-33. Fire marshal reviews and inspections --Fees for reviews, permits and 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: cafe 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 Fire Safety Code and the Connecticut General Statutes 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 Fire Safety Code and the Connecticut General Statutes 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 Fire Safety Code. 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 Fire Safety Code. 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) *Nursing homes.* The fire marshal or his designee shall inspect or cause to be inspected annually all nursing homes in which two (2) or more persons unrelated to the proprietor receive food, shelter and services which meet a need beyond the basic provisions of food shelter and laundry, to insure compliance with the Connecticut Fire Safety Code. 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 nursing homes.

(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 Fire Safety Code 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.

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(g) *Dry cleaning establishments.* The fire marshal or his designee shall inspect or cause to be inspected annually all dry cleaning establishments to insure compliance with the Connecticut Fire Safety Code and the Connecticut General Statutes 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 Fire Safety Code. For the purposes of this section, 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, hotel, apartment hotel or by any other name. A fee of ten dollars (\$10.00) per room 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 Connecticut General Statutes. 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 (3) 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.

(m) *Portable shelters housing one hundred 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 Connecticut General Statutes, and intended for assembly of one hundred (100) 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) *Failure to pay inspection fees/Payment requirements.*

(1) The owner or occupant of any property inspected by the Office of the Fire Marshal shall pay the inspection fee authorized by sec.8-33 within 10 days of receiving an invoice from the Office of the Fire Marshal. Interest will be charged on any fee remaining unpaid for more than 30 days beyond its due date at the yearly rate of 10%. All such fees paid to the Office of Fire Marshal shall be nonrefundable.

(2) If a property inspected by the Office of the Fire Marshal in accordance with this section fails a first inspection, the owner or occupant shall pay a reinspection fee of \$25 for each additional inspection conducted by the Office of the Fire Marshal until the property is approved.

(3) No fees set forth in sec.8-33 shall apply to inspections of property owned or operated by municipal or state governmental agencies.

(4) Inspections conducted and certificates or permits issued by the Danbury Fire Marshal's Office will be subject to the fees as set forth in this section and in Section 8-34 as may be amended.

(5) Prior to inspections of occupancies that require certificates or permits, the appropriate fees must be paid.

(6) Fees for inspection of other occupancies will be invoiced to the business owner and/or the building owner and are payable upon receipt and within 10 days of invoice. The fees associated with plan reviews must be paid prior to the issuance of any permits for the project

Resubmittal fee for modified approved plans

1/3 base fee

(b) Inspections.

If an applicant for any permit fails a first inspection, a reinspection fee may be applied at the discretion of the Fire Marshal of \$25 shall be paid for each additional inspection conducted by the Office of the Fire Marshal until the subject approval is issued.

(c) Enforcement

Enforcement for failure to pay fees will be in accordance with Connecticut General Statute Sections 7-148 and 7-152c and the City of Danbury Ordinance adopted pursuant to those statutory sections, as amended.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Section 8-33 of the Code of Ordinances of the City of Danbury is hereby amended to read as follows:

Sec. 8-33. Fire marshal REVIEWS AND inspections --Fees for REVIEWS, PERMITS AND 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: cafe 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 Fire Safety Code and the Connecticut General Statutes 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.

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(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 Fire Safety Code and the Connecticut General Statutes 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.

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(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 Fire Safety Code. 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) *Nursing homes.* The fire marshal or his designee shall inspect or cause to be inspected annually all nursing homes in which two (2) or more persons unrelated to the proprietor receive food, shelter and services which meet a need beyond the basic provisions of food shelter and laundry, to insure compliance with the Connecticut Fire Safety Code. 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 nursing homes.

(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 Fire Safety Code 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.

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(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 Fire Safety Code. For the purposes of this section, 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, hotel, apartment hotel or by any other name. A fee of TEN DOLLARS (\$10.00) PER ROOM ~~one hundred dollars (\$100.00)~~ 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 Connecticut General Statutes. 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.

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(m) *Portable shelters housing one hundred 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 Connecticut General Statutes, and intended for assembly of one hundred (100) 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) *Failure to pay inspection fees.* ~~Payment requirements. In the event of failure to pay an inspection fee when due, the fire marshal 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) THE OWNER OR OCCUPANT OF ANY PROPERTY INSPECTED BY THE OFFICE OF THE FIRE MARSHAL SHALL PAY THE INSPECTION FEE AUTHORIZED BY SEC.8-33 WITHIN 10 DAYS OF RECEIVING AN INVOICE FROM THE OFFICE OF THE FIRE MARSHAL. INTEREST WILL BE CHARGED ON ANY FEE REMAINING UNPAID FOR MORE THAN 30 DAYS BEYOND ITS DUE DATE AT THE YEARLY RATE OF 10%. ALL SUCH FEES PAID TO THE OFFICE OF FIRE MARSHAL SHALL BE NONREFUNDABLE.

(2) IF A PROPERTY INSPECTED BY THE OFFICE OF THE FIRE MARSHAL IN ACCORDANCE WITH THIS SECTION FAILS A FIRST INSPECTION, THE OWNER OR OCCUPANT SHALL PAY A REINSPECTION FEE OF \$25 FOR EACH ADDITIONAL INSPECTION CONDUCTED BY THE OFFICE OF THE FIRE MARSHAL UNTIL THE PROPERTY IS APPROVED.

(3) NO FEES SET FORTH IN SEC.8-33 SHALL APPLY TO INSPECTIONS OF PROPERTY OWNED OR OPERATED BY MUNICIPAL OR STATE GOVERNMENTAL AGENCIES.

(4) INSPECTIONS CONDUCTED AND CERTIFICATES OR PERMITS ISSUED BY THE DANBURY FIRE MARSHAL'S OFFICE WILL BE SUBJECT TO THE FEES AS SET FORTH IN THIS SECTION AND IN SECTION 8-34 AS MAY BE AMENDED.

(5) **PRIOR** TO INSPECTIONS OF OCCUPANCIES THAT REQUIRE CERTIFICATES OR PERMITS, THE APPROPRIATE FEES MUST BE PAID.

(6) FEES FOR INSPECTION OF OTHER OCCUPANCIES WILL BE INVOICED TO THE BUSINESS OWNER AND/OR THE BUILDING OWNER AND ARE PAYABLE UPON RECEIPT AND WITHIN 10 DAYS OF INVOICE .THE FEES ASSOCIATED WITH PLAN REVIEWS MUST BE PAID PRIOR TO THE ISSUANCE OF ANY PERMITS FOR THE PROJECT

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| 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.