



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.¹

(a) *Fees generally:*

- (1) In accordance with the provisions of section ~~29-252-112.3.1~~ 108.2 of the ~~Connecticut Basic State Building Code~~ e, 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:

<i>Valuation of Work</i>	<i>Fee</i>
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.

¹ Legal or Editorial Change: Code 1961, § 6-02. Amendment of State Building Code. Corrected building code reference. All references to the building code are altered to be to State Building Code. See Conn. Admn. Code § 29-252-1d.

(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:

<i>Type of Permit or Certificate</i>	<i>Fee</i>
(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

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.

(e) *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.

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.

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.

ORDINANCE
CITY COUNCIL

No: _____

Ordinance _____

Adopted by the City Council

Approved by Corporation Counsel:

Certified by Legislative Assistant:

Approved by the Mayor:

Mayor