

28TH BOARD OF REPRESENTATIVES CITY OF STAMFORD

President
RANDALL M. SKIGEN
Clerk of the Board
ANNIE M. SUMMERVILLE

Majority Leader
ELAINE MITCHELL
Minority Leader
ROBERT "GABE" DELUCA

RESOLUTION NO. 3557 TO CONFORM THE LANGUAGE OF THE CODE OF ORDINANCES TO THE CHARTER AS AMENDED BY ELECTORS IN 2012

WHEREAS, on November 6, 2012, the electors of the City of Stamford voted to amend the Charter of the City of Stamford; and

WHEREAS, several of the changes approved by the voters are non-substantive; and

WHEREAS, the amendments specify that references to time periods of less than 10 days be construed to exclude weekends and federal, state or municipal holidays; and

WHEREAS, the amendments specify that there be a single Fire Department for the City of Stamford, to be known as the "Fire Department" rather than a regular "Fire and Rescue Department" and change the references to "Volunteer Fire Departments" to "Volunteer Fire Companies"; and

WHEREAS, some of the language, words, titles and numbering of sections of the Code do not reflect the Charter as amended by the electors; and

WHEREAS, it is in the best interests of the City of the Stamford to avoid confusion that may or will be created because of non-conforming language, words, titles and numbering of sections of the Code.

NOW THEREFORE BE IT RESOLVED BY THE 28TH BOARD OF REPRESENTATIVES THAT:

1. The Clerk of the Board of Representatives is hereby authorized to instruct the publisher of the City of Stamford Code of Ordinances to make the non-substantive changes to the Code as shown more specifically on Exhibit A hereto in order to conform the language, words, titles and numbering of sections of the Code to the provisions of the Charter of the City of Stamford, as approved by the electors on November 6, 2012.
2. The provisions of this resolution shall take effect upon its enactment.

EXHIBIT A – NON-SUBSTANTIVE CODE CHANGES

General Provisions

Sec. 1-22. - Publication of a summary of a proposed ordinance.

- A. Pursuant to Section 7-157 (b) of the Connecticut General statutes, as amended, whenever the Board of Representatives, in accordance with the Stamford Charter, ~~Section C-2-10-12~~, Section C2-10-12, is required to publish an ordinance prior to adoption or, in accordance with Stamford Charter ~~Section C-2-10-16~~, Section C2-10-16, is required to publish an ordinance upon final passage, except when said proposed ordinance makes or requires an appropriation, the Board shall publish such ordinance in a summary form in the following manner:

City-Owned Property

Sec. 9-7.1. - Procedure for purchase of real property.

Pursuant to ~~Section C-1-50-3~~ Section C1-50-3 of the Charter of the City of Stamford, the Mayor may purchase real property for the city by the following method:

Scenic Roads

Sec. 214-53. - Procedure.

- B. Upon receipt of the application, the Planning Board shall hold a public hearing regarding the designation of such road or portion of such road as a scenic road. Notice of said hearing shall be published not less than seven (7) business days before said hearing in a newspaper having a general circulation in the city of Stamford and shall be mailed by the applicant to all owners of property abutting the road or portion of the road to be designated as a scenic road, as determined above. A statement of Notification of Property Owners, together with evidence in the form of a U.S. Post Office Certificate of Mailing to all such owners, dated not more than twenty (20) days nor less than seven (7) business days prior to the date set for the public hearing, shall be submitted to the Planning Board as proof of mailing.

Fire and Rescue Department

Sec. 25-1. - Badges; required fees.

Every member of the Fire and Rescue Department shall, within ten (10) days after his appointment, deposit with the Chief of the Fire and Rescue Department the sum of ten dollars (\$10.00), for which sum two (2) badges of membership shall be issued to him, and no badge shall be issued to any member until such sum shall have been so deposited by him. The Chief of the Fire and Rescue Department shall deposit with the

Controller of the city all moneys received by him for such badges. Every member, upon leaving the Department or being dismissed therefrom, shall surrender his badges to the Chief of the Fire and Rescue Department, receiving therefor a certificate in writing from the Chief that such member is entitled to receive from the Controller the sum of ten dollars (\$10.00) so deposited by him, and until the surrender of his badges and all other property of the city in his possession, no member shall receive any compensation that might otherwise be due him for his services.

Sec. 25-2. - Conduct at fires.

The Chief of the Fire and Rescue Department or other officer in command shall have the power to prescribe certain limits in the immediate vicinity of a fire within which only members of the Fire and Rescue Department on duty, the Mayor, members of the governing body and members of the Police Department shall be admitted except by permission of the officer in command. The Chief of the Fire and Rescue Department or other officer in command shall have power to cause the immediate arrest and detention of any fireman or other person who shall make any disturbance at a fire or alarm of fire. Any officer in charge of the Fire and Rescue Department at any fire may command the aid of any person present in suppressing the fire or to assist in the removal and preservation of property exposed to the fire, and any person so commanded shall render the aid required and, in default thereof, shall be punished as provided in Chapter 1, General Provisions, Article I.

Sec. 25-3. - Destruction of buildings to prevent spread of fire.

The Chief of the Fire and Rescue Department or other officer in command at any fire may, when he shall deem it necessary, order any building or structure to be destroyed or torn down to prevent the spreading of a fire; provided, however, that he shall have the sanction of the Mayor thereto or, in his absence, that of the President of the governing body, except when because of the absence of the Mayor or the President of the governing body it is impracticable to obtain such sanction.

Sec. 25-4. - Removal of apparatus outside of city.

No engine or other property belonging to the city, connected with the Fire and Rescue Department, shall be taken out of the city unless by order of the Chief or Deputy Chief of the Fire and Rescue Department with the approval of the Mayor or, in his absence, of the President of the governing body.

Sec. 25-5. - Injury of department property by firemen.

Any member of the Fire and Rescue Department who shall wantonly injure any property of the Department or wrongfully convert any of the property to his own use shall be dismissed from the Department and be ineligible to reappointment.

Sec. 25-6. - Obstruction of operations; penalties.

- B. It shall be unlawful for any person in the city to willfully obstruct any street in the city so as to render less effective the Fire and Rescue Department in the performance of its duty in going to, coming from or attending any fires.

Sec. 25-7. - Damage or injury to department property by others.

It shall be unlawful for any person in the city to run over any fire hose in use by the Fire and Rescue Department or in any way to injure or endanger any apparatus or equipment belonging to the Department.

Land, Acquisition of

Sec. 33-3. - Compliance required.

- B. A violation of the terms and conditions of Subsection A of this section shall be deemed cause for removal from office or employment with the city, including cause for removal pursuant to ~~Sec. C-740~~ Section C6-140-8 of the Charter of the City of Stamford.

Personnel

Sec. 47-1. - General pension provisions.

The governing body may provide, by resolution, for the pensioning of any City officer or employee who shall have been employed by the city or who shall have held office therein continuously for a period of not less than twenty-five (25) years, subject to the following provisions:

- E. No member of the Police Department or the Fire and Rescue Department who is entitled to a pension from the Police Benefit Fund of the Firemen's Relief Fund shall be granted a pension under this section.

Sec. 47-11. - Limit of Charter provisions.

On and after November 1, 1975, no policy, business or other practice or rule intended as a proscription, amendment or enforcement of rules for the classified service pursuant to ~~Sec. C-735 of the city Charter~~ Section C5-20-10 of the Charter of the City of Stamford shall have any force or effect unless adopted in writing and in accordance with the requirements of ~~Sec. C-735~~ Section C5-20-10.

Sec. 47-18. - Heart and hypertension provisions.

The Chief of Police and the Fire and Rescue Chief and their respective deputies shall be deemed to be, for purposes of workers' compensation under the Heart and Hypertension Statute, Section 7-433(c) of the Connecticut General Statutes, regular members of the Police Department and uniform members of the Fire and Rescue Department. Said Chiefs and their deputies shall comply with all other terms and conditions contained in the statute, including but not limited to passage of preemployment physical.

Sec. 47-26. - Applicable positions.

The positions to which this Article applies are:

- F. Chief of Fire and Rescue Department.

Alarm Systems

Sec. 70-1. - Definitions.

The following definitions shall be used to administer this Article:

Alarm administrator. The "Alarm Administrator" shall be designated by the Mayor after consultation with the Chief of Police and the Chief of the Fire and Rescue Department.

Alarm company systems. "Alarm company systems" are systems whereby alarms are received at a location outside of the Police Department or the Fire and Rescue Department and such receiving location contacts the Police Department or the Fire and Rescue Department or any other emergency telephone number to report the alarm.

Automatic alarm dialers. "Automatic alarm dialers" are devices which, either mechanically, electronically or by other automatic means, initiate a recorded message to the Police Department, the Fire and Rescue Department or any other City of Stamford emergency telephone number.

Unintentional or false alarm:

- A. An "unintentional or false alarm" is any activation of an alarm device or a call from an alarm company system to which a Fire and Rescue Department or the Police Department responds and which is not occasioned nor caused by a criminal act, a fire or a medical emergency. The determination as to causation of an alarm shall be made by the public safety official on the scene.

Sec. 70-2. - Direct connection systems.

- A. Any rules and regulations regarding direct connections will be written by each Department having jurisdiction over such systems. Any rules and regulations for the 911 Combined Dispatch System will be written by the Fire and Rescue Department and Police Department.
- B. Connection to Stamford Fire and Rescue Department terminal. Any person, firm or corporation owning and operating an alarm system in the City of Stamford may connect said alarm system to a Stamford Fire and Rescue Department terminal under the following conditions:
 - (1) Said person, firm or corporation will be subject to a limit on connection or service because of budget, space or manpower.
 - (2) Said person, firm or corporation will be subject to any Fire and Rescue Department policy for crime or fire prevention.
 - (3) Said person, firm or corporation will be liable for the answering of any unintentional or false alarm from the connection.
 - (4) Said person, firm or corporation will be liable for all costs incurred by the City of Stamford in collecting any fee that said person, firm or corporation owes pursuant to this Article.
 - (5) Said person, firm or corporation will abide by all written rules and

regulations regarding direct connection alarm systems which may be written by the Fire and Rescue Department.

Sec. 70-3. - Automatic alarm dialers.

- B. The owner of any automatic alarm dialers shall pay a fee of one hundred dollars (\$100.00) for each occurrence of automatic dialing to the Stamford Police Department, the Stamford Fire and Rescue Department or any City of Stamford emergency telephone number after January 1, 1988. Said fee shall be billed by the Alarm Administrator.

Sec. 70-8. - Direct connection fees.

- A. The owner of any direct connection alarm system connected to the Stamford Fire and Rescue Department Dispatch Center shall pay an annual fee of three hundred dollars (\$300.00). Said fee shall not apply to the City of Stamford or any department or agency which receives any operating funds from the City of Stamford. Said fee shall not apply to any alarms which are initially received by any Volunteer Fire Departments Companies that operate in Stamford, even if said alarm is relayed to the Stamford Fire and Rescue Department.

Sec. 70-9. - Collection of fees.

- C. In connection with such proceedings, the Alarm Administrator may seek to disconnect or discontinue any alarm user's alarm device; provided, however, that no fire alarm or burglar alarm system shall be ordered to be disconnected or discontinued until approved by the Police Chief or the Fire and Rescue Chief having jurisdiction of the fire district from where the alarm was initiated.

Sec. 70-9.1. - Termination of alarm connection.

- A. The direct alarm connection to the Stamford Fire and Rescue Department may be terminated under any of the following conditions:
- (1) If the fees or costs due under the provisions of this Article are not paid.
 - (2) If there are a number of false alarms from the connection which the appropriate department determines to be excessive.
 - (3) Any other reasonable grounds to end service, including but not limited to the financial policy of the appropriate department, its available manpower and its judgment about the best way to protect the city.
- B. No direct connection alarm may be terminated until the following conditions are met:
- (1) The owner is sent notice by certified or registered mail at least thirty (30) days prior to termination.
 - (2) No direct connection alarm connected to the Stamford Fire and Rescue Department may be terminated unless the Fire and Rescue

Department that typically responds to that alarm is notified and concurs in the termination.

- (3) With the exception of general revocations due to financial considerations, no direct connection alarm may be terminated until after the alarm user has been given an opportunity to appeal the termination decision to the Police Commission pursuant to § 70-6D above.

Sec. 70-9.2. - City to be held harmless.

The City of Stamford assumes no responsibility for alarm devices. The City of Stamford and its employees, officials, agents and volunteers shall be under no obligation concerning the adequacy, operation or maintenance of any alarm device or of any monitoring facility located in the Police Department, or Fire and Rescue Department ~~or Volunteer Fire Departments~~. No liability is assumed for the failure of such alarm device or monitoring facilities. Each alarm user shall hold harmless the City of Stamford and its employees, officials, agents and volunteers from any liability in connection with the alarm user's alarm device.

Sec. 70-16. - Maintenance and repair.

- A. Maintenance and repair or replacement of smoke detectors, once properly installed and confirmed in writing by the Fire and ~~Rescue~~ Chief, shall be the responsibility of the occupant. Said maintenance shall include, but not be limited to, the checking and replacement of batteries in battery-operated smoke detectors.
- B. No person may remove or render a smoke detector inoperative except for periodic maintenance of said detector or to conduct maintenance or repair to the dwelling or dwelling unit.

Sec. 70-17. - Adoption of rules and regulations; notice of violations; penalties; appeals.

- A. The Fire and ~~Rescue~~ Chief of the City of Stamford shall adopt written rules and regulations to enforce the provisions of this Article. The Fire and ~~Rescue~~ Chief is authorized to appoint and train or cause to be trained members of the City of Stamford Fire and ~~Rescue~~ Department and ~~all city volunteer fire departments~~ as well as employees, officers and/or agents of the City of Stamford in the inspection of residential dwellings and dwelling units for the purposes of the enforcement of this Article.
- B. Whenever the Fire and ~~Rescue~~ Chief or his designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article or of any rule or regulation adopted pursuant thereto, the Chief shall give notice of such alleged violation(s) to the person(s) responsible therefor, as hereinafter provided. Such notice:
 - (1) Shall be in writing.
 - (2) Shall include a statement of the reason as to why it is being issued.

- (3) Shall allow twenty-four (24) hours for the installation or repair of operational smoke detectors and a reasonable amount of time for the correction of any other violations.
 - (4) Shall be served upon the occupant, the owner or his designated agent, as the case may require. The owner may designate any person who is a resident of the City of Stamford as his agent for service pursuant to this Article. Notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is sent by registered or certified mail to said person's last known mailing address or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit affected by the notice or if said person is served with such notice by any other method authorized or required by the laws of this state.
 - (5) May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article and with the rules and regulations adopted pursuant hereto.
- C. Penalties. Any person who violates this Article or the rules adopted by the Fire and Rescue Chief of the City of Stamford pursuant thereto shall be fined ninety dollars (\$90.00) for each violation. For the purposes of this section, the total number of violations in each individual dwelling unit shall constitute one (1) violation. [Amended 7-6-1999 by Ord. No. 883]
- D. Appeals. Any person who has been fined pursuant to this Article may appeal such fine pursuant to the rules and regulations adopted by the Fire and Rescue Chief.

Sec. 70-18. - Required inspections.

The Fire and Rescue Chief is hereby authorized and directed to make periodic inspections by and with the consent of the owner, occupant or person in charge to determine whether the provisions of this Article have been complied with. For the purpose of making inspections, the Fire and Rescue Chief or his designee, with the consent of the owner, occupant or person in charge, is hereby authorized to enter, examine and survey between the hours of 8:30 a.m. and 4:30 p.m. all dwellings and dwelling units affected by the mandates of this Article. The owner, occupant or person in charge may also arrange with the Fire and Rescue Chief or his designee to conduct an inspection at some other mutually agreed upon time. To further ensure that the policy of this Article, which is to achieve compliance through the cooperation of the owners and occupants, is successfully maintained, it shall be the practice of the Fire and Rescue Chief or his designee, whenever practicable, to provide reasonable advanced written notice to the owners and occupants of projected blanket inspections or inspections of a routine nature. The owner, occupant or person in charge of a dwelling or dwelling unit, upon presentation by the Fire and Rescue Chief or his designee of proper identification, may give the Fire and Rescue Chief or the Chief's designee entry and free access to such dwelling or dwelling unit for the purpose of

conducting an inspection.

Fire Lanes

Sec. 126-2. - Petition for establishment of fire lanes.

B. In requesting the establishment of any fire lane, the Fire Marshal shall take into consideration the size, type of construction and nature of use or occupancy of any buildings or facilities to be served; the location of handicapped parking spaces; the placement and availability of water sources, including but not limited to fire hydrants, building standpipes and sprinkler system connections; and the type of fire equipment, truck turning radius and the length of hoses available to the Fire and Rescue Department.

Fire Prevention

Sec. 127-3. - Unauthorized use of fire hydrants.

No person except an officer of the city or a member of the Fire and Rescue Department shall open or use any fire hydrant without written permission from the Chief of the Fire and Rescue Department or Deputy Fire Chief, which permission shall designate the location of the hydrant to be opened and used.

CHAPTER 139. - GOLF REGULATIONS, MUNICIPAL

GENERAL REFERENCES

Charter—See ~~§§ C-543 and C-544.~~ §§C6-130-1 to C6-130-3.

Parks and recreation—See Ch. 175.

Housing Standards

Sec. 146-8. - Appeals.

Any person aggrieved by a notice or order of the Director of Health issued in connection with any inspection, examination, survey or license required pursuant to this chapter may appeal to the Health Commission as provided by ~~City Charter, Sec. C-423, as amended.~~ Section C5-40-4(d) of the Charter of the City of Stamford.

Sec. 146-9. - Record of hearings.

The proceedings at such hearing, including the findings and decision of the Health Commission, shall be reduced to writing and entered as a matter of public record in the office of the Director of Health. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Health Commission may seek relief therefrom as provided in ~~City Charter, Sec. C-423,~~

as amended. Section C5-40-4(d) of the Charter of the City of Stamford. Further relief from a final decision of the Mayor may be sought as provided for by the laws of this state..

Sec. 146-24. - Condemnation of dwellings.

The designation of dwellings, dwelling units, rooming houses, rooming units, hotels or hotel units as unfit for human habitation and the procedure for condemnation and placarding of such unfit dwellings, dwelling units, rooming houses, rooming units, hotels or hotel units shall be carried out in compliance with the following requirements:

- E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling, dwelling unit, rooming house, rooming unit, hotel or hotel unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Health Commission under the procedure set forth in ~~in City Charter, Sec. C-423, as amended:~~ Section C5-40-4(d) of the Charter of the City of Stamford.

Sec. 146-29. - Tenement nuisance-abatement authority.

The provisions of Sections 19-347(a) through 19-347(h), Connecticut General Statutes, as amended, are hereby adopted, and the following five-member committee is hereby appointed the authority for the enforcement of said statutes, in accordance with the provisions of Section 19-347(a) thereof: the Director of Health, the Building Inspector, the Chief of the Fire and Rescue Department, the Executive Secretary of the Commission on Human Rights and a citizen appointed by the Mayor. The authority shall have all of the powers and responsibilities as set forth in Section 19-347(b).

Sec. 146-38. - Appeals; revocation.

Notice of denial or suspension of license shall be subject to the right of appeal and the appeals procedure as outlined in ~~the Charter, Sec. C-423, as amended~~ Section C5-40-4(d) of the Charter of the City of Stamford, and the provisions of §§ 146-9 and 146-10. If no request for hearing or reconsideration reaches the Health Commission within seven (7) days following issuance of an order of suspension, such license shall be deemed to have been automatically revoked.

Numbering of Buildings

Sec. 167-6. - Enforcement.

- A. The Stamford Fire Chief, ~~Volunteer Fire Chiefs, and Fire Marshals and Volunteer Fire Marshals~~ of the City of Stamford, ~~within their respective fire districts,~~ may serve notice and orders on the owners of premises found to be inaccurately numbered or renumbered or found with numbers insufficiently

legible or otherwise in violation of this chapter. Such notice and orders shall require the placing of assigned numbers or removal of numbers in accordance with the provisions of this chapter.

- B. ~~The Stamford Fire Chief, Volunteer Fire Chiefs, and Fire Marshals and Volunteer Fire Marshals of the City of Stamford, within their respective fire districts,~~ shall have the authority pursuant to Section 7-148 of the Connecticut General Statutes and the Code of the City of Stamford, to designate themselves and their subordinates as citation enforcement officers who shall have the authority to issue citations in accordance with the provisions of this chapter.

Sec. 214-24. - Erection of buildings and bridges on streets.

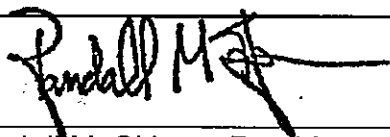
- B. No person shall erect or construct any bridge in any of the streets of the city, without permission from the City Engineer; nor shall any bridge or street be constructed or erected to or from any street in the city, to or from any other municipality or to or from any divided limited-access parkway or interstate highway without prior approval of the Board of Representatives, the Planning and Environmental Protection Boards, the City Engineer and the Director of Operations, or the designee of said Director, ~~and the Fire and Rescue and Police Departments of the city and the volunteer Fire Department in which such bridge or street is located if such area is outside of the City Fire District.~~

Snow Emergencies

Sec. 231-54. - Public notice of designation of snow emergency routes.

Designation of a street or a portion thereof as a snow emergency route shall be published in a newspaper of general circulation and shall be posted on the City of Stamford website, specifying the parking restriction(s) to be enforced on such snow emergency route during a snow emergency. No city street shall be deemed a snow emergency route until ten (10) days after such Public Notice ~~public notice~~.

This resolution was approved on the Consent Agenda at the regular monthly meeting of the 28th Board of Representatives held on Monday, March 4, 2013.



Randall M. Skigen, President



Annie M. Summerville, Clerk

cc: Mayor Michael Pavia
Donna Loglisci, Town & City Clerk
Ernie Orgera, Director of Operations
Ted Jankowski, Director of Public Safety, Health & Welfare
Michael Handler, Dir. of Admin.
J. Capalbo, Esq., Law Department