

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

AGENDA
PUBLIC PROTECTION & SAFETY STANDING COMMITTEE OF THE RTM
Special Meeting
Wednesday, August 14, 2024
6:30 P.M. - Waterford Town Hall
Louise Appleby Room

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. To Consider and act upon the minutes of the February 20, 2024 meeting.
6. To consider and act upon an appointment to the Fire Services Review Special Committee
7. Consideration of and possible action on items referred to committee:
 - A. Open Burn Ordinance, RTC 12/04/23
 - B. ATV and Dirt Bike Ordinance Consideration, RTC 10/02/23
 - C. Review of ordinance 2.36 and HB-5279 for legal review and recommendation of assigned duties to the Director of Fire Services, RTC 06/03/24
8. Adjournment

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WATERFORD, CT
2024 AUG - 9 | P 2:51
ATTEST: *[Signature]*
TOWN CLERK

FIFTEEN ROPE FERRY ROAD
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Public Protection and Safety Meeting February 20th 2024

- 1.) Called Public Hearing to order at 6:32 PM
- 3.) Roll Call- Present-, Mullen Kohl, Gauthier, Condon,
Absent- Dembek, Monahan
Others Present: RTM Member Driscoll
- 4.) To consider and act upon the November 15th 2023 meeting minutes
Motion to accept by Gauthier, second by Mullen Kohl
Motion passed 3-0
- 5.) To consider and act upon an appointment to the Fire Service Review
Special Committee

Chairperson Condon gave brief history of the Fire Service Review Committee. Members had questions about what was entailed in being assigned to the committee and members by consensus agreed to postpone assignment until next meeting so interested members may have time to decide if they wish to participate.

- 6.) Consider and possible action on items referred to committee:

A.) Open Burn Ordinance, RTC 12/04/23

Committee reviewed the supplied document from another Town's burn ordinance. Committee had various questions about why the ordinance is needed to how it was going to be enforced. The Fire Marshal was not present at the meeting for the questions and the Chairperson stated he would ask the Fire Marshal to attend the next meeting. No action taken.

B.) ATV and Dirt Bike Ordinance Consideration, RTC 10/02/23

Committee reviewed the request from the Police Department. Representative Driscoll informed the committee that the state legislature is also looking into this issue. Committee asked the Chair to reach out to the Chief of the Police Department if he was able to wait until the end of the legislative session in Hartford to determine what action the State takes. No action taken.

- 6.) Adjournment- Motion by Gauthier, Second by Mullen-Kohl, meeting adjourned at 1925

Respectfully submitted,
Timothy Condon

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WATERFORD, CT
2024 MAR 18 A 9:13
ATTEST: *David J. Condon*
TOWN CLERK

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WATERFORD, CT 06385-2886



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AGENDA
PUBLIC PROTECTION & SAFETY STANDING COMMITTEE of the RTM
SPECIAL MEETING

Wednesday, February 20, 2024
6:30 P.M. - Waterford Town Hall
Louise Appleby Room

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. To consider and act upon the November 15, 2023 Meeting Minutes.
5. To consider and act upon an appointment to the Fire Services Review Special Committee
6. Consideration and possible action on item(s) referred to committee:
Open Burn Ordinance, RTC 12/04/23
ATV and Dirt Bike Ordinance Consideration, RTC 10/02/23
7. Adjournment

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2024 FEB -9 P 3:24
WITNESSED
[Signature]
TOWN CLERK

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

**PUBLIC PROTECTION & SAFETY STANDING COMMITTEE OF THE RTM
PUBLIC HEARING & SPECIAL MEETING MINUTES
Wednesday, November 15, 2023
6:00 P.M. Waterford Town Hall**

Meeting Called to order at 6:00 PM by Chairperson Timothy Condon

Roll Call

Present: Timothy Condon, Thomas Dembek, Susan Driscoll, Timothy Fioravanti

Absent: Steve Garvin

Others Present: Director of Waterford Fire Department Mike Howley, Fire Marshal Steve Dubicki

Public Comment

None

Agenda Item 4- Public Hearing on proposed amendment to the Waterford Code of Ordinances, Chapter 2.36,075 Fire Marshal Fee Schedule and Enforcement.

No members of the public were present, committee left hearing open about 10 minutes

Motion to close Public Hearing by Dembek, second by Fioravanti

Motion passed 4-0

Public hearing adjourned at 6:11 PM

Public Protection and Safety Special Meeting November 15th 2023

Meeting Called to order at 6:00 PM by Chairperson Timothy Condon

Roll Call

Present: Timothy Condon, Thomas Dembek, Susan Driscoll, Timothy Fioravanti

Absent: Steve Garvin

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M. ATTEST *Daniel J. Casper*
TOWN CLERK

Others Present: Director of Waterford Fire Department Mike Howley, Fire Marshal Steve Dubicki

Agenda Item 3 - To Consider and act upon the November 1st, 2023, Meeting Minutes

Motion by Driscoll Second by Fioravanti to approve. Motion passed, 4-0.

4.) Consideration and Possible action on item(s) referred to committee:

A.) Fire Marshal Permits Fee Schedule Ordinance RTC 10/03/22

Committee reviewed the draft document. Multiple small grammatical changes made. Discussion held on possible recommendation to the body of the Representative Town Meeting for consideration and passage.

Motion by Dembek Second by Fioravanti to recommend proposed ordinance 2.36.075 Fire Marshal Fee Schedule and Enforcement to the Representative Town Meeting as amended.

Motion passed 4-0

6.) Adjournment- Motion by Dembek, Second by Driscoll, meeting adjourned at 6:29 PM

Respectfully submitted
Timothy Condon, Chair

Title 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.36 – FIRE SERVICE

2.36.075 – Fire Marshal fee schedule and enforcement.

- A. *Purpose.* The purpose of this fee schedule is to allow the Town of Waterford Fire Marshal's Office to collect fees in connection with the Fire Marshal's fire inspection and plan review responsibilities and other activities within the boundaries of the Town of Waterford, Connecticut, that are regulated by the Waterford Town Ordinances, the State Fire Safety Code, the State Fire Prevention Code, the Connecticut General Statutes and/or the regulations promulgated by the Office of the State Fire Marshal or the Department of Emergency Services and Public Protection.
- B. *Fee schedule for Fire Marshal duties.* Pursuant to Connecticut Agencies Regulations 29-291a-7a(g), the Fire Marshal shall adopt a fee schedule for certain prescribed duties in accordance with the Connecticut State Fire Prevention Code. Fees may be assessed for functions including, but not limited to, permits, plan reviews, inspections, and special events. Such fees may be modified as deemed necessary by the Fire Marshal. Such proposed modifications shall be submitted to the RTM for its approval and the RTM's consideration of said modifications shall serve as notice of changes to this fee schedule.
- C. *Posting of fee schedule.* The Fire Marshal shall post the current fee schedule, in public view, at the Office of the Fire Marshal, the Office of the Building Department, and on the Town's website. Any Occupancy existing on the adoption date of this ordinance shall be exempt from Initial Fees but shall be subject to Renewal Inspections and Fees.
- D. *Exemption from fee liability.* All boards and agencies of the Town of Waterford, including the use of private fire company properties used for fire protection services, shall be exempt from the payment of fees pursuant to this Chapter.
- E. *Enforcement of State Fire Prevention Code.* When the Fire Marshal ascertains that there exists in any building, or upon any premises, a condition that violates the State Fire Prevention Code, the Fire Marshal shall enforce such State Fire Prevention Code in accordance with Connecticut General Statutes Section 29-291(c) and may impose any penalties and/or fines as set forth therein, as may be amended from time to time.
- F. *Activity fees—certification/license inspections.* When the Office of the Fire Marshal performs an inspection that requires official certification issued from the Office, a fee shall be charged for such inspection prior to the issuance of a certificate. The fees for such inspection noted below shall apply. All other fees for inspections, reviews, or services must be submitted with

applications for such services. Government, public education and nonprofit organizations are exempt from fees but are still subject to inspections as required.

Type of Occupancy	Initial Fee	Renewal Fee
Assembly use, liquor license	\$100	\$50
Carnival/Fair	\$100	N/A
DCF Code Compliance	\$50	\$25
Educational Facilities (Private)	\$100	\$50
Hood & Extinguishing Systems	\$100	\$50
Nursing and Convalescent Homes	\$250	\$100
Residential Board and Care	\$250	\$100
Day Care Facilities	\$100	\$50

Type of Occupancy	Initial Fee	Renewal Fee
Group Day Care (Home)	\$100	\$50
Hotel/Motel	\$200	\$100
Bed & Breakfast	\$100	\$50
Dry Cleaning Facilities	\$100	\$50
Retail Fireworks/Sparkler	\$200	\$200
Elevator Certification	\$100	N/A
Hazardous Materials Transport	\$50	\$50
Blasting Permits (set by State Statute)	\$60	N/A
Propane Filling Station	\$75	\$25
Propane Tank Installation	\$50	N/A
Propane Tank Use at Events	\$25	N/A
Burning Permits	\$25	N/A
Oil Tank Removal <1000 gal	\$100	N/A
Oil Tank Removal >1000 gal	\$250	N/A

- G. *Plan review fees.* Whenever any person, firm, business or other entity submits a plan in connection with a building permit for review and/or approval from the Office of the Fire Marshal, the fees for said review and/or approval shall be based on aggregate building square footage as set forth below.

Independent plan review may be required on any project.

Building plan review

- (a) Up to 2,000 square feet: \$100
- (b) 2,001 square feet to 4,999 square feet: \$175
- (c) 5,000 square feet to 9,999 square feet: \$350
- (d) 10,000 square feet to 20,000 square feet: \$650
- (e) 20,001 square feet to 50,000 square feet: \$850
- (f) 50,001 square feet to 100,000 square feet: \$1250
- (g) 100,001 square feet to 250,000 square feet: \$2500
- (h) 250,001 square feet or greater: \$6000

Fire alarm system plan review (square footage of area being protected)

- (a) Up to 2,000 square feet: \$100
- (b) 2,001 square feet to 4,999 square feet: \$120
- (c) 5,000 square feet to 9,999 square feet: \$200
- (d) 10,000 square feet to 20,000 square feet: \$350
- (e) 20,001 square feet to 50,000 square feet: \$750
- (f) 50,001 square feet to 100,000 square feet: \$950
- (g) 100,001 square feet to 250,000 square feet: \$2000
- (h) 250,001 square feet or greater: \$3000

Sprinkler system plan (square footage of area being protected)

- (a) Up to 2,000 square feet: \$100
- (b) 2,001 square feet to 4,999 square feet: \$120
- (c) 5,000 square feet to 9,999 square feet: \$200
- (d) 10,000 square feet to 20,000: \$650
- (e) 20,001 square feet to 50,000 square feet: \$750
- (f) 50,001 to 100,000 square feet: \$950
- (g) 100,001 square feet to 250,000 square feet: \$1250
- (h) 250,001 square feet or greater: \$2800

Food service type I hood system (includes final acceptance inspection) \$75

Hood, Duct, & Suppression Systems:

Kitchen suppression system (wet chemical)	\$100
Other special Suppression System	\$100
Hood & Ductwork (mechanicals)	\$100

- H. *Plan review compliance.* Any plans for buildings may be required to have an independent plan review, as determined at the sole discretion of the Office of the Fire Marshal. The independent plan review may be conducted by a plan reviewer hired by the applicant and subject to the approval of the Office of the Fire Marshal. The applicant shall pay all costs associated with the contracted plan reviewer's independent review and any fees associated with the Waterford Fire Marshal's office. The applicant shall submit the plan reviewer's written report prior to the Office of the Fire Marshal's review and approval of any such plan. The Office of the Fire Marshal has the final authority to modify submitted plans.

The Office of the Fire Marshal shall have 30 days to complete the review of such submitted drawings and shall provide in writing authorization to release a building permit from the Town of Waterford Building Official in accordance with Connecticut General Statutes § 29-263.

When the review is completed and the plan fully complies with the Connecticut State Fire Safety Code, a Plan Review Report shall be provided to the applicant. In addition, a recommendation for permit shall be forwarded to the Building Official.

Fire Marshal inspections shall be required at various phases of the construction process and shall be specified on the Plan Review Report. Once all required inspections have been conducted and passed, the Fire Marshal shall forward a recommendation for a Certificate of Occupancy to the Building Official.

- I. *Billing and enforcement.* No permit or required certificate shall be issued to any party until the fee for such permit or certificate has been submitted with the appropriate application. All fees shall be payable by check only, made out to "Town of Waterford Fire Marshal's Office."

The Town of Waterford may take any enforcement action necessary to obtain compliance with this ordinance.

(Amend. of 12-04-23)

~~DRAFT~~

Title 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.36 – FIRE SERVICE

5.19.22.36.075 – Fire Marshal fee schedule and enforcement.

~~FIRE MARSHAL FEE SCHEDULE AND ENFORCEMENT~~

~~A. Purpose~~

A. Purpose. The purpose of this fee schedule is to allow the Town of Waterford Fire Marshal's Office to collect fees in connection with the Fire Marshal's fire inspection and plan review responsibilities and other activities within the boundaries of the Town of Waterford, Connecticut, that are regulated by the Waterford Town Ordinances, the State Fire Safety Code, the State Fire Prevention Code, the Connecticut General Statutes and/or the regulations promulgated by the Office of the State Fire Marshal or the Department of Emergency Services and Public Safety Protection.

~~B. Fee schedule for Fire Marshal duties.~~

B. Fee schedule for Fire Marshal duties. Pursuant to Connecticut State Agencies Regulations 29-291a-7a(g), the Fire Marshal shall adopt a fee schedule for certain prescribed duties in accordance with the Connecticut State Fire Prevention Code. Fees may be assessed for functions including, but not limited to, permits, plan reviews, inspections, and special events. Such fees may be modified as deemed necessary by the Fire Marshal. Such proposed modifications shall be submitted to the RTM for its approval and the RTM's consideration of said modifications shall serve as notice of changes to this fee schedule. ~~The proposed modifications shall be effective thirty (30) days after approval by the RTM and a revised fee schedule shall be available from the Fire Marshal's office and posted on the Fire Marshal's website~~

~~C. Posting of fee schedule.~~

C. Posting of fee schedule. The Fire Marshal shall post the current fee schedule, in public view, at the Office of the Fire Marshal, the Office of the Building department ~~Department~~, and on the Town's website. Any existing Occupancy existing on the adoption date of this ordinance ~~shall be~~ is exempt from Initial Fees; only Renewal Fees would apply from the time of the Town Ordinance adoption date but shall be subject to Renewal Inspections and Fees.

~~D. Exemption from fee liability.~~

D. Exemption from fee liability. All municipal projects boards and agencies of the Town of Waterford, including the use of private fire companies company properties used for fire protection services, in Town are and shall henceforth be exempt from liability for permit the payment of fees pursuant to this Chapter, and may be issued permits and certificates of occupancy without charge therefore, provided such projects adhere to all applicable codes and regulations.

E. Enforcement of State Fire Prevention Code.

E. Enforcement of State Fire Prevention Code. When the Fire Marshal ascertains that there exists in any building, or upon any premises, a condition that violates the State Fire Prevention Code, the Fire Marshal shall enforce such State Fire Prevention Code in accordance with Connecticut General Statutes Section 29-291(c) and may impose any penalties and/or fines as set forth therein, as may be amended from time to time.

F. Activity Fees

F. Activity fees—certification/license inspections. ~~Inspections:~~ When the Office of the Fire Marshal performs an inspection that requires official certification issued from the Office, a fee shall be charged for such inspection prior to the issuance of a certificate. The fees for such inspection noted below shall apply. All other fees for inspections, reviews, or services must be submitted with applications for such services. Government, public education and nonprofit organizations are exempt from fees but are still subject to inspections as required.

5.19.3 CERTIFICATION / LICENSE INSPECTION FEES

Type of Occupancy	Fee-Initial Fee	Renewal Fee
Assembly use, liquor license	\$100	\$50
Carnival/Fair	\$100	N/A
DCF Code Compliance	\$50	\$25
Educational Facilities (Private)	\$100	\$50
Hood & Extinguishing Systems	\$100	\$50
Nursing and Convalescent Homes	\$250	\$100
Residential Board and Care	\$250	\$100
Day Care Facilities	\$100	\$50

Type of Occupancy	Fee-Initial Fee	Renewal Fee
Group Day Care (Home)	\$100	\$50
Hotel/Motel	\$200	\$100

Bed & Breakfast	\$100	\$50
Dry Cleaning Facilities	\$100	\$50
Retail Fireworks/Sparkler	\$200	\$200
Elevator Certification	\$100	N/A
Hazardous Materials Transport	\$50	\$50
Blasting Permits (set by State Statute)	\$60	N/A
Propane Filling Station	\$75	\$25
Propane Tank Installation	\$50	N/A
Propane Tank Use at Events	\$25	N/A
Burning Permits	\$25	N/A
Oil Tank Removal <1000 gal	\$100	N/A
Oil Tank Removal >1000 gal	\$250	N/A

5.19.4 PLAN REVIEW FEES

A. Plan review compliance.

G. Plan review fees. Whenever any person, firm, business or other entity submits a plan in connection with a building permit for review and/or approval from the Office of the Fire Marshal, the fees for said review and and/or approval shall be based on aggregate building square footage as set forth below.

Independent plan review may be required on any project.

4.—Building plan review.

~~(a)(a)~~ _____ -Up to 2,000 square feet: \$100

~~(b)(b)~~ _____ 2,001 square feet to 4,999 square feet: \$175

~~(c)(c)~~ _____ 5,000 square feet to 9,999 square feet: \$350

~~(d)(d)~~ _____ 10,000 square feet to 20,000 square feet: \$650

~~(e)(e)~~ _____ 20,001 square feet to 50,000 square feet: \$850

~~(f)(f)~~ _____ 50,001 square feet and up: ~~TBD~~ to 100,000 square feet: \$1250

(d) 100,001 square feet to 250,000 square feet: \$2500

(h) 250,001 square feet or greater: \$6000

~~(g) Independent plan review may be required on any project.~~

2.—Fire alarm system plan review (square footage of area being protected):

(a)(a) Up to 2,000 square feet: \$100

(b)(b) 2,001 square feet to 4,999 square feet: \$120

(c)(c) 5,000 square feet to 9,999 square feet: \$200

(d) 10,000 square feet to 20,000 square feet: \$350

(e) 20,001 square feet to 50,000 square feet: \$750

(f)(f) 50,001 square feet and above: TBD [NK—Need a dollar value] to 100,000 square feet: \$950

(g) 100,001 square feet to 250,000 square feet: \$2000

(h) 250,001 square feet or greater: \$3000

(i) Independent plan review may be required on any project.

3.—Sprinkler system plan (square footage of area being protected, in square feet):

(a)(a) Up to 2,000 square feet: \$100

(b)(b) 2,001 square feet to 4,999 square feet: \$120

(c)(c) 5,000 square feet to 9,999 square feet: \$200

(d)(d) 10,000 square feet to 20,000: \$650.00

(e) 20,001 square feet to 50,000 square feet: \$750

(f) 50,001 and above TBD [NK—Need a dollar value] to 100,000 square feet: \$950

(g) 100,001 square feet to 250,000 square feet: \$1250

(h) 250,001 square feet or greater: \$2800

(i) Independent plan review may be required on any project.

4.—Food service type I hood system (includes final acceptance inspection): \$75**Hood, Duct, & Suppression Systems:**

Kitchen suppression system (wet chemical) \$100

Other special Suppression System \$100

Hood & Ductwork (mechanicals) \$100

5.—H. Plan review compliance. Any plans for buildings may be required to have an independent plan review, as determined at the sole discretion of the Office of the Fire

Marshal. The independent plan review may be conducted by a plan reviewer hired by the applicant and subject to the approval of the Office of the Fire Marshal. The applicant shall pay all costs associated with the contracted plan reviewer's independent review and any fees associated with the Waterford Fire Marshal's office. The applicant shall submit the plan reviewer's written report prior to the Office of the Fire Marshal's review and approval of any such plan. The Office of the Fire Marshal has the final authority to modify submitted plans.

~~B.~~ The Office of the Fire Marshal shall have 30 days to complete the review of such submitted drawings and shall provide in writing authorization to release a building permit from the Town of Waterford Building Official in accordance with Connecticut General Statutes § 29-263.

~~C.~~ When the review is completed and the plan fully complies with the Connecticut State Fire Safety Code, a Plan Review Report ~~will~~shall be provided to the applicant. In addition, a recommendation for permit ~~will~~shall be forwarded to the Building Official.

Fire Marshal inspections ~~will~~shall be required at various phases of the construction process and ~~will~~shall be specified on the Plan Review Report. Once all required inspections have been conducted and passed, the Fire Marshal ~~will~~shall forward a recommendation for a Certificate of Occupancy to the Building Official.

~~Public Schools, churches and government buildings to be exempt from these fees. This Ordinance shall take effect Fifteen (15) days after publication in accordance with General Statutes.~~

5.19.5 BILLING AND ENFORCEMENT

1. Billing and enforcement. No permit or required certificate shall be issued to any party until the fee for such permit or certificate has been submitted with the appropriate application. All fees shall be payable by check only, made out to "Town of Waterford Fire Marshal's Office."

~~A.~~ No permit or required certificate shall be issued to any party until the fee for such permit or certificate has been submitted with the appropriate application.

~~B.~~ The Town of Waterford may take any enforcement action necessary to obtain compliance with this ordinance.

~~C.~~ All fees shall be payable by check only made out to "Town of Waterford Fire Marshal's Office."

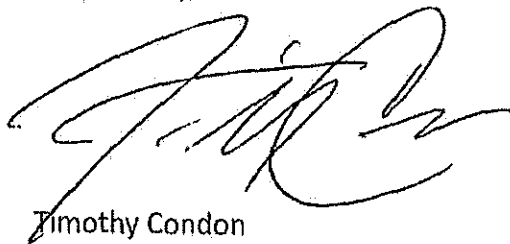
(Amend. of 12-04-23)

To the Moderator of the Representative Town Meeting,

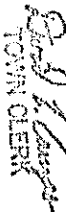
November 20th 2023

In recent discussions with the Director of Fire Services Mike Howley and the Fire Marshal Steve Dubicki, I have been made aware that the Town of Waterford does not have an Open Burning Ordinance as many of our surrounding communities do and as such creates an enforcement issue. I am requesting that the Representative Town meeting via its Public Protection and Safety standing subcommittee investigate the possible creation of an Open Burning Ordinance to assist our Fire Service. Attached is an ordinance from the Town of Wallingford for reference.

Respectfully,



Timothy Condon
District 1 Representative
Representative Town Meeting

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2023 NOV 28 P 1:13
ATTEST: 
TOWN CLERK

Chapter 93

BURNING, OPEN

§ 93-1. Policy declaration.

§ 93-2. Prohibition.

§ 93-3. Open Burning Official; permit procedures.

§ 93-4. Excluded open fires; required permits.

§ 93-5. Standards for open burning permits.

§ 93-6. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of Wallingford 9-13-2011 by Ord. No. 570.¹ Amendments noted where applicable.]

§ 93-1. Policy declaration.

The Town Council is increasingly concerned about safety and environmental impacts associated with the open burning of brush and other materials. To seek to ensure that the health and safety of its residents is safeguarded, the Town Council, pursuant to the authority of Section 7-148 and Section 22a-174 of the Connecticut General Statutes, hereby enacts legislation prohibiting all open burning except as noted.

§ 93-2. Prohibition.

Except as hereinafter provided, no person shall set, cause or permit an open fire within the limits of the Town of Wallingford. As used herein, "person" means an individual,

1. Editor's Note: This ordinance also repealed former Ch. 93, Burning, Open, adopted 4-28-1998 by Ord. No. 455.

firm, partnership or corporation. As used herein, "open burning" means the burning of any matter in such manner that the products of combustion from the burning are emitted directly into the ambient air without passing through an adequate stack or flue. Open burning thus includes burning done in simple outdoor structures such as barrels and drums as well as on the ground surface.

§ 93-3. Open Burning Official; permit procedures.

- A. The Mayor shall appoint one or more Open Burning Officials of the Town of Wallingford who shall be solely responsible for the issuance of permits for those open fires excluded from the prohibition of § 93-2 of this chapter that require a permit.
- B. A permit application for any excluded open fire shall be made on forms furnished by the Open Burning Official. Each application shall describe the purposes of the fire, the nature and quantity of the materials to be burned and such other information as the Open Burning Official may require.
- C. A permit issued under this section shall be applicable only for the occasion or the purpose for which it was obtained.

§ 93-4. Excluded open fires; required permits.

- A. A permit shall not be required for the following open fires:
 - (1) Barbecues or other outdoor open fires for the cooking of food for human consumption.
 - (2) Fires to abate an immediate fire hazard, provided that the abatement fire is supervised by a responsible fire official.
 - (3) Fires for training firefighters in methods of fighting fires as authorized by the Fire Marshal and/or Fire Chief.

- (4) Fires in an outdoor fireplace (i.e., chimineas, patio hearths, fire rings). Outdoor fireplaces must be noncombustible and specifically designed to hold outdoor fires. Fires shall not exceed four feet in diameter and only untreated natural wood is permitted to be burned. Fires must be a minimum of 10 feet from any structure. Drums of any kind shall not be permitted.
 - (5) Fires in salamanders or other similar devices used by construction or other workers for heating purposes, which fires are essential to street installation or paving activities, the repairing of utilities, or other similar work.
- B. Permits shall be required for the following open fires:
- (1) Fires for the prevention, control, or destruction of diseases and pests, and agricultural burning for vegetation management; and
 - (2) Campfires, bonfires and other fires for ceremonial or recreational purposes that do not meet the standards as defined in Subsection A(4) above.
- C. Permits are required for the following open fires and may only be issued by the Commissioner of the Department of Environmental Protection or his designee:
- (1) Fires for the disposal of dangerous material such as toxic gases where there is not a reasonable alternative method.
 - (2) Fires to thwart a hazard which cannot properly be managed by any other means or is necessary for the protection of public health.

§ 93-5. Standards for open burning permits.

The Open Burning Official shall not issue a permit when it is determined that:

- A. A hazardous health condition will be created by such burning;
- B. The fire constitutes a salvage operation by open burning;
- C. A practical and alternative method for the disposal of the material to be burned exists, including but not limited to the following techniques: chipping, cutting for forest products, land filling, piling for protective cover for wildlife and stockpiling;
- D. Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard;
- E. The forest fire danger, as determined by the state forest fire warden, is high or extreme and the area is within 100 feet of a woodland or grassland;
- F. An advisory of an air pollution emergency episode state is in effect; or
- G. Garbage, paper, grass, metals, plastics, leaves, rubber, painted materials or demolition waste is to be burned.

§ 93-6. Violations and penalties.

- A. The Fire Marshal, police officer, and any Fire Department officer having jurisdiction, after having been made aware of a particular open fire and having satisfied themselves as to the circumstances and applicable requirements, shall cause any fire not specifically permitted in § 93-4, in violation of § 93-5 or any fire deemed a hazard or nuisance to be immediately extinguished and may summon the fire service to accomplish this extinguishment.
- B. Any person who violates this chapter shall be fined \$100.



**WATERFORD POLICE DEPARTMENT
41 AVERY LANE
WATERFORD, CT 06385-2819**



**Marc Balestracci
Police Chief**

**(860) 442-9451 TEL
mbalestracci@waterfordct.org**

**To: Paul Goldstein- Moderator of the RTM
Cc: David Campo-Town Clerk
From: Marc Balestracci, Chief of Police
Date: August 15, 2023
Re: All-terrain vehicle ordinance consideration**

Moderator Goldstein,

In the State of Connecticut, including New London County, police departments have been challenged by the illegal operation of dirt bikes and ATVs on public roads. Oftentimes, large groups of individuals coordinate efforts to illegally use public roadways with these vehicles, which create extremely dangerous and confusing situations.

As the laws in Connecticut restrict some of the abilities of police to combat these street takeovers, departments in southeast Connecticut have coordinated efforts recently in hopes of better preparing for and potentially seeking arrest warrants for those found involved.

During the discussions with other police departments, the City of New London ordinance referencing these activities was mentioned as being yet another potential coordinated effort to combat this dangerous activity.

Therefore, I am respectfully requesting that the Representative Town Meeting have a committee review the City of New London ordinance, which is attached, in consideration of drafting a similar ordinance in Waterford. I would also request that I speak with the committee, if assigned, as there may be certain areas of the ordinance that may be different than the one provided by the City of New London.

Thank you for any consideration,

**Marc Balestracci
Chief of Police
Waterford Police Department**

RECEIVED FOR RECORD
WATERFORD, CT
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Sec. 20-11. All-terrain vehicles, mini bikes, mini motorcycles and dirt bikes on streets and public property prohibited.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

All-terrain vehicle means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the commissioner of motor vehicles to be unsuitable for operation on the public highways and also defined as any three (3) or more wheeled motorized vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road uses by an individual rider on various types of non-paved terrain. Such vehicles do not include trail bikes, golf carts, agricultural tractors, farm implements and construction machines.

All-terrain vehicle dealer means any person engaged in the business of manufacturing, selling, leasing or renting all-terrain vehicles, mini bikes, as defined by this section, mini-motorcycles, as defined by this section, or dirt bikes, as defined by this section, at retail having a regular and established place of business within the city.

Dirt bike shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, and also defined pursuant to General Statute § 14-390m(d) as may be amended.

Mini-motorcycle shall mean a vehicle that has not more than three (3) wheels in contact with the ground, has a manufactured seat height of less than twenty-six (26) inches measured at the lowest point on top of the seat cushion without the rider, and is propelled by an engine having a piston displacement of less than fifty (50) c.c.

Pocket bikes, mini bikes, mini sport bikes, mini dirt bikes, chopper scooters, motor scooters, bicycles with helper motors, and any other similar vehicle (hereinafter collectively "mini bikes") shall mean any wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.

As used in this section, "all-terrain vehicle", "mini bike", "mini motorcycle" and "dirt bike" shall not include the following:

- (1) Any registered "motorcycle" as defined in General Statute § 14-1(46);
- (2) Any registered "motor vehicle" as defined in General Statute § 14-1(47);
- (3) Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the State of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all city ordinances;
- (4) Any wheelchair or similar mobility assisting device utilized by a person with a physical disability or whose ambulatory mobility has been impaired due to age or physical ailment;
- (5) Any self-propelled snow plow, snow blower or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four (4) miles per hour;
- (6) Any vehicle owned or leased by the city; and
- (7) Any electronic assistive mobility device as defined by the City Code.

- (b) *Operations prohibited.*

- (1) It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit the operation of his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike on any street

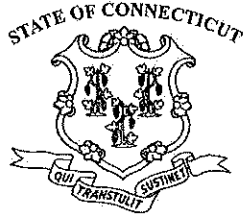
or sidewalk in the city or on any public property, including but not limited to school property, playgrounds and parks, within the city.

- (2) It shall be unlawful for any person to ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit any person to ride as a passenger on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike operated in violation of subsection (1) above.
 - (3) It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, and/or for any owner of an all-terrain vehicle or mini cycle to knowingly permit its operation on any private property, within the city, without first obtaining the written permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike.
 - (4) This section shall not be applicable to any dirt bike being operated upon any road or highway provided that, (i) said dirt bike is properly and validly registered with the Connecticut Department of Motor Vehicles and (ii) is being operated in compliance with all applicable motor vehicle laws of the state.
- (c) *Penalty.*
- (1) Any person who operates an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(1) and/or (b)(3) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits its operation in violation of subsection (b)(1) and/or (b)(3) above, shall be fined up to one thousand dollars (\$1,000.00) for a first violation, shall be fined up to one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined up to two thousand dollars (\$2,000.00) for a third or subsequent violation.
 - (2) Any person who rides as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(1) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits a passenger to ride on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection (b)(2), shall be issued a citation.
 - (3) Any police officer that observes any person in violation of this section may detain such person for purposes of enforcing the provisions of this section. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike used in violation of this section shall be seized by any police officer and shall be forfeited to the city, subject to any bona fide lien, lease or security interest in the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, including, but not limited to, a lien under General Statute § 14-66c.
 - (4) Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike ordered forfeited pursuant to this section shall be either (i) sold at public auction conducted by the city, with the proceeds of such sale being paid to the treasurer of the city who shall deposit such proceeds into the general fund of the municipality, or (ii) be destroyed by the city.
- (d) *Posting by all-terrain vehicle dealer.* Each all-terrain vehicle dealer offering for sale, lease or rental any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike shall post this section in a prominent location at said all-terrain vehicle dealer's place of business. Any all-terrain vehicle dealer who violates any provision of this section shall be fined one hundred dollars (\$100.00).
- (e) *Sale of gasoline for illegal purposes.*
- (1) No retail dealer of gasoline shall sell, offer for sale, or attempt to sell, any article or product represented as gasoline for use in an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike as defined in this section, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle, as defined in General Statute § 14-1, as may be amended, and no individual shall purchase or attempt to purchase gasoline for this purpose.

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- (2) Signs with the words "FUELING OF UNAUTHORIZED VEHICLES PROHIBITED" in English and "PROHIBIDO DESPACHAR GASOLINA A VEHICULOS NO AUTORIZADOS" in Spanish at least one (1) inch in height with a contrasting margin shall be posted at all dispensing locations. The location of warning signs shall be based on local conditions but shall be visible and legible from all gas pumps.
 - (3) An individual or retail dealer of gasoline who violates any provision of subsections (1) and/or (2) of this section shall be fined one hundred dollars (\$100.00).

(Ord. No. 06-18-18-3, § 1)

Editor's note(s)---Ord. No. 06-18-18-3, § 1, did not specify manner of inclusion; hence, inclusion as section 20-11 is at the discretion of the editor.



Substitute House Bill No. 5279

Public Act No. 24-16

**AN ACT CONCERNING AUTHORITY TO DECLARE THAT A
FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL
SERVICE PERSONNEL DIED IN THE LINE OF DUTY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 7-313e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) Notwithstanding any provision in the general statutes or a municipal ordinance to the contrary, the fire chief of the municipality, or any member serving in the capacity of fire officer-in-charge, shall, when any fire department or company is responding to or operating at a fire, service call [,] or other emergency, within such municipality, have the authority to: [(a)] (1) Control and direct emergency activities at such scene; [(b)] (2) order any person to leave any building or place in the vicinity of such fire for the purpose of protecting such person from injury; [(c)] (3) blockade any public highway, street [,] or private right-of-way temporarily while at such scene; [(d)] (4) at any time of the day or night, enter any building, including a private dwelling, or upon any premises where a fire is in progress or near the scene of any fire, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire or preventing its spread; [(e)] (5) inspect for the purposes of preventing fires and preplanning the control

Substitute House Bill No. 5279

of fire all buildings, structures or other places in their fire district, except the interior of private dwellings, where any combustible material, including, but not limited to, waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels or rubbish, that is or may become dangerous as a fire menace to such buildings, structures or other places has been allowed to accumulate or where such chief or [his] such chief's designated representative has reason to believe that such material has accumulated or is liable to be accumulated; [(f)] (6) order disengagement or decoupling of any convoy, caravan or train of vehicles, craft or railway cars for the purpose of extinguishing a fire or preventing its spread; and [(g)] (7) take command of any industrial fire brigade or fire chief when such fire company or department has been called to such industry.

(b) If the death of a uniformed paid or volunteer firefighter is caused by a cardiac event, stroke or pulmonary embolism that occurred not later than twenty-four hours after such firefighter concluded a shift or training, the chief of such firefighter's fire department shall have the authority to determine whether such firefighter died in the line of duty, unless a local charter or ordinance in effect on October 1, 2024, provides the authority to a different individual or entity to make such determination. Such declaration by a chief shall not be used as evidence for a workers' compensation claim under chapter 568.

Sec. 2. (NEW) (*Effective October 1, 2024*) (a) For purposes of this section, (1) "police chief" means the chief law enforcement officer of a law enforcement unit, the chief elected official of a municipal police department without a chief law enforcement officer or, in the case of the Division of State Police, the Commissioner of Emergency Services and Public Protection, and (2) "law enforcement unit" and "police officer" have the same meanings as provided in section 7-294a of the general statutes.

(b) If the death of a police officer is caused by a cardiac event, stroke

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or pulmonary embolism that occurred not later than twenty-four hours after such officer concluded a shift or training, the police chief of such officer's law enforcement unit shall have the authority to determine whether such officer died in the line of duty, unless a local charter or ordinance in effect on October 1, 2024, provides the authority to a different individual or entity to make such determination. Such declaration by a police chief shall not be used as evidence for a workers' compensation claim under chapter 568 of the general statutes.

Sec. 3. (NEW) (*Effective October 1, 2024*) If the death of any emergency medical service personnel, as defined in section 19a-175 of the general statutes, is caused by a cardiac event, stroke or pulmonary embolism that occurred not later than twenty-four hours after such personnel concluded a shift or training, the service chief, or other administrative head, of such personnel's department, service, company or emergency medical service organization, as defined in section 19a-175 of the general statutes, shall have the authority to determine whether such personnel died in the line of duty, unless a local charter or ordinance in effect on October 1, 2024, provides the authority to a different individual or entity to make such determination. Such declaration by a chief or administrative head shall not be used as evidence for a workers' compensation claim under chapter 568 of the general statutes.

Approved May 14, 2024

Chapter 2.36 - FIRE SERVICE^[4]

Footnotes:

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Editor's note— An amendment adopted Oct. 7, 2019, repealed Ch. 2.36 in its entirety and enacted new provisions to read as herein set out. Former Ch. 2.36, §§ 2.36.010—2.36.080 pertained to similar subject matter, and derived from an amendment adopted June 6, 2011(4).

2.36.010 - Repeal of former provisions.

The former Chapter 2.36 is repealed and the following is substituted in lieu thereof.

(Amend. of 10-7-19(2))

2.36.015 - Purpose.

The purpose of this chapter is to implement the intention of Waterford's voters acting through the November 2, 2010 Charter Revision vote, to eliminate the fire commission and replace it with a director of fire services administering the Waterford Fire Department for the Town of Waterford.

(Amend. of 10-7-19(2))

2.36.020 - Waterford Fire Department.

The "Waterford Fire Department" is the town-wide department that provides fire-fighting, rescue and emergency medical services throughout the town.

(Amend. of 10-7-19(2))

2.36.030 - Structure; authority.

The Waterford Fire Department shall be staffed through volunteers and/or paid individuals, who shall operate out of town facilities and/or publicly or privately owned entities with which the town has contracted. Such privately owned entities may include, but are not limited to Waterford Fire Engine Co. No. 1, Inc., Quaker Hill Fire Company, Incorporated, Goshen Fire Department, Incorporated, Oswegatchie Fire Company, Cohanzie Fire Company No. 5 and Waterford Ambulance Association.

A. The board of selectmen shall appoint a director of fire services.

B. The director of fire services is responsible to the first selectman and is charged with managing the Waterford Fire Department and directing the coordination of all fire, rescue, emergency medical services and on-scene fire ground operations. The director of fire services may divide the town into multiple geographical districts for purposes of providing coverage, and may redistrict from time to time.

(Amend. of 10-7-19(2))

2.36.040 - Waterford Fire Department Personnel.

Any individual, volunteer or paid, wishing to serve in the Waterford Fire Department, must meet and maintain the qualifications for said volunteer or paid position as set forth by the director of fire services and director of human resources. Such volunteer or paid individuals are personnel of the Waterford Fire Department.

All personnel are responsible for operating in conformance with unified policies, rules and procedures established by the director of fire services. The director of fire services and/or his/her designee are responsible for ensuring that such policies, rules and procedures are followed.

(Amend. of 10-7-19(2))

2.36.050 - Powers and duties of the director of fire services.

A. The director of fire services shall establish standard policies, rules and procedures for providing fire-fighting, rescue and other emergency and safety services throughout the town as from time to time shall be deemed appropriate. Such policies, rules and procedures shall be consistent with policies and direction from the first selectman and shall consider, and comply with as necessary, applicable state and federal law; applicable National Fire Protection

Association (NFPA) standards and/or other health and safety standards; and applicable provisions of the Town Charter, personnel policies and collective bargaining agreements.

- B. The director of fire services shall coordinate the training program of the Waterford Fire Department; take appropriate steps to improve efficiency, recruitment and community awareness; develop specifications for needed equipment and determine purchase requirements; evaluate risk management issues; develop annual budget recommendations; and develop strategic and tactical plans for future equipment and facilities.
- C. The director of fire services shall plan new programs and take necessary steps to have such programs implemented and represent the Waterford Fire Department before the board of selectmen, board of finance, representative town meeting, other town agencies, other state and local agencies and the general public. The director of fire services shall analyze the needs of the Waterford Fire Department and coordinate programs to meet those needs.
- D. The director of fire services shall make recommendations to the first selectman regarding the direction, discipline, suspension and relief from active duty of any paid individual or volunteer in the Waterford Fire Department, subject to the provisions of town ordinances, personnel policies and applicable collective bargaining contracts.
- E. The director of fire services shall maintain, or cause to be maintained, a current roster of all Waterford Fire Department personnel and their qualifications.

(Amend. of 10-7-19(2))

2.36.060 - Funding of the Waterford Fire Department.

- A. Operation and funding of the Waterford Fire Department includes, but is not limited to, equipment and apparatus and shall be consistent with all policies, rules, and procedures set forth by the director of fire services.
- B. The director of fire services shall create and maintain a five-year operation and funding plan. Such plan shall be presented to the board of selectmen at the first meeting following the first selectman election cycle. Presentations to the board of finance and representative town meeting shall also be made at the first meeting following the first selectman election cycle.
- C. Any agreement between the town and one or more third parties, directly related to the provision of fire protection and/or emergency medical services, which is approved by the board of selectmen and signed by the first selectman shall then be forwarded to the board of finance and representative town meeting for notification purposes only.

(Amend. of 10-7-19(2))

2.36.070 - Appointment of fire marshals and deputies.

The board of selectmen shall have authority for the appointment of a fire marshal and deputies. Funding requirements for the fire marshal's office shall be included in the fire service budget.

(Amend. of 10-7-19(2))

2.36.075 - Fire marshal fee schedule and enforcement.

- A. *Purpose.* The purpose of this fee schedule is to allow the Town of Waterford Fire Marshal's Office to collect fees in connection with the fire marshal's fire inspection and plan review responsibilities and other activities within the boundaries of the Town of Waterford, Connecticut, that are regulated by the Waterford Town Ordinances, the state fire safety code, the state fire prevention code, the Connecticut General Statutes and/or the regulations promulgated by the office of the state fire marshal or the department of emergency services and public protection.
- B. *Fee schedule for fire marshal duties.* Pursuant to Connecticut Agencies Regulations 29-291a-7a(g), the fire marshal shall adopt a fee schedule for certain prescribed duties in accordance with the Connecticut State Fire Prevention Code. Fees may be assessed for functions including, but not limited to, permits, plan reviews, inspections, and special events. Such fees may be modified as deemed necessary by the fire marshal. Such proposed modifications shall be submitted to the RTM for its approval and the RTM's consideration of said modifications shall serve as notice of changes to this fee schedule.

- C. *Posting of fee schedule.* The fire marshal shall post the current fee schedule, in public view, at the office of the fire marshal, the office of the building department, and on the town's website. Any occupancy existing on the adoption date of the ordinance codified herein shall be exempt from initial fees but shall be subject to renewal inspections and fees.
- D. *Exemption from fee liability.* All boards and agencies of the Town of Waterford, including the use of private fire company properties used for fire protection services, shall be exempt from the payment of fees pursuant to this chapter.
- E. *Enforcement of state fire prevention code.* When the fire marshal ascertains that there exists in any building, or upon any premises, a condition that violates the state fire prevention code, the fire marshal shall enforce such state fire prevention code in accordance with Connecticut General Statutes § 29-291(c) and may impose any penalties and/or fines as set forth therein, as may be amended from time to time.
- F. *Activity fees—Certification/license inspections.* When the office of the fire marshal performs an inspection that requires official certification issued from the office, a fee shall be charged for such inspection prior to the issuance of a certificate. The fees for such inspection noted below shall apply. All other fees for inspections, reviews, or services must be submitted with applications for such services. Government, public education and nonprofit organizations are exempt from fees but are still subject to inspections as required.

Type of Occupancy	Initial Fee	Renewal Fee
Assembly use, liquor license	\$100	\$50
Carnival/Fair	\$100	N/A
DCF Code Compliance	\$50	\$25
Educational Facilities (Private)	\$100	\$50
Hood & Extinguishing Systems	\$100	\$50
Nursing and Convalescent Homes	\$250	\$100
Residential Board and Care	\$250	\$100
Day Care Facilities	\$100	\$50
Group Day Care (Home)	\$100	\$50
Hotel/Motel	\$200	\$100
Bed & Breakfast	\$100	\$50
Dry Cleaning Facilities	\$100	\$50
Retail Fireworks/Sparkler	\$200	\$200
Elevator Certification	\$100	N/A
Hazardous Materials Transport	\$50	\$50
Blasting Permits (set by State Statute)	\$60	N/A
Propane Filling Station	\$75	\$25
Propane Tank Installation	\$50	N/A
Propane Tank Use at Events	\$25	N/A
Burning Permits	\$25	N/A
Oil Tank Removal <1000 gal	\$100	N/A
Oil Tank Removal >1000 gal	\$250	N/A

G. *Plan review fees.* Whenever any person, firm, business or other entity submits a plan in connection with a building permit for review and/or approval from the office of the fire marshal, the fees for said review and/or approval shall be based on aggregate building square footage as set forth below.

Independent plan review may be required on any project.

Building plan review:

- (a) Up to 2,000 square feet: \$100.00
- (b) 2,001 square feet to 4,999 square feet: \$175.00
- (c) 5,000 square feet to 9,999 square feet: \$350.00
- (d) 10,000 square feet to 20,000 square feet: \$650.00
- (e) 20,001 square feet to 50,000 square feet: \$850.00
- (f) 50,001 square feet to 100,000 square feet: \$1,250.00
- (g) 100,001 square feet to 250,000 square feet: \$2,500.00
- (h) 250,001 square feet or greater: \$6,000.00

Fire alarm system plan review (square footage of area being protected):

- (a) Up to 2,000 square feet: \$100.00
- (b) 2,001 square feet to 4,999 square feet: \$120.00
- (c) 5,000 square feet to 9,999 square feet: \$200.00
- (d) 10,000 square feet to 20,000 square feet: \$350.00
- (e) 20,001 square feet to 50,000 square feet: \$750.00
- (f) 50,001 square feet to 100,000 square feet: \$950.00
- (g) 100,001 square feet to 250,000 square feet: \$2,000.00
- (h) 250,001 square feet or greater: \$3,000.00

Sprinkler system plan (square footage of area being protected):

- (a) Up to 2,000 square feet: \$100.00
- (b) 2,001 square feet to 4,999 square feet: \$120.00
- (c) 5,000 square feet to 9,999 square feet: \$200.00
- (d) 10,000 square feet to 20,000: \$650.00
- (e) 20,001 square feet to 50,000 square feet: \$750.00
- (f) 50,001 to 100,000 square feet: \$950.00
- (g) 100,001 square feet to 250,000 square feet: \$1,250.00
- (h) 250,001 square feet or greater: \$2,800.00

Food service type I hood system (includes final acceptance inspection): \$75.00

Hood, duct, and suppression systems:

- (a) Kitchen suppression system (wet chemical): \$100.00
- (b) Other special suppression system: \$100.00
- (c) Hood and ductwork (mechanicals): \$100.00

H. *Plan review compliance.* Any plans for buildings may be required to have an independent plan review, as determined at the sole discretion of the office of the fire marshal. The independent plan review may be conducted by a plan reviewer hired by the applicant and subject to the approval of the office of the fire marshal. The applicant shall pay all costs associated with the contracted plan reviewer's independent review and any fees associated with the Waterford Fire Marshal's Office. The applicant shall submit the plan reviewer's written report prior to the office of the fire marshal's review and approval of any such plan. The office of the fire marshal has the final authority to modify submitted plans.

The office of the fire marshal shall have thirty days to complete the review of such submitted drawings and shall provide in writing authorization to release a building permit from the Town of Waterford Building Official in accordance with Connecticut General Statutes § 29-263.

When the review is completed and the plan fully complies with the Connecticut State Fire Safety Code, a plan review report shall be provided to the applicant. In addition, a recommendation for permit shall be forwarded to the building official.

Fire marshal inspections shall be required at various phases of the construction process and shall be specified on the plan review report. Once all required inspections have been conducted and passed, the fire marshal shall forward a recommendation for a certificate of occupancy to the building official.

- I. *Billing and enforcement.* No permit or required certificate shall be issued to any party until the fee for such permit or certificate has been submitted with the appropriate application. All fees shall be payable by check only, made out to "Town of Waterford Fire Marshal's Office." The Town of Waterford may take any enforcement action necessary to obtain compliance with the ordinance codified in this section.

(Amend. of 12-4-23(1))

2.36.080 - Volunteer firefighters and fire police incentive program.

A. *Purpose.* Pursuant to § 7-148(c)(4)(B) of the Connecticut General Statutes, the Town of Waterford may enact an ordinance to organize, maintain and regulate the persons providing fire protection. This volunteer firefighters and fire police incentive program is designed to provide monetary compensation to active volunteer firefighters and fire police members in the Town of Waterford Fire Department, in an effort to assist in covering volunteers' expenses during the execution of their duties, while complying with the federal Fair Labor Standards Act of 1938 as amended, 29 U.S.C. § 201 et seq. ("FLSA"). The FLSA permits payments for reimbursement of expenses, reasonable benefits and nominal fees to volunteers without impairing their status as volunteers. These benefits are in addition to the existing property tax abatement program for volunteer firefighters in Title 3, Chapter 3.12 of this Code of Ordinances. Town of Waterford Fire Department personnel employed by the Town of Waterford are not eligible for this volunteer firefighters and fire police incentive program.

B. Definitions.

1. *Program:* The term "program" means the volunteer firefighters and fire police incentive program.
2. *Program year:* Program year is the fiscal year, i.e., July 1—June 30.
3. *Implementation date:* The implementation date of the program is July 1, 2020.
4. *Volunteer member in good standing in the Waterford Fire Department:* A volunteer member in good standing is defined as:
 - a. A certified firefighter (i.e., State of Connecticut Firefighter 1 or higher) who has participated in the minimum training sessions designated by the director of fire services and including, but not limited to, required training (as set forth in subsection B.8), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020, to be eligible for the program for the fiscal year July 1, 2020—June 30, 2021, absent a modification of the June 30 date by the director of fire services on an individual basis pursuant to subsection B.8); and/or

- b. A member of the fire police who has participated in the minimum training sessions designated by the director of fire services and, including, but not limited to, required training (as set forth in subsection B.8.d), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020, to be eligible for the program for the fiscal year July 1, 2020—June 30, 2021, absent a modification of the June 30 date by the director of fire services on an individual basis pursuant to subsection B.8); and who has been sworn in by the town clerk.

A volunteer member in good standing does not include any member terminated from volunteer service by the Town of Waterford or otherwise separating from volunteer service for any reason, voluntary or involuntary.

5. *Active volunteer firefighter in the Waterford Fire Department:* An active volunteer firefighter is a certified firefighter and member in good standing who, during the year of eligibility, has participated in a minimum number of approved training drills and maintains the minimum training requirements as set forth by the director of fire services.
6. *Active volunteer fire police member in the Waterford Fire Department:* An active volunteer fire police member is a member in good standing who has been sworn in by the town clerk and who maintains the minimum training requirements as set forth by the director of fire services.
7. *Approved training drill:* An approved training drill is a Waterford Fire Department level drill that is approved in advance by the director of fire services.
8. *Required training:* Required training is state and federal minimum requirements to function at emergency scenes. These requirements shall include, but are not limited to, the yearly certifications and recertifications along with the approved training drills. The director of fire services maintains the discretion, upon a showing of good cause by the volunteer, to excuse temporarily and/or until a date certain, the absence of any such certifications, recertifications and/or approved training drills.

Training shall include, but is not limited to, the following titles and substantive content (training titles and reference numbers may change from time to time):

a. *Minimum certifications:*

State of Connecticut Firefighter 1
Hazardous Materials - Operational Level
IS-700: National Incident Management System
ICS-100: Introduction to the Incident Command System
ICS-200: ICS for Single Resources and Initial Action Incidents

b. *Mandatory training:*

Attend routine training drills (Monthly)
OSHA Mandates

- Haz-Mat Operational Refresher
- Incident Command System Refresher
- Live Fire Training (Annual)
- Bloodborne Pathogens
- SCBA refresher
- Routine Fit Testing
- CPR Certification

c. *Certified fire officer requirements (additional):*

State of Connecticut Fire Officer 1
IS-800: National Response Framework
ICS-300: Intermediate ICS for Expanding Incidents
ICS-400: Advanced ICS for Command and General Staff

d. *Fire police requirements:*

Hazardous Materials - Awareness Level

IS-700: National Incident Management System

ICS-100: Introduction to the Incident Command System

9. *Stipend:* A stipend is an amount of money awarded to any active volunteer firefighter or active volunteer fire police member who meets the criteria set forth below and as may be modified, from time to time, by the director of fire services.
10. *Point:* A point represents participation by an active volunteer firefighter or active volunteer fire police member in an emergency fire response or approved training drills as described in subsection B.7. To receive a point, an active volunteer firefighter or active volunteer fire police member must actually attend an incident and/or respond to and arrive at an activated station before the incident commander dismisses the assignment and/or attend and complete approved training drills. Individuals serving with the Waterford Ambulance Service when attending and/or responding to a particular incident will not receive points related to that incident.
11. *Incident commander:* The incident commander sets priorities and defines the incident command system organization for the particular response and is responsible for the safety, accountability, and welfare of personnel through an incident.

C. *Program components.*

1. *Stipend schedule:* Active volunteer firefighters and active volunteer fire police members who meet the criteria set forth below are eligible for stipends issued on a quarterly basis as follows:

<i>First Quarter</i>	=	<i>July through September (issued in October)</i>
<i>Second Quarter</i>	=	<i>October through December (issued in January)</i>
<i>Third Quarter</i>	=	<i>January through March (issued in April)</i>
<i>Fourth Quarter</i>	=	<i>April through June (issued in July)</i>

2. *Reporting requirements:*

- a. An incident report shall be generated and completed for every dispatched incident.
 - b. All active volunteer firefighters and active volunteer fire police members must sign the report within fifteen minutes of the last vehicle returning to the station at the termination of the event.
 - c. If an active volunteer firefighter or active volunteer fire police member is not able to sign the report within the allotted time set forth in subsection C.2.b, he or she must file a report within twenty-four hours of the incident.
 - d. Anyone documenting another member's name on the report shall initial next to that entry for validation purposes.
 - e. Attendance records shall be recorded and maintained on the town's approved records management software.
 - f. The director of fire services or his/her designee shall prepare the quarterly reports for payment.
 - g. All quarterly reports will be reviewed and approved by the director of fire services prior to the approval of issuance of quarterly stipend.
 - h. The director of fire services shall also submit quarterly reports to the RTM on the status of the program.
3. *Stipend eligibility and amount:* An active volunteer firefighter or active volunteer fire police member shall not receive any stipend until receiving a minimum of thirty points during that fiscal year. The active volunteer firefighter or active volunteer fire police member will then be provided a stipend at the rate of seven dollars for each prior and subsequent point earned during that fiscal year (e.g., an active volunteer firefighter who has

thirty-five points will receive two hundred forty-five dollars; an active volunteer firefighter with twenty points will receive zero dollars). The director of fire services may propose changes to the mandatory/minimum eligibility criteria, point value (increase or decrease), stipend rate or amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote. As part of its determination, the RTM must evaluate continued compliance with the federal Fair Labor Standards Act.

(R.T.M. 4-3-23 (part))

4. *Discretionary decisions on awarding of points:* The director of fire services, in the exercise of his/her discretion, will decide any disputes regarding the awarding of points under subsection B.10. The director of fire services, also may, in accordance with departmental policy, award points for reasons other than those expressly set forth in subsection B.10. These decisions shall be documented in the quarterly report.

(R.T.M. 4-3-23 (part))

5. *Higher level of training stipend:* An active volunteer firefighter who receives at least thirty points during a fiscal year and who is also a certified fire officer and meets all the additional requirements outlined in subsection B.8.c will receive an additional one hundred fifty dollars on an annual basis in recognition of his/her higher level of training. An active volunteer firefighter who receives at least thirty points during a fiscal year and meets the requirements for both Fire Officer 1 and EMT certification will receive an additional fifty dollars, for a total annual higher level of training stipend of two hundred dollars. These stipends will be issued at the same time as the stipend for the initial thirty points. The director of fire services may propose changes to the higher level of training stipend amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote.

(R.T.M. 4-3-23 (part))

6. *Initial education stipend:* An active volunteer firefighter or active volunteer fire police member will receive points commensurate with certification in the courses listed below. Education stipends will be issued in the quarter following certification and receipt of at least thirty points during a fiscal year. ¹

Points awarded equal fifty percent of the course hours. The chart below provides the courses and applicable points at the time of enactment.

The director of fire services retains the discretion to adjust points awarded based on the formula above, should the course hours change.

Firefighters Courses

Emergency Medical Technician (204 hrs)102 points

Firefighter 1 (168 hrs)84 points

Firefighter 2 (48 hrs)24 points

Fire Officer 1 (96 hrs)48 points

Fire Officer 2 (80 hrs)40 points

Fire Officer 3 (56 hrs)28 points

Fire Officer 4 (56 hrs)28 points

Incident Safety Officer (24 hrs)12 points

Health and Safety Officer (24 hrs)12 points

Fire Service Instructor 1 (48 hrs)24 points

Fire Service Instructor 2 (40 hrs)20 points

Q or CDL Endorsement (32 hrs)16 points

Aerial Operator (48 hrs)24 points
 Pump Operator (48 hrs)24 points
 Rescue Technician-CORE (48 hrs)24 points
 Confined Space Rescue Technician (56 hrs)28 points
 Rope Rescue Technician (64 hrs)32 points
 Vehicle Rescue Technician (48 hrs)24 points
 Trench Rescue Technician (56 hrs)28 points
 Haz-Mat Rescue Technician (40 hrs)20 points

Fire Police Courses

Traffic Incident Management (6 hrs)3 points
 Hazardous Material Awareness (8 hrs)4 points
 ICS-100 (2 hrs)1 point
 ICS-200 (4 hrs)2 points
 IS-700 (4 hrs)2 points

(R.T.M. 4-3-23 (part))

7. *Ineligibility due to misconduct or separation from Waterford Fire Department:* The ordinance codified in this section incorporates by reference, the Waterford Fire Department Disciplinary Procedures Policy, as may be amended from time to time.

In the event that the director of fire services decides to impose disciplinary action short of termination against any active volunteer firefighter or active volunteer fire police member, the director of fire services retains the discretion to suspend any active volunteer firefighter or active volunteer fire police member from the program, as either the discipline or as a component of the discipline. The director of fire services retains the discretion to determine the status of any existing points (e.g., forfeited, retained) at the time of suspension.

Any active volunteer firefighter or active volunteer fire police member who is terminated from volunteer service by the Town of Waterford immediately forfeits all points and is not eligible for any stipend. The director of fire services and the human resources director shall evaluate and determine, in their discretion, the eligibility for a stipend of an active volunteer firefighter or active volunteer fire police member who voluntarily separated from volunteer service as of the end of a quarter.

D. Funding and administration.

1. Funding:

- a. Through its normal, annual budget process, the town shall determine whether or not to fund the program and, if so, in what amount.
- b. Any portion of the annual appropriation not expended during a fiscal year does not carry over to the next fiscal year.
- c. Should the total expenses for the program exceed the annual appropriation, then the quarterly stipends for the then-current quarter will be prorated to reflect the total amount available for distribution for that quarter. If the program exceeds the annual appropriation in a quarter other than the last quarter of the fiscal year, the program may be unfunded for quarters following the pro-rated quarter.

2. *Modifications:* Any modifications allowed under this section without an ordinance amendment (e.g., change in the course hours or points) will be recorded in an annual program update each July and maintained on file in the office of the director of fire services.
3. *Termination:* The town shall have the right through the RTM to terminate the program at any time through the ordinance process.

(R.T.M. 4-3-23 (part))

(Amend. of 4-3-23(1); Amend. of 10-5-20(4))

Footnotes:

¹The implementation date of the initial education stipends for Emergency Medical Technician, Firefighter 1, and Firefighter 2 courses shall be retroactive to July 1, 2020.