

AMENDMENT TO CODE ORDINANCE
BOARD OF FIRE COMMISSIONERS

BE IT ORDAINED THAT, pursuant to C.G.S. §§7-301, and 29-297 the Town of East Hampton repeals and replaces Chapter 49-2 of the Code of Ordinances to add a new code provision as §49-2.D. as follows:

§ 49-2 Powers and duties.

A. The management, discipline, and control thereof shall be vested in a Board of Fire Commissioners, which shall have powers as this chapter and statute provides. The Board of Fire Commissioners shall be subject to the purchasing requirements as outlined by the Town Charter for acquisition of all supplies and equipment necessary for its operation, and shall have the statutory power to enter into agreements with any volunteer fire company or companies within the Town for the protection thereof from fire on such conditions as to the financial assistance and the observance of the regulations as such Board of Fire Commissioners shall prescribe, subject, however, to the provision of this chapter.

B. Said Board of Fire Commissioners shall promote proper cooperation and coordinate activities among the several divisions of the Department and/or companies or other municipal agencies, boards, or commissions, public or private, whose aims are to provide protection from fire or other disaster for persons or property within East Hampton.

C. Subject to statute and Town Charter and the terms of this chapter, the Board of Fire Commissioners has the power and authority to make agreements with the State of Connecticut; other towns, municipalities, fire districts, government bodies representing them to promote mutual fire protection and provide maximum fire and other disaster protection for East Hampton. When authorized by the Town Council, expenses incurred in carrying out the foregoing shall be paid as a municipal expense by the Town of East Hampton

[NEW]

D. i. Appointment of Fire Marshal. The Board of Fire Commissioners shall appoint a local fire marshal. In making such appointment, preference shall be given to a member of the regular or volunteer fire department of the Town of East Hampton. The local fire marshal shall be sworn to the faithful performance of his duties by the clerk of the Town of East Hampton and shall continue to serve in that office until removed for cause, by the Board of Fire Commissioners in accordance with the procedure set forth in this code ordinance.

ii. Duties of Fire Marshal. The local fire marshal shall annually inspect all buildings and facilities of public service and occupancies, except one- and two-family dwellings, regulated by the state Fire Safety Code, and inspect other buildings upon receiving an authentic report that they pose a fire hazard that could endanger life. The local fire marshal shall where applicable, review plans for buildings and structures under their jurisdiction to determine compliance with the fire safety code before the building permits are issued. The local fire marshal shall investigate the cause, origin, and circumstances of all fires that caused or threatened to cause property or personal damage or deaths. The local fire marshal shall certify that residential buildings subject to the fire safety code are equipped with code-compliant smoke detection and warning equipment before they are issued a certificate of occupancy. The local fire marshal shall upon receiving a complaint, inspect one-and two-family dwellings to ensure that statutory requirements on smoke detection and warning equipment are satisfied. The local fire marshal shall issue permits for keeping, selling, using, storing, procuring, or transporting explosives. The local fire marshal shall inspect fireworks and special effects display sites. The local fire marshal shall determine the appropriate amount of fire protection and fire extinguishing equipment required at amusement parks, sporting events and carnivals. The local fire marshal shall issue open burning permits.

iii. Oversight and Reporting of Local Fire Marshal. The day-to-day reporting and determining compliance with the fulfillment of the local fire marshal's duties stated above shall be overseen by the Town Manager.

iv. Dismissal of Local Fire Marshal. If the local fire marshal fails to faithfully perform the duties of his office, the Board of Fire Commissioners shall, after proper inquiry, dismiss him and appoint another in his place. The local fire marshal shall not be dismissed unless he has been given notice in writing of the specific grounds for such dismissal and a meaningful opportunity to be heard in his own defense, personally or by counsel, at a public hearing, before the Board of Fire Commissioners, who possess the power of dismissal. This meaningful opportunity includes the production at the public hearing, by the Board of Fire Commissioners, of the person or persons whose complaints form the basis of the ground or grounds in the notification of grounds for potential dismissal and the opportunity to examine at that time any or all of these complainants should the local fire marshal decide to do so. The local fire marshal shall also be provided with a written statement indicating the reason or reasons upon which the

Board of Fire Commissioners premise dismissal, if that is the sanction imposed. Such public hearing shall be held not less than five nor more than ten days after such notice.

v. **Appeal.** Any person so dismissed may appeal within thirty days following such dismissal to the superior court for the judicial district of Middlesex at Middletown. Service shall be made as in civil process. Said court shall review the record of such hearing and, if it appears upon the hearing upon the appeal that testimony is necessary for an equitable disposition of the appeal, it may take evidence or appoint a referee or a committee to take such evidence as it may direct and report the same to the court with his or its findings of fact, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court, upon such appeal, and after a hearing thereon, may affirm the action of such authority, or may set the same aside if it finds that such authority acted illegally or arbitrarily or in the abuse of its discretion or with bad faith or malice.

Adopted by the East Hampton Town Council on _____

Published in the River East on _____

The ordinance becomes effective on _____

Office of the COLLECTOR OF REVENUE

KRISTY MERRIFIELD, CCMC

kmerrifield@easthamptonct.gov



July 6, 2018

To: The East Hampton Town Council,

The documentation for the tax refunds listed below is available in the Office of the Collector of Revenue for your review. There are six refunds totaling \$1,896.02.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Kristy L. Merrifield'.

Kristy L. Merrifield, CCMC
Collector of Revenue

892.94 [x]
 111.15 [x]
 119.76 [x]
 207.97 [x]
 311.76 [x]
 252.44 [x]

006

1,896.02 [x]