



General Assembly

February Session, 2014

***Raised Bill No. 5507***

LCO No. 2076



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING THE APPOINTMENT OF ZONING  
ENFORCEMENT OFFICIALS, BUILDING OFFICIALS AND FIRE  
MARSHALS.***

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

1 Section 1. Subsection (e) of section 8-3 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2014*):

4 (e) The [zoning commission shall provide for the manner in which  
5 the zoning regulations shall be enforced] chief executive officer of any  
6 town, city or borough shall, in consultation with the commission,  
7 appoint an officer to enforce the zoning regulations.

8 Sec. 2. Section 29-260 of the general statutes is repealed and the  
9 following is substituted in lieu thereof (*Effective October 1, 2014*):

10 (a) The chief executive officer of any town, city or borough [, unless  
11 other means are already provided,] shall appoint an officer to  
12 administer the code. [for a term of four years and until his successor  
13 qualifies and quadrennially thereafter shall so appoint a successor.]

14 Such officer shall be known as the building official. Two or more  
15 communities may combine in the appointment of a building official for  
16 the purpose of enforcing the provisions of the code in the same  
17 manner. [The chief executive officer of any town, city or borough,  
18 upon the death, disability, dismissal, retirement or revocation of  
19 licensure of the building official, may appoint a licensed building  
20 official as the acting building official for a single period not to exceed  
21 one hundred eighty days.]

22 [(b) Unless otherwise provided by ordinance, charter or special act,  
23 a local building official who fails to perform the duties of his office  
24 may be dismissed by the local appointing authority and another  
25 person shall be appointed in his place, provided, prior to such  
26 dismissal, such local building official shall be given an opportunity to  
27 be heard in his own defense at a public hearing in accordance with  
28 subsection (c) of this section.

29 (c) No local building official may be dismissed under subsection (b)  
30 of this section unless he has been given notice in writing of the specific  
31 grounds for such dismissal and an opportunity to be heard in his own  
32 defense, personally or by counsel, at a public hearing before the  
33 authority having the power of dismissal. Such public hearing shall be  
34 held not less than five or more than ten days after such notice. Any  
35 person so dismissed may appeal within thirty days following such  
36 dismissal to the superior court for the judicial district in which such  
37 town, city or borough is located. Service shall be made as in civil  
38 process. The court shall review the record of such hearing and if it  
39 appears that testimony is necessary for an equitable disposition of the  
40 appeal, it may take evidence or appoint a referee or a committee to  
41 take such evidence as the court may direct and report the same to the  
42 court with his or its findings of fact, which report shall constitute a  
43 part of the proceedings upon which the determination of the court  
44 shall be made. The court may affirm the action of such authority or  
45 may set the same aside if it finds that such authority acted illegally or  
46 abused its discretion.]

47 [(d)] (b) Each municipality shall become a member of the  
48 International Code Council and shall pay the membership fee.

49 Sec. 3. Section 29-297 of the general statutes is repealed and the  
50 following is substituted in lieu thereof (*Effective October 1, 2014*):

51 (a) The chief executive officer of any town, city or borough, in  
52 consultation with the board of fire commissioners or, [in the absence of  
53 such board, any corresponding authority of each town, city or  
54 borough, or, if no such board or corresponding authority exists, the  
55 legislative body of each city, the board of selectmen of each town or  
56 the warden and burgesses of each borough, or,] in the case of an  
57 incorporated fire district, with the executive authority of such district,  
58 shall appoint a local fire marshal and such deputy fire marshals as may  
59 be necessary. In making such appointment, preference shall be given  
60 to a member of the regular or volunteer fire department of such  
61 municipality. Each local fire marshal shall be sworn to the faithful  
62 performance of his or her duties by the clerk of the town, city, borough  
63 or fire district, [and shall continue to serve in that office until removed  
64 for cause.] Such clerk shall record his acceptance of the position of  
65 local fire marshal and shall report the same in writing to the State Fire  
66 Marshal within ten days thereafter, giving the name and address of the  
67 local fire marshal and stating the limits of the territory in which the  
68 local fire marshal is to serve.

69 (b) The chief executive officer of any town, city or borough, in  
70 consultation with the board of fire commissioners or, [in the absence of  
71 such board, any corresponding authority of each town, city or borough  
72 or, if no such board or corresponding authority exists, the legislative  
73 body of each city, the board of selectmen of each town or the warden  
74 and burgesses of each borough or,] in the case of an incorporated fire  
75 district, with the executive authority of such district, may, upon the  
76 death, disability, dismissal, retirement or revocation of certification of  
77 the local fire marshal, and in the absence of an existing deputy fire  
78 marshal, appoint a certified deputy fire marshal as the acting fire

79 marshal for a period not to exceed one hundred eighty days.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	8-3(e)
Sec. 2	<i>October 1, 2014</i>	29-260
Sec. 3	<i>October 1, 2014</i>	29-297

**Statement of Purpose:**

To require the chief executive officers of towns, cities and boroughs to appoint zoning enforcement officials and fire marshals and to eliminate appointment terms for building officials.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*