

Bond Case Briefs

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MUNICIPAL SERVICES - CONNECTICUT

Turn of River Fire Dept., Inc. v. City of Stamford

Appellate Court of Connecticut - September 15, 2015 - A.3d - 159 Conn.App. 708 - 2015 WL 5245274

Volunteer fire department and its chief brought action for declaratory and injunctive relief against city, city fire chief, city fire marshal, and city's director of public safety, health, and welfare, alleging that new organizational structure of the fire department violated their corporate, statutory, and constitutional rights. Following trial, the Superior Court rejected all claims. Volunteer fire department and its chief appealed.

The Appellate Court held that:

- Charter amendments did not compel volunteer fire department to continue to provide firefighting services or usurp volunteer department's rights as a private corporation;
- Statute governing the authority of towns to establish a fire department did not apply to municipal fire department created by charter as opposed to an ordinance;
- Charter amendments did not "supersede" volunteer department in violation of statute;
- Charter amendments did not cause a per se regulatory taking in violation of the Fifth Amendment; and
- Volunteer chief did not have a constitutionally-protected property right to direct the volunteer department's fire protection services free from oversight.