



Legislation Text

File #: 23-1911, Version: 1

ORDINANCE

Motion/Request:

MOTION to adopt a proposed “*An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance*” as contained in the draft dated July 17, 2023.

Background:

Recently the town received a bill for damage to a door when the Police Department responded to an emergency call. When the Police arrived at the resident’s home their vehicle was in the driveway, and the house was locked. The Police looked into the house and being concerned for the wellness of the individual; they breached the door. As it turned out, the individual was not in the home, because a friend had already taken the individual to the emergency room. However, when the Police arrived at the home they did not know this, noting that the individual could have been unconscious and laying on the floor.

The proposed “*An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance*” cites the State Statute 52-557(b) regarding the “*Good Samaritan Law*” exempting emergency responders from liability. The purpose of having such an Ordinance on file was to bring the law to the attention of residents.

Pursuant to provisions of Connecticut General Statutes 52-557(b) “*Good Samaritan Law*”.

(b) **A paid or volunteer firefighter or police officer**, a teacher or other school personnel on the school grounds or in the school building or at a school function, a member of a ski patrol, a lifeguard, a conservation officer, patrol officer or special police officer of the Department of Energy and Environmental Protection, or emergency medical service personnel, who (1) has completed a course in first aid offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health, any director of health or an organization using guidelines for first aid published by the American Heart Association and the American Red Cross, that is certified by the organization or director of health offering the course, and, (2) renders emergency first aid to a person in need thereof, shall not be liable to such person assisted for civil damages for any personal injuries which result from acts or omissions by such person in rendering the emergency first aid, which may constitute ordinary negligence. **No paid or volunteer firefighter, police officer or emergency medical service personnel who forcibly enters the residence of any person in order to render emergency first aid to a person whom such firefighter, police officer or emergency medical service personnel reasonably believes to be in need thereof shall be liable to such person for civil damages incurred as a result of such entry.** The immunity provided in this subsection does not apply to acts or omissions constituting gross, wilful or wanton negligence.

The proposed Ordinance has been drafted to exempt the Town of Ledyard from liability; and its agents from liability, including paid and volunteers firefighters, police officers, emergency medical services personnel in

providing emergency services to people in need.

By enacting the proposed Ordinance the Town was clearly putting on record that they would not be liable for damages incurred in response to a call for emergency assistance. (see attached CGS 52-557b and Legislative Research dated September 7, 2018.

Proposed Ordinance:

DRAFT: 7/19/2023

Ordinance #

AN ORDINANCE
CONCERNING LIABILITY PERTAINING TO
FIRST RESPONDERS PROVIDING
EMERGENCY ASSISTANCE

Be it ordained by the Town Council of the Town of Ledyard: *“An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance”* is hereby enacted.

Section 1: Authority

Pursuant to provisions of Connecticut General Statutes 52-557(b) “Good Samaritan Law”.

Section 2. Exempt from Liability

The Good Samaritan Law exempts the Town of Ledyard from liability; and its agents from liability, including paid and volunteer firefighters, police officers, emergency medical services personnel in providing emergency services to people in need.

This includes protection from civil liability for damages as a result of forcible entry believing that a person inside is in need of assistance or first aide.

Section 3 . Severability.

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 4. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Adopted by the Ledyard Town Council on: _____

Kevin J. Dombrowski, Chairman

Approved / Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

History: There has been some incidents for which the Town received a bill for damages due to the breaching of a home in responding to an Emergency 911 Call and concern for the wellness of the individual and concern that the individual could have been unconscious and laying on the floor.

In accordance with the “*Good Samaritan Law*” the town decided to adopt an Ordinance to clearly state that the town as a non-profit and their agents were exempt from liabilities.

Mayor Comment/Recommendation:

(type text here)

Body:

(type text here)