Chapter 10

MOTOR VEHICLES AND TRAFFIC[1] [2]

Art. I. In General
Art. II. Stopping, Standing and Parking
Art. III. Abandoned, Inoperative, Etc., Motor Vehicles

ARTICLE I. IN GENERAL

Section 10-1 - 10-15 Reserved

ARTICLE II. STOPPING, STANDING AND PARKING

Section 10-16 Off-street municipal parking lots

(a) *Designation as free lots.* The High Street parking lot situated on the westerly side of High Street, the School Street parking lot situated on the easterly side of School Street and the town hall parking lot situated on the westerly tide of School Street, all three (3) parking lots being in the Borough of Danielson in the town, are hereby designated as free municipal off-street parking zones. The town hall parking lot shall be reserved primarily for persons working or visiting the Town Hall building, and the School Street and High Street parking lots are intended primarily for patrons of stores, businesses and offices.

(b) *Responsibility for lots.* Responsibility for the operation, maintenance and general condition of the off-street parking lots referred to in paragraph (a) of this Section shall be vested in the town manager, who may, from time to time, adopt reasonable rules and regulations governing the use of such lots. (Ord. of 3-11-80, §§ 1, 2; Ord. of 8-14-84)

Section 10-17 Parking ban on public streets

(a) **Authorization**
The Town Manager may implement a parking ban for all vehicles on one or more public streets and/or public parking lots if a parking ban is necessary, at the discretion of the Town Manager, to protect the health and safety of the public. The Town Manager shall provide notice of not less than four (4) hours to the public of a parking ban. The notice shall be distributed to the public through all reasonable means and shall indicate the streets and/or parking lots impacted and the anticipated duration of the parking ban.

(b) **Exemptions**
All police, fire, ambulance, snow removal and other emergency vehicles are exempt from the provisions of this section. The Town Manager may identify other types of vehicles that are exempt from the provisions of this section.

(c) **Violations-Penalty**
Violations of this section shall be penalized pursuant to the provisions of the General Statutes of the State of Connecticut, as amended. The Town Manager, any officer attached to an organized police department or any state police officer, may remove, or cause to be removed from any street or highway within the town, any automobile, truck, vehicle, or any personal property parked, placed, deposited, left or allowed to remain upon any street or highway within the town in violation of the provisions of paragraph (a) of this section, to a garage or other place of storage, where the same shall be kept until repossessed by the owner or other person entitled to the possession thereof, or otherwise disposed of. There shall be no liability attached to such Town Manager, any officer attached to an organized police department or any state police officer, for any damages to such motor vehicle while in his or their custody. The owner or other person entitled to the possession of any such automobile, truck; vehicle or other personal property may recover possession thereof upon payment of all expense and cost of removal and storage thereof. All charges necessarily incurred by the Town Manager, an officer attached to any organized police department or any state police officer in the

[1] Cross reference – Restrictions as to vehicles transporting refuse to sanitary landfill area, § 8-24; streets, sidewalks and public places, Ch. 13.
[2] State law reference – Authority to regulate traffic generally, G.S. § 7-148(a)(12); power limited, G.S. § 14-162

performance of such duty shall be a lien upon such motor vehicle. The owner or keeper of any garage or other place where such motor vehicle is stored shall have a lien upon the same for his storage charges.

d) **Procedure**
The Town Manager shall implement procedures to implement a parking ban. Procedures shall be publicized not less than annually prior to the winter season and specify locations of where notice of an imminent parking ban is distributed. (Ord. No. X01-032, 12-11-01)

Sections 10-18 - 10-20 Reserved

Section 10-21 Fire Lanes

(a) **Title and Authority**
This Section shall be known as the "Fire Lane Code of the Town of Killingly" and herein referred to as "this code". This Fire Lane Code is authorized by the Connecticut General Statutes, Chapter 541, Section 29-293(b).

(b) **Definitions**
The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this sub-section, except where the context clearly indicates a different meaning:

Fire lane means a designated unobstructed passageway: (1) at least 20 feet in width; (2) located at least ten (10) feet but not more than fifty (50) feet from the related structure; (3) with an inside turning radius of at least twenty-five 25 feet; (4) with a vertical grade not greater than ten percent (10%) unless found to be impractical by the Fire Marshal for an existing development or building, than the grade shall be not greater than fifteen percent(15); (5) with a dead end road or fire lane of more than 300 feet in length being provided with a turnaround at the closed end of at least fifty (50) feet in diameter or otherwise determined by the Town's Engineering Department and (6) with a minimum vertical clearance of 13.6 feet and constructed and maintained in a manner to permit free passage of fire apparatus and other emergency equipment and personnel from a public way to all necessary areas, regardless of season of year or weather conditions, around buildings, in areas of developments of subdivisions as may be required elsewhere in this code.

Parking area means lots, areas or other accommodations for the parking of motor vehicles off the street, alley or other way, which lots, areas or other accommodations are available for use by the public either with or without charge.

(c) **Purpose**
Fire lanes are established for the purpose of promoting the public health, safety and welfare by recognizing that there are, and will in the future, exist buildings and other areas within the Town which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt, adequate emergency services, including access by firefighters and firefighting equipment and other emergency personnel and equipment, in order to accomplish such purposes and effect the saving of life and property in emergency situations.

(d) **Applicability**
The provisions of this code shall, in order to accomplish the stated purpose, be applicable to all proposed and existing developments, subdivisions, buildings and other premises included in the following:

1. Nonresidential developments and subdivisions.
2. All schools whether public or private.
3. Hospitals
4. Hotels
5. Convalescence homes, assisted living residences, rest homes and/or nursing homes.
6. In addition to the forgoing, all other places of public assembly used for gathering together 50 or more persons.

(e) **Establishment of Fire Lanes**

(1) Each application for residential or non-residential subdivision approval and each application for site plan review submitted to the Planning and Zoning Commission shall be reviewed by the Town's Fire Marshall who will coordinate with the Fire Chief or designee of the fire district or the Borough of Danielson within which such development or building is located. The Fire Marshall shall review each such application to determine the location of such fire lanes as are necessary under this Section and report his findings, recommendations and suggested designation of fire lanes to the Planning and Zoning Commission in writing, which findings, recommendations and suggested designation of fire lanes shall be made part of the record of proceedings before the Planning and Zoning Commission on each such subdivision or site

plan review application. In such cases. the decision of the Planning and Zoning Commission shall govern the requirement and designation of such fire lanes.

(2) In any application for a building permit, occupancy or change of use permit not requiring subdivision or site plan review and approval but otherwise included within Section 10-21(d), the Building Official shall notify the Fire Marshall of the application for permit and the Fire Marshall shall designate following coordination with the Fire Chief or designee of the fire district or the Borough of Danielson within which such development or building is located directly to the owner or owner's agent of the premises for which fire lanes are required.

(3) Within existing developments and premises to which this article is applicable, the Fire Marshall who will coordinate with the Fire Chief or designee of the fire district or Borough of Danielson within which such development or premises is located shall designate fire lanes by written order and shall notify the Planning and Zoning Commission and the owner, owners or owner's agents of said developments or premises of such designation and of any specific requirements for compliance with this code. The designation of fire lanes shall be filed with the Town's Traffic Authority. Any failure to acknowledge the written order for fire lanes within thirty (30) days will be followed by re-notifying the owner, owners or owner's agent by certified mail. Any person aggrieved by such order within thirty (30) days of acknowledged receipt of the written order shall file for an appeal under Section 1-10 of the Killingly Code of Ordinances. The decision of the Hearing Officer will be final within the Town's legal jurisdiction.

(4) It is recognized that there may exist unusual circumstances necessitating alternative provisions in order to comply with the requirements of this code. In such situations, the Fire Marshall may accommodate the unusual circumstances so long as the greatest level of safety as practical is achieved.

(f) Required access for fire apparatus

(1) With the exception of existing buildings where compliance is impractical, fire lanes shall provide access to: (a) the main entrance to the building or in the case of multiple occupancy buildings, to the main entrance to each occupancy; (b) to all entry or exit doors in schools; (c) building fire protection system(s); (d) entrances to equipment or mechanical areas and (e) shipping/loading docks.

(2) With the exceptions of existing buildings where compliance is impractical and those protected with an approved automatic sprinkler system, buildings of a high hazard, or having more than two (2) stories above the lowest level of access by any Killingly Fire District/Company as defined by Life and Safety Codes or containing more than five thousand (5,000) square feet on any one (1) floor, a fire lane shall be provided for the entire perimeter of the building.

(g) Maintenance and identification of Fire Lanes

Fire lanes established under this code shall be kept free of ice and snow and rubbish containers or other obstructions by the owner, owners or owner's agents or occupant of any premises to which this code is applicable; and the owner, owners or owner's agents or occupant shall cause to be erected, installed and maintained at their own expense, permanent, adequate signs bearing the words "Fire Lane-No Parking-Vehicles will be towed at their own expense" in or adjacent to such lane. Such owner, owners or owner's agents or occupant shall cause such other and further designations as may be reasonably required by the Fire Marshall to warn persons to keep such fire lanes unobstructed. Failure to maintain a fire lane in accordance with this code shall render the owner, owners, owner's agents or occupant of such development liable to a fine in accordance with Section 1-9 of the Killingly Code of Ordinances.

(h) Compliance

Notice of the establishment of fire lanes shall provide a reasonable time for compliance, such compliance time being 30 days from the acknowledged time of notification. If compliance is not obtained within such time, the owner, owners, or owner's agents receiving such notice shall be subject to a fine in accordance with Section 1-9 of the Killingly Code of Ordinances.

(i) Parking Prohibited; notice of violation; towing of vehicles

(1) No person shall park or permit to stand unattended a motor vehicle in any fire lane established in accordance with this code, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.

(2) Whenever any vehicle shall be found parked in violation of this code, any police officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of these regulations. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this code, in addition to the foregoing, may be towed upon the direction of a police officer to any public or private parking facility or area; and all expense of such towing and any subsequent storage shall be borne by the registered owner or operator of such vehicle together with a fine of $50.00 levied in accordance with Sections 1-9 and 1-10 of the Killingly Code of Ordinances. (Ord. of 6-12-07)

Sections 10-22 - 10-50 Reserved[3]

ARTICLE III. ABANDONED, INOPERATIVE, ETC. MOTOR VEHICLES[4]

Section 10-51 Purpose

It is the intention of this article to provide for the protection of the health, welfare, property and safety of the public in general by prohibiting the existence of abandoned, wrecked, junked, in- operative, discarded and dismantled motor vehicles left within the town in places other than junkyards or other so designated areas.

Section 10-52 Definitions

For the purposes of this article, the following words and phrases shall have the meaning described to them in this section:

Antique or collectible motor vehicle: Any motor vehicle at least twenty-five (25) years old which holds a distinctive value because of its style, year of manufacture, name, place of manufacture or method of construction.

Enforcement Officer: The Town of Killingly Zoning Enforcement Officer or such other individual designated by the Killingly Town Manager as Enforcement Officer for the purposes of this Ordinance.

Inoperable motor vehicle: Any vehicle which, due to the mechanical condition thereof, cannot be operated upon the public roadway in its current condition.

Junked motor vehicle: Any vehicle unregistered by the Department of Motor Vehicles as defined in the above definition, which is determined to be inoperable.

Motor vehicle: Any vehicle which is self-propelled and designed to travel along the ground and shall include but not be limited to automobiles, buses, motor bikes, vans, motorcycles, motor scooters, trucks, go-carts, golf carts, campers and trailers.

Section 10-53

Storing, parking, etc., dismantled, inoperative, etc., motor vehicles prohibited; declared nuisance; exceptions.

(a) No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the town for a period of time in excess of thirty (30) days. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article. Further, one (1) motor vehicle is exempted from the provisions of this Ordinance if it is fully covered by a tarpaulin or other opaque covering and setback at least forty (40) feet from any road or property line.

(b) This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise duly licensed by the Connecticut Department of Motor Vehicles and properly operated in the appropriate business zone, pursuant to the zoning laws of the town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

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[3] Editor's note–An ordinance adopted August 14, 1984, provided that if §§ 10-34–10-41 be deleted. In as much as such sections constituted the substantive sections of Div. 2, Parking Authority, such division has also been deleted. Formerly, §§ 10-34–10-44 were derived from an ordinance adopted December 21, 1959, §§ 1-8.

[4] Editor's note–An ordinance adopted Sept. 14, 1982, did not specifically amend this Code; hence infusion of §§ 1 – 16 as §§ 10-51 – 10-66 was at the discretion of the editor.

Section 10-54 Notice to remove

Whenever it comes to the attention of the town that any nuisance as defined in this article exists, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal within thirty (30) days.

Section 10-55 Responsibility for removal

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal.

Section 10-56 Notice procedure

The Enforcement Officer shall give notice to remove to the owner or occupant of the private property where it is located, at least thirty (30) days before the time of compliance. It shall constitute sufficient notice, when a copy of the notice is sent by registered mail to the owner or occupant of the private property at his last known address.

Section 10-57 Contents of Notice

The notice shall contain the request for removal within the thirty (30) days specified in this article, and the notice shall advise that failure to comply with the notice to remove shall constitute a violation of this ordinance.

Section 10-58 Request for Hearing

The persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the town manager or his designee within the thirty (30) day period of compliance prescribed in section 10-56 for the purpose of defending the charges made by the town.

Section 10-59 Procedure for Hearing

The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least seven (7) days in advance thereof. At any such hearing the town and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Section 10-60 Failure to remove motor vehicle from property

If the violation described in the notice has not been remedied within the thirty-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is held, and the existence of the violation is affirmed by the town manager or his designee, and the
vehicle is not removed within one (1) week from notice of the town manager's decision; such failure shall constitute a violation of this ordinance.

Section 10-61 Penalty

Each vehicle maintained in violation of this ordinance shall be considered a separate violation of this ordinance. Penalty for each violation shall be One Hundred ($100.00) Dollars per day, which may be assessed against the record owner of the real estate upon which the vehicle is located, the occupant in possession of the real estate, or the record owner of the vehicle, if the same can be determined.

Sections 10-62 - 10-66 Reserved