Chapter 3

ALCOHOLIC BEVERAGES[1] [2]

Section 3-1 Hours of sale restricted

The town hereby permits the sale of alcoholic liquor on Sundays between the hours of 12:00 noon and 1:00 a.m. on Monday in hotels, restaurants, cafes, bowling establishments, clubs, golf country clubs and places operating under charitable organization permits, a university permit, a coliseum permit, a coliseum concession permit, a special sporting facility restaurant permit, a special sporting facility employee recreational permit, a special sporting facility guest permit, a special sporting facility concession permit or a special sporting facility bar permit. (Ord. of 7-22-35; Ord. of 10-14-80)

Chapter 3.1

ANIMAL CONTROL

Art. I. In General
Art. II. Dogs
Art. III. An Ordinance Regulating Cats

ARTICLE I. IN GENERAL

Sections 3.1-1 – 3.1-15 Reserved

ARTICLE II. DOGS[3]

Section 3.1-16 Redemption of impounded dogs; fees

(a) Any dog captured or impounded shall be redeemed by the owner or keeper thereof, or the agent of such owner or keeper, upon proper identification and presentation of a license and tag for such dog to the animal control officer, and upon the payment by such owner or keeper or his agent of the sum of fifteen dollars ($15.00) for the redemption of such dog.

(b) When the owner or keeper of any such impounded dog fails to redeem such dog within twenty-four (24) hours after receiving notification to do so, or where the owner was unknown within twenty-four (24) hours after notification was effected by means of publication in a newspaper, such owner or keeper shall pay, in addition to such redemption fee, the sum of six dollars ($6.00) per day, or part of a day, such dog has been impounded longer than such twenty-four-hour period.[4] (Ord. of 9-8-87, §§ 1, 2)

Section 3-1-17 – 3-1-29 Reserved

ARTICLE III. An Ordinance Regulating Cats

Section 3.1-30 Legislative Authority.
This section is enacted pursuant to the provisions of C.G.S. section 7-148, et seq., as amended.

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[1] State law reference – Authority, G.S. § 30-91(a) [(a)] (1).
[2] Cross reference -- Possession, consumption or influence of intoxicating liquor prohibited in public places, § 13-62(x).
[3] Cross reference–Control of dogs in public places, § 13-62(s).
[4] Editor's note -- Codification of §§ 1 and 2 of a nonamendatory ordinance adopted Sept. 8, 1987, as § 3.1-16 has been at the discretion of the editor

Section 3.1-31 Statement of Purpose

The Town Council of the Town of Killingly finds that there is an overpopulation of stray and unwanted cats in the Town, evidenced in part by the increasing number of cat complaints received each year by the regional Animal Control Officer. It is the purpose of this chapter to promote the health, safety and general welfare of the residents of the Town of Killingly by reducing the number of stray/abandoned cats. This section shall serve to reduce the excessive numbers of unwanted cats and eventually limit the unnecessary euthanization of stray/feral/homeless cats by restricting the breeding practices of pet owners and breeders. It is also found that other communities with such ordinances have experienced decreases in the number of cat complaints.

Section 3.1-32 Mandatory Spaying/Neutering

1. No person shall own, harbor or keep a cat over the age of six months which has not been spayed or neutered, unless such person holds an unaltered animal permit for the animal (see Unaltered Animal Certification; Administration, below). Any such person who violates this provision may be cited and fined by the Animal Control Officer for such violation.
2. Any person intentionally providing care or sustenance for a cat shall be deemed to be the owner and shall comply with this section.
3. Any owner of an unaltered cat who has been cited or fined by the Animal Control Officer for failing to obtain a permit shall have his or her citation or fine dismissed if proof of altering in the form of an official neuter or spay certificate is presented within 30 days of the issuance of the citation or the owner obtains the necessary permit within 30 days of the issuance of the citation and the animal has not reproduced.
4. Individuals who are aware of cat abandonment are encouraged to notify the Animal Control Officer of said event:
   - To ensure that the animal is not simply lost
   - To identify potential problem areas
   - To receive assistance with spay/neuter and/or placement of the animal(s)

Those complying will not be subject to penalty for having an unaltered animal on the premises if they are willing to surrender it to the Animal Control Officer.

Section 3.1-33 Penalties

1. The penalty for violation of this Ordinance shall be $75, payable to the municipal Neuter Assistance and Education Fund. If the violation is not corrected within 30 days and the fine is not paid, the continuing violation becomes a second offense, the fine for which shall be an additional $75. A fine of $75 will be assessed for each additional 30-day violation.
2. The Animal Control Officer may, at his/her discretion, waive the citation and/or penalty if the animal(s) is surrendered to the Animal Control Department for placement or for other good cause to be determined by the Animal Control Officer.
3. The penalty shall not be waived by the Department upon the transfer or abandonment of the cat by the noncompliant owner except as specified above.

Section 3.1-34 Unaltered Animal Certification; Administration

The Town Clerk's office shall administer a permit program to allow for unaltered cats over the age of six months when the following conditions have been met:

1. An annual permit fee of $25 is paid at the time of application and upon each annual renewal. Permit fees will be payable to the Neuter Assistance and Education Fund.
2. The animal is examined annually by a licensed veterinarian and is following the preventative program recommended by the veterinarian.
3. The animal is current on rabies vaccination.
4. The owner otherwise complies with any applicable local/state law concerning the care and housing of animals and has not been in violation of animal related ordinance/laws in the past 24 months.
5. The owner furnishes the Town Clerk with a signed statement agreeing to the following conditions: Offspring of the unaltered animal will not be sold or adopted until they are at least eight weeks of age.
   - Records will be kept documenting how many offspring were produced and who adopted or purchased them (name, address, phone number).
   - Offspring must be immunized against common diseases.
   - The Seller/adopter must disclose the permit number in any advertisement.

Section 3.1-35 Sterilization of Impounded Animals

On a first or subsequent impoundment of a cat, the Animal Control Officer may require that, as a condition for return to its owner or keeper, (a) the animal must be altered and (b) the cost incurred must be paid by the owner or keeper, or that the owner or keeper obtain Unaltered Animal Certification per this chapter.

Section 3.1-36 Exemptions from this Ordinance

Persons owning animals in the care of the following organizations or meeting the following conditions are exempt from the provisions of this Ordinance:

1. Animal shelters and rescue organizations that have implemented an ongoing spay/neuter program.
2. Medical - A licensed veterinarian has determined that an animal is medically unsuited to undergo the surgical procedure and has signed a statement to that effect specifying the medical grounds for the exemption.
    A. Temporary medical - The veterinarian may specify a temporary medical condition including the prognosis of when the surgery may be performed, which shall become the expiration date of the temporary exemption.
    B. Transitory status - An animal that is temporarily in the Town to participate in a show or event sponsored by a nonprofit, sanctioned animal organization.

Section 3.1-37 Neuter Assistance and Education Fund

All fees and penalties collected under the provisions of this chapter shall be deposited into a special fund known as the Neuter Assistance and Education Fund. The purpose of said fund shall be to provide for sterilization of impounded cats and to offer financial assistance to qualified residents for the spaying and neutering of their cats and to create public awareness regarding efforts to control pet overpopulation in the Town. Additionally, the Town and the Animal Control Department shall maintain a current list of resources for reduced-price spay/neuter services for distribution to residents of the Town.

Chapter 4

BUILDINGS AND BUILDING REGULATIONS[1]

Art. I. In General
Art. II. Street Numbering System
Art. III. Rental Housing Standards Code
Art. IV. Rapid Entry System
Art, V. Demolition Standards

ARTICLE I. IN GENERAL

Section 4-1 State Code adopted

The state building code, under the provisions of Chapter 354 of the General Statutes of the state, Revision of 1958, as amended, wherever applicable to the town, is hereby adopted and made the building code of the town.[2]
(Ord. of 9-15-70, § 1)

Section 4-2 Building Official

(a) *Appointment.* There shall be a building official appointed by the town manager.
(b) *Qualifications.* The building official, to be eligible for appointment, shall have had at least five (5) years' experience in construction, design or supervision. He shall be generally informed on the accepted requirements of building construction, on good practice in fire prevention, on the accepted requirements regarding light and ventilation, on the accepted requirements for safe exit facilities and on other items of equipment essential for the safety, comfort and convenience of occupants.[3] [4]
(Ord. of 9-15-70, §§ 2, 4)

Section 4-3 Board of Appeals

There shall be a building board of appeals consisting of five (5) members who shall be appointed by the town council.[5] (Ord. of 9-15-70, § 3; Ord. of 1-8-85)

Section 4-4 Building permit fees

(a) Fee determination. The fee for a building permit shall be based on the cost of construction to the owner. Such cost shall be initially determined by the building official on the basis of data and methodology in the most recent building valuation data report, provided under the auspices of the building official and Code Administration International. Such data shall be adjusted by the regional cost modifier for Connecticut provided by the building valuation data report, and may be further modified by the building official in exceptional cases for construction significantly above or below average. The building official may elect to use another building valuation service if approved previously in writing by the town manager. Prior to issuance of a Certificate of Occupancy by the building official, the permit holder shall submit final documentation in a form acceptable to the building official of all building construction costs including structural, electrical, plumbing, mechanical, interior finishes and normal site preparation costs to determine if the initial building valuation was correct. The permit holder shall be responsible for any additional permit fees due to increases in the cost of construction which shall be assessed at the permit fee rate applicable to the initial building permit. Any additional permit fees shall be paid prior to issuance of a Certificate of Occupancy.
(Revised Ord. 2-8-11)

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[1] Cross references -- Flood damage prevention and control, Chapter 7; garbage, trash and refuse, Chapter 8; streets, sidewalks and public places, Chapter 13; water, sewers and sewage disposal, Chapter 15; inland wetlands regulations, App. A; subdivision regulations, App. B; zoning regulations, App. C.
[2] Editor's note–The effective date of the ordinance from which this section is derived was October 1, 1970.
[3] Cross reference–Administration generally, Chapter 2.
[4] State law reference–Local building official to administer state code, G.S. § 19-396.
[5] State law reference–Municipal board of appeals, G.S. § 19-402.

Minimum Fee	$	35	
Building Permit Fee Multiplier (including Educational Train. Fee)	$	14	Per $ 1,000
Valuation of Structure Cost to Build - Residential Per Square Foot			
-Addition	$	84	Per sq. ft.
-One story single/multi family dwelling or town house	$	84	Per sq. ft.
-Second story	$	60	Per sq. ft.
-Finished attic	$	30	Per sq. ft.
-Attached garage	$	30	Per sq. ft.
-Detached garage	$	35	Per sq. ft.
-Garage under	$	10	Per sq. ft.
-Carport covered (tube frame or wood)	$	15	Per sq. ft.
-Finished basement	$	30	Per sq. ft.
-Barns	$	20	Per sq. ft
-Shed (under 400 sf. – no foundation)		Installed cost	
-Shed w/foundation – frost protection footing	$	20	Per sq. ft.
-Porch, deck, farmers porch	$	15	Per sq. ft.
-Enclosed 3 season space/gazebo	$	20	Per sq. ft.
-Mobile Home relocated into existing park	$	30	Per sq. ft.
-Mechanical, plumbing, electrical	$	35	Min.- 14/k
-Roofing, siding, replacement windows	$	35	Min.- 14/k
-Pools, above and in ground, spa	$	35	Min.- 14/k
Commercial Building Cost – Building Only	$	16	Per $1,000
Commercial Building Trades (mechanical, electrical, plumbing, HVAC)	$	16	Per $1,000

The building permit fee of $16.00 per $1,000 for Commercial Building Cost – Building Only and for Commercial Building Trades shall apply to the first $1,000,000 in the cost of construction and shall be $4.00 per $1,000 for the cost of construction in excess of $1,000,000.

Fire Marshal Plan Review Fees			
-Sprinkler review fee	$	275	
-Over 500 heads	$	350	
Miscellaneous Fees	$		
-House Code Inspection	$	25	
-Solid Fuel Appliance	$	35	
-Smoke Detectors	$	35	
-Group Home Annual Inspection	$	50	
-Blasting Permit	$	60	
-Hazmat annual truck inspection ($10 per additional vehicle)	$	35	Minimum
-Liquor permit- New	$	75	
-Liquor permit - Renew/Annual	$	50	
-DCF Code Compliant Inspection	$	35	
-Open Burning Permit	$	5	
-Woodstoves	$	35	
-Fee for any Re-inspection	$	50	

(Revised Ord. 5-11-10; 2-8-11)

(b) Alternate fee determination. In the event that construction cost cannot be suitably estimated by the method described in section 4.4(a), above, the building official shall determine the cost after making inquiry into factors affecting cost. Such inquiry may include a statement of cost under oath from the owner, builder or other responsible agent, and/or evidence of cost such as contract documents.

(c) Fee amount for new construction, additions, alterations. Fees for permits for new construction, additions or alterations, rehabilitation, renovations or repair work including electrical, plumbing, heating, ventilating, air conditioning, energy efficiency improvements, or oil burner classifications as designated in the basic building code of the State of Connecticut shall be computed at a rate determined and set by resolution of the Town Council in consultation with the, Town Manager or his/her designee from time to time.

(d) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Any violation of a provision of this article shall require the said person, firm, or corporation to whom such permit is issued to pay twice the amount of the permit fee.

(e) Moving a structure.

1. For moving a building or structure in any street, a fee determined and set by resolution of the Town Council in consultation with the Town Manager or his/her designee from time to time shall be levied. The moving of all buildings or structures shall be advertised once in the local newspaper and the fee for the advertisement paid by the applicants in addition to all other permit fees.
2. In addition, if in the opinion of the town manager, it will be necessary to reroute traffic or provide police protection for the safety of the general public any such cost in connection therewith shall be paid by the person, firm, or corporation to whom such permit is issued.

(f) Structural demolition

1. For buildings up to one thousand five hundred (1,500) cubic feet, a fee determined and set by resolution of the Town Council in consultation with the Town Manager or his/her designee from time to time will be required.
2. There is an additional charge. which shall be determined and set by resolution of the Town Council in consultation with the Town Manager or his/her designee from time to time, for each additional two thousand five hundred (2,500) cubic feet or part thereof.
3. In addition, when a demolition permit has been issued, and in the opinion of the town manager it will be necessary to reroute traffic or provide police protection for the safety of the general public, any such costs in connection therewith shall be paid by the person, firm or corporation to whom such permit is issued.
4. All demolition permits are for thirty (30) days. The town manager may extend the time limit for valid reason.

(g) *Reprocessing of Permits.* The building official shall charge a fee, which shall be determined and set by resolution of the Town Council in consultation with the Town Manager or his/her designee from time to time, for the reprocessing of building permits for the following reasons:

1. Abandonment of permit;
2. Lapse or termination of permit;
3. Revocation of permit; and
4. Re-issuance of certificate of use and occupancy for existing buildings or structures as requested by owner.

(h) The building permit fees required by this section shall not apply to buildings or structures of the United States, State of Connecticut, of the Town of Killingly, Borough of Danielson, or of the several volunteer fire department companies. (Ord. of 4-8-80, §§ I, II; Ord. of6-9-81; Ord. of6-10-86, §§ 1, 2; Ord. of 2- 21-89; Ord. of 12-13-90) (Ord. 7-9-03; Ord. 6-13-06; Ord. of 5-11-10; Ord. of 1-11-11)

Section 4-5 Review of permit applications re: flood hazards

The town building inspector shall review all building permit applications for new construction or substantial improvements to determine their compliance with the requirements of Chapter 7, Flood Damage Prevention and Control, of this Code of Ordinances. (Res. of 7-10-75; § 3; Ord. of 12-11-84)

Section 4-6 Withholding issuance of building permits for property for which taxes are delinquent[6] [7]

(a) Pursuant to section 7-148(c)(2)(B), of the Connecticut General Statutes, as such statute may be amended from time to time, the issuance of building permits of the town shall be withheld for any property upon which taxes are delinquent.

(b) The following procedure is here by established to implement this section 4-6:

(1) The collector or revenue shall file with the building and zoning officials a list (by address and property owner) of all delinquent taxes as of August first, November first, February first and May first of each year.

(2) Before issuing any building permit the building official shall require any applicant for any permit for property which appears on the collector or revenue's delinquent list last filed with him to obtain a certification from the collector of revenue that delinquent taxes have been paid.

(3) Notwithstanding the provision of subsection (b) (2) herein, the building official may grant a permit if he certifies in writing, as part of the file, that an emergency exists affecting the health or safety of the occupants of the property having delinquent taxes or he obtains a certification from the collector or revenue that the taxpayer has entered into an acceptable agreement with the collector of revenue for the payment of the delinquent taxes.

(4) The collector of revenue and building official, subject to the approval of the town manager, shall develop the necessary forms to implement this section. (Ord. No. 97-002, 3-11-97)

Sections 4-7 - 4-25 Reserved

ARTICLE II. STREET NUMBERING SYSTEM

Section 4-26 Numbering system established

Dwellings, buildings and structures shall be numbered in a comprehensive, uniform and logical sequence. The town manager shall designate town departments or agencies to be responsible for development of a numbering system and assignment of specific numbers to dwellings, buildings and structures as may be appropriate. A record of all such number assignments shall be maintained by the responsible town department or agency and available for public inspection.

Section 4-27 Responsibility of owners

The owner of every dwelling, building and structure shall display the town-assigned street number in figures at four (4) inches high such that the numbers are in a place readable, reflective and visible from the road providing access to the owner's property, be said road accepted or unaccepted by the Town of Killingly or State of Connecticut. The Owner of any multiple dwelling subject to inspections under the Rental Housing Standard Code shall display the town-assigned street number on the structure with a unit letter or number for each of the dwelling units in the structure with such unit letters and numbers being readable, reflective and visible from the road providing access to the multiple dwelling unit. (Amended Ord. of 2-11-14)

Section 4-28 Assignment of street number prerequisite to building permit; display of number prerequisite to certificate of occupancy

The building official shall ensure that no building permit shall be issued to a dwelling, building or structure until a street number has been assigned or associated with it. Further, the building official shall not issue a certificate of occupancy to said dwelling, building or structure until the street number, if one is assigned, has been displayed in a manner consistent with the requirements of section 4-27. (Ord. of 7-14-87, Ord. of 10-12-10 § 3)

Section 4-29 Effective date

All provisions of this article shall take effect September 1, 1987, except for section 4-27, which shall take effect thirty (30) days after property owners are formally notified by the town of their street number assignment. Nothing

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[6] Editor's note—Codification of nonamendatory Ord. No. 97-002, adopted March 11, 1997, as § 4-6 has been at the editor's discretion.

[33] Cross reference—Taxation, Ch. 14.

[34] Editor's note -- Codification of §§ 1 -- 4 of a nonamendatory ordinance adopted July 14, 1987, as Article II, §§ 4-26 -- 4-29, has been at the discretion of the editor.

herein shall preclude property owners from using and displaying street numbers assigned by the town earlier than the effective dates specified in this section. (Ord. of 7-14-87, § 4)

ARTICLE III. RENTAL HOUSING STANDARDS CODE

A. IN GENERAL

Section 4-30 Title

This article shall be known as the "Rental Housing Standards Code" hereinafter referred to as "this code," and the standards established by this code shall be referred to as and constitute the minimum property standards for residential rental housing structures.

Section 4-31 Intent

This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable diseases; and to reduce environmental hazards to health and safety, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and premise(s) as provided by this code. This code is further intended to provide minimum and uniform standards governing the condition, occupancy and maintenance of occupied and unoccupied premise(s) and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premise(s), the community and the general public to ensure that the maintenance and upkeep of these premise(s) is adequate for protection of public health, safety and welfare. Interpretation of this code shall be made in such a manner as to afford maximum protection of the public health, safety and welfare and violations of this code are specifically declared to constitute public nuisances.

Section 4-32 Scope of provisions

A. This code shall apply uniformly to the maintenance, use and occupancy of all premises as defined herein and shall include:
   (1) All rental dwellings and multiple dwellings as defined herein, except for owner-occupied units in such dwellings
   (2) All apartments, boarding houses, group homes, lodging houses, rooming houses, and the like
   (3) Accessory structures, accessory to the applicable occupancies.
   (4) Exceptions. The provisions of this chapter shall not apply to those units that are:
      (a) hotels; motels; inns; bed and breakfasts; owner occupied condominium units ,a limited equity corporation or not-for-profit corporation, subject to annual inspection by one (1) of the following agencies: United States Department of Housing and Urban Development. Farmers Home Administration or the Connecticut Department of Housing.
      (b) Dwelling units owned by the Killingly Housing Authority.
      (c) Newly constructed housing units for the first five years after issuance of CO by the Town of Killingly Building Department.
      (d) Single Family dwelling units rented or leased for a period not to exceed one year when the original owner occupant will return to that unit as his or her primary residence at the end of the rental term or lease.

B. This code shall:
   (1) Establish minimum standards and responsibilities for:
      (a) The maintenance of all premise(s) as defined herein.
      (b) The safe and sanitary installation and maintenance of basic equipment and facilities.
      (c) Space, use and location.
      (d) Lighting and ventilation.
      (e) Electrical and heating facilities and equipment.
      (f) Plumbing.
   (2) Establish and delegate administration responsibility and enforcement powers and create and reference enforcement procedures.

Section 4-33 General responsibilities

A. No person shall maintain any premise(s) other than single family non-rental premises which does not comply with the requirements and applicable minimum property standards of this code.
B. No person shall let to another to occupy or use any dwelling or dwelling unit or habitable room, as herein defined, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements and minimum property standards of this code.
C. All landlords shall comply with the requirements of this code.
D. All tenants shall be responsible for complying with the requirements of this code.

Section 4-34 Other Codes, ordinances and regulations

A. Unless otherwise specified or granted, the provisions of this code shall apply uniformly to the alterations, repair, equipment, use, occupancy and maintenance of all existing premise(s) as herein defined, within the Town of Killingly irrespective of when or under what code or codes such premise(s) were originally constructed, rehabilitated or maintained.
B. The provisions in this code shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this code.
C. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town of Killingly or State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
D. This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date of this code, and any such violation may be governed and continue to be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.
E. Any alterations to buildings or structures or changes of use therein, which may be caused directly or indirectly by enforcement of this code, shall comply with Chapter 4, Buildings and Building Regulations, Article I, In General, in accordance with § 4-1, the current State of Connecticut Building Code and any and all necessary building and applicable land use permits shall be obtained prior to their performance.
F. When other Town of Killingly ordinances are expressly referred to in this code, they shall be construed as if included in this code and shall be enforceable under this code.

Section 4-35 Severability

If any terms, phrase, sentence, paragraph, section or article of this code shall be declared invalid for any reason, such decision shall not affect the remaining parts of this code, and such parts shall continue in full force and effect and are hereby declared to be severable.

B. DEFINITIONS AND WORD USAGE

Section 4-36 Terms - how construed

A. Unless another meaning is clearly indicated by the context, the words listed in this Article shall have the meanings indicated in this Article, and such meanings shall be used in the interpretation and enforcement of this code.
B. Where terms are not defined in this code and are defined in other zoning, fire, building or health ordinances of the Town of Killingly, they shall have the same meanings ascribed to them in those ordinances.
C. Where terms are not defined under the provisions of this code or under the provisions of other ordinances of the Town of Killingly, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

Section 4-37 Definitions

A. The following definitions shall apply in the interpretation and enforcement of this code:

ACCESSORY BUILDING OR STRUCTURE -- A detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premise(s).

ALZOD – Alexander Lake Zoning Overlay District

APPROPRIATE AUTHORITY -- The official within the governmental structure of the Town of Killingly charged with administration of the designated code.

APPROVED -- Approved by the local or state authority having such administrative authority.

ASHES -- The residue from the burning of combustible materials.

ATTIC -- Any story situated wholly or partly within the roof, and so designed, arranged or built as to be used for business, storage or habitation.

BASEMENT -- A portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING -- A fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or used for any type of occupancy or use.

BULK CONTAINER -- Any garbage, rubbish and/or refuse container which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal.

CELLAR -- A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CENTRAL HEATING SYSTEM -- A single system supplying heat to one (1) or more dwelling unit(s).

CHIMNEY -- A vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one (1) or more flues for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

DILAPIDATED -- No longer adequate for the purpose or use for which it was originally intended or decayed or rotted and beyond repair.

DIRECTOR OF HEALTH -- The legally designated health authority of the Town of Killingly or a representative authorized to act by said Director.

DWELLING -- A house or building, or portion thereof, or any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and/or eating by one (1) or more families or households, provided that temporary housing, as hereinafter defined, shall not be classified as a "dwelling." Industrialized housing and modular construction which conform to nationally accepted industry standards and are used or intended for use for living, sleeping, cooking and eating purposes shall be classified as dwellings.

DWELLING UNIT -- A dwelling, or portion thereof, forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and/or eating purposes.

EMERGENCY -- A condition that poses an immediate threat to the life, health or safety of any occupant or the general public.

EGRESS -- An arrangement of exit facilities to assure a safe means of exit from a building.

EXTERMINATION -- The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food: by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

FAIR MARKET VALUE -- A price at which both buyers and sellers are willing to do business.

FAMILY -- One (1) or more individuals related by blood, marriage or legal adoption living together and sharing common living, sleeping, cooking and eating facilities. (See also "household.")

FLUSH WATER CLOSET -- A toilet bowl which is flushed with water which has been supplied under pressure and which is equipped with a water-sealed trap above the floor level.

GARBAGE -- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GRADE -- The finished ground level adjacent to a required window.

HABITABLE ROOM -- A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas.

HEATED WATER -- Water heated to a temperature of not less than one hundred ten degrees Fahrenheit (110° F.) at the outlet.

HEATING DEVICE -- All furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges and other similar devices.

HOUSEHOLD -- One (1) or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also "family.")

INFESTATION -- The presence within or around a dwelling of any insects, rodents or other pests.

KITCHEN -- Any room used for the storage and/or preparation of foods and containing the following equipment: sink and/or other device for dishwashing; stove or other device for cooking; refrigerator or other device for cool storage of food; cabinets and/or shelves for storage of equipment and utensils; and counter or table for food preparation.

KITCHENETTE – A small kitchen or an alcove containing cooking facilities.

LEAD-BASED PAINT -- Any paint containing more lead than the level established by the United States Consumer Product Safety Commission as being the safe level of lead in residential paint and paint products.

LITTER -- "Garbage," "refuse" and "rubbish" as defined in this section and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare. "Litter" shall not include clean excavated earth, unless the same may be objectionable by reason of dust or foul odors, or fill material approved by the Director of Public Works. "Litter" shall not include sand, salt or other appropriate chemicals upon any icy or slippery condition.

MULTIPLE DWELLING -- Any dwelling containing more than two (2) dwelling units.

OCCUPANT -- Any individual, over one (1) year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit, except that in dwelling units a guest shall not be considered an "occupant."

OPERATOR -- Any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are rented.

ORDINARY SUMMER CONDITIONS -- A temperature ten degrees Fahrenheit (10° F.) below the highest recorded temperature in the locality for the prior ten-year period.

ORDINARY WINTER CONDITIONS -- A temperature fifteen degrees Fahrenheit (15° F.) above the lowest recorded temperature in the locality for the prior ten-year period.

OWNER -- Any person who, alone or jointly or severally with others, shall have:

(1) Legal title to any premise(s), dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Charge, care or control of any premise(s), dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

PERSON -- Includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.

PLUMBING -- Includes all connections to water, sewer or gas lines.

PREMISE(S) – A platted lot or part thereof or un-platted lot or parcel of land or plot of land, occupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premise(s)," where the context requires, shall be deemed to include any and all buildings, dwellings, and parcels of land or structures contained within the scope of this code. Non-rental single family premises are specifically excluded from this code.

PRIVACY -- The existence of conditions which will permit an individual or individuals to commence and carry out an activity without interruption or interference, either by sight or sound by other individuals.

PROPERLY CONNECTED -- Connected in accordance with all applicable codes and ordinances of the Town of Killingly as from time to time amended; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

RAT HARBORAGE -- Any conditions or place where rats can live, nest or seek shelter.

RAT-PROOFING -- A form of construction which will prevent the ingress or egress of rats to or from a given space or building or from gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods; by the use of materials impervious to rat gnawing; and by other methods approved by the Building Official.

REFUSE -- All putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

REFUSE CONTAINER -- Any container that is constructed of metal or other durable material impervious to rodents and that is capable of being serviced without hydraulic and/or mechanical emptying, unloading and/or removal, or such other containers as have been approved by the appropriate authority.

RUBBISH – Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials, but shall not include properly maintained compost.

SAFETY -- The condition of being reasonably free from danger and hazards which may cause accidents or disease.

SEASONAL RENTAL UNIT -- A fully furnished dwelling unit that a client arranges to rent from an owner for a designated short period of time, typically by the week or for no more than a three month period.

SMOKE DETECTOR -- A device certified by a testing laboratory approved by the federal government, which device detects visible or invisible particles of combustion.

SPACE HEATER -- A self-contained device of either the convection type or the radiant type intended primarily to heat only a limited space or area, such as one (1) room or two (2) adjoining rooms.

STRUCTURE -- That which has been or is built or constructed and which is or should be fastened, anchored or attached to or which rests on a building, foundation or on the ground, including any buildings, fences, fire escapes, railings, towers, sidewalks or stairways.

SUPPLIED -- Paid for, furnished by, provided by or under the control of the owner, operator or agent.

TEMPORARY HOUSING -- Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premise(s) for more than thirty (30) days within any six-month period.

TOXIC SUBSTANCE -- Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

VARIANCE -- A difference between that which is required or specified and that which is permitted.

B. Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming units," "premise(s)" and "structure" are used in this code, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine.

C. MAINTENANCE OF BASIC EQUIPMENT AND FACILITIES

Section 4-38 Compliance required; responsibility of occupant

A. No person shall let to another for occupancy or use or maintain any premise(s), as herein defined, which does not comply with the requirements of this Article.

B. The owner of any premise(s), as herein defined unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.

C. Every occupant of a premise(s) as herein defined shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 4-39 Inspection fee

A. No rental unit, once vacated, shall be reoccupied before the owner of the building containing such dwelling unit shall obtain from the building official or his/her designee a "permit for rental dwelling unit occupancy" for the particular unit. Seasonal dwelling units (primarily located in the ALZOD overlay district), shall be inspected annually prior to the rental season on a schedule developed and maintained by the Building Official. After a rental unit has been vacated and cleaned, the property owner shall contact the building safety and inspection office and request an inspection of the vacant unit.

B. No such permit shall be issued until the Building Official or his/her designee has inspected the dwelling unit and approved such unit and its appurtenant facilities as being in conformity with all applicable state and town codes insofar as such conformity may be ascertained by a visual inspection and until a fee of twenty-five dollars ($25.00) per dwelling unit has been paid to the building safety and inspection office. Such permit shall not constitute any type of guarantee or warranty by the town to any person as to the condition of the premise(s) and that the landlord/owner of said premise(s) shall remain fully liable for the condition of his/her premise(s).

Section 4-40 General sanitation and safety requirements

A. Every owner or operator of a dwelling containing rental units shall maintain in a safe and sanitary condition the shared or public area of the dwelling and premise(s) thereof.

B. Every occupant of a premise(s) shall maintain in a safe and sanitary condition that part or those parts thereof that the occupant occupies and controls.

C. No owner, operator or occupant required to supply any service, facility, equipment or utility shall cause such service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by such owner, operator or occupant, except for temporary interruptions, not to exceed eight (8) hours, while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Building Official.
D. All construction and materials, ways and means of egress and installation and use of equipment shall conform to the appropriate statutes, ordinances and regulations dealing with fire protection of the Town of Killingly and the State of Connecticut.
E. Every supplied facility, piece of equipment or utility shall be so constructed or installed that it will function safely and effectively, and said supplied facilities shall be maintained in working order.

Section 4-41 Accessory structures

Accessory structures present or provided by the owner, agent or tenant occupant on any premise(s) shall be structurally sound, maintained in good repair, free of insects, rats and rodents and comply with the standards specified in this code and the Town of Killingly Zoning Regulations, or such structures shall be removed from the premise(s). The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.

Section 4-42 Food storage cabinets and shelves

Cabinets and/or shelves used for the storage of eating, drinking or cooking equipment or utensils or of food that does not, under ordinary summer conditions, require refrigeration for safekeeping shall be of sound construction and shall be furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

Section 4-43 Stoves and refrigerators

Each stove or similar device for cooking food and each refrigerator or similar device for the safe storage of food in a dwelling unit shall be properly installed and maintained, and all necessary connections for safe and efficient operation shall be made. Each such stove and/or refrigerator shall be maintained in a sanitary condition.

Section 4-44 Means of egress

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the State Building Code

Section 4-45 Security devices

No person shall let to another for occupancy any dwelling, dwelling unit or habitable room unless all doors and windows leading to the outside of the dwelling, dwelling unit or habitable room are equipped with functioning security devices. Such devices shall not require keys, special knowledge or effort, to operate except where the hardware conforms to that permitted by the Connecticut State Building Code.

Section 4-46 Emergency escape openings

A. Every dwelling unit shall have at least two means of egress leading to safe and open space at ground level. One means of egress must be at ground level. Every dwelling unit in a multiple dwelling and located at or above the third floor shall have immediate access to two or more means of egress leading to safe and open space at ground level, approved by the Building Official as adequately meeting the purposes of this section, provided that any dwelling unit in existence and not in compliance with this subsection on the effective date of this code shall be brought into compliance not later than January 1, 2014 unless granted a variance or extension of time for compliance in accordance with § 4-81 of this code.
B. Each room to be used for sleeping purposes shall have at least two means of egress from said room. One means of egress shall be a door or window leading directly to the outdoors. Any egress window must be in compliance with all State Fire and Building Codes and Regulations.
C. Egress from each dwelling unit shall be provided without passing through any other dwelling unit.
D. All doors and windows intended to provide the means of egress required by this section shall be able to be opened from the side from which egress is to be made without the need of keys, tools or special knowledge or effort, except where the hardware conforms to that permitted by the Connecticut Building Code.

Section 4-47 Toxic substances

A. Every owner of a premise(s) shall provide and maintain the premise(s) free from hazards to health, as determined by the Director of Health, due to the presence of toxic substances.
B. No owner or occupant shall apply a lead-based paint to any surface of any dwelling or dwelling unit.

Section 4-48 Smoke Detectors and Carbon Monoxide Detectors

A. Every dwelling or portion thereof rented to another and every dwelling unit contained in a building that contains two or more dwelling units shall be provided within each said dwelling unit with smoke/co detectors permanently connected to a standard one-hundred-twenty-volt AC supply or operated by a self-contained battery with a minimum of one year of life. The device shall be installed on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms, in each room used for sleeping purposes and in each story within a dwelling unit, including basements and cellars.
B. A smoke/co detector shall be considered to be in noncompliance with this section, even if it is installed in accordance with the provisions of this section, if it is connected or allowed to be connected to a switch-off electrical circuit other than as required for overcurrent protection or if it is inoperable because of battery deterioration or for any other reason or if it is incapable of providing the warning it is designed to provide to the occupants of the dwelling and/or dwelling units it is intended to serve for any other reason.
C. For the purposes of this code and the designation described in §§ 4-80A and 4-81 of this code, violations of this section are hereby declared to be an immediate hazard to the health, safety and welfare of the occupants and the general public.

Section 4-49 Pest, insect and rat control

A. Every building, structure, dwelling and premise(s) shall be pest- , insect- and rat-free and maintained in a pest- , insect- and rat-proof condition.
B. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination of pests, insects and/or rats on the premise(s), whenever his dwelling unit is the only one infested.
C. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a reasonably pest- , insect- or rat-proof condition; extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner. The owner shall be responsible for any extermination necessary in all exterior areas of the structure and premise(s).

Section 4-50 Surface standards

A. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, handrail, porch, door, skylight, window and every appurtenance thereto shall be:
   (1) Safe to use and capable of supporting the loads that normal use may cause to be placed thereon.
   (2) Free of decay and deterioration, cracks, breaks or holes.
   (3) Kept structurally sound and in good repair.
   (4) Free of cracked, chipped, blistered, flaking or peeling paint, cracked or loose plaster or other defective conditions.
   (5) Weather-tight, watertight and damp-free.
   (6) Free of loose material that may create a hazard by falling on persons utilizing the premise(s).
B. All exterior wood surfaces, other than those of decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based or by other approved protective covering or treatment. Such covering shall be compatible with the existing covering.

Section 4-51 Handrails and guardrails

A. Structurally sound handrails shall be provided on any steps containing three risers or more. The handrail shall be in compliance with current building code.
B. Structurally sound guardrails shall be provided on corridors, balconies, landings, patios, porches or other areas having more than a thirty inch drop to the adjoining level. The guardrail shall be in compliance with current building code.

Section 4-52 Roofs and drainpipes

A. All roofs shall be kept in good repair and shall not admit water and shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.

B. Leaders and drainpipes shall be securely fastened to the structure and maintained in good functional condition. Said leaders and drainpipes shall be kept clean and free of leaks and obstructions and shall direct storm water away from the foundation walls of the structure into draining fields or systems and shall protect the structure from wetness and dampness. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 4-53 Chimneys, flues and vent attachments

Chimneys, flues and vent attachments shall at all times be maintained:

(1) Free from observable defects and in a structurally sound condition.

(2) To provide sufficient draft to exhaust the rated output of the connected equipment.

(3) Smoke tight and capable of withstanding the action of flue gases to which they are subject.

D. SPACE, USE AND LOCATION

Section 4-54 General requirements

A. No person shall let to another for occupancy or use any premise, as herein defined, which does not comply with the requirements of this Article.

B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.

C. Every occupant of a premise shall keep all fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

D. All habitable rooms, other than a kitchen, shall not be less than 7 (seven) feet in any single linear plan dimension. Kitchens shall have a clear passageway of not less than 3 (three) feet between countertops and appliances and countertops and walls.

E. The ceiling height of any habitable room shall be at least seven (7) feet, except that in any habitable room under a sloping ceiling, at least one-half (1/2) of the floor area shall have a ceiling height of at least seven (7) feet.

Section 4-55 Use restrictions

A. No cellar space shall be used as a dwelling unit.

B. No basement space shall be used as a dwelling unit or habitable room unless:

(1) Said basement space complies with the standards of this code for dwelling units.

(2) The total amount of window area in each room in said basement is equal to at least the minimum window area sizes as required in § 4-61 and such required minimum window area is located entirely above the grade of the ground adjoining such window area. Windows for rescue and ventilation must meet the State of Connecticut Building Code.

C. No cellar space shall be used as a habitable room unless:

(1) The floors and walls of said cellar space are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(2) The ceiling height of such room or rooms complies with § 4-61E of this code.

(3) Said cellar space complies with the lighting and ventilation standards for habitable rooms as contained in this code.

(4) Said cellar space complies with the means of egress standards in this code.

(5) No cellar space shall be used as a sleeping room unless it complies with the egress requirements from the State of Connecticut Building Code.

D. No kitchen, non-habitable space or public space shall be used for sleeping purposes.

E. Permit to create or modify existing dwelling.

(1) No dwelling unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit unless the Zoning Enforcement Officer has determined that it is in conformity with the Town of Killingly and/or the Borough of Danielson Zoning Regulations, and has

issued a written permit certifying to same. No dwelling unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit unless the Building Inspector has issued a written permit that the plans and specifications for such work indicate that the provisions of the State Building Code will be complied with for all dwelling units affected.

(2) No such dwelling unit shall be occupied unless:

(a) The Fire Marshal of the Town of Killingly has examined the premise(s) for conformance to the fire and safety codes of the state and town and issued an inspection report certifying that the dwelling units comply with such codes; and

(b) A certificate of compliance has been issued by the Town of Killingly Department of Planning and Development and a certificate of occupancy is issued by the Town of Killingly Building Department.

Section 4-56 Location standards

A. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one (1) sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. An exception shall be permitted to this paragraph for units in existence on May 26, 1975 and for areas within the Borough of Danielson, September 1, 1960, and continuously occupied.

B. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling units.

E. LIGHTING AND VENTILATION

Section 4-57 Compliance required

A. No person shall let to another for occupancy or use any premise(s) which does not comply with the requirements of this Article.

B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.

C. Every occupant of a premise(s) shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 4-58 General requirements

All common areas or rooms shall be provided with sufficient and adequate lighting and ventilation so as not to endanger the health, safety and welfare of any person using such space.

Section 4-59 Lighting standards

A. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors, provided that, if connected to a room or area used seasonally (e.g. porch), then adequate daylight must be possible through this interconnection; have a minimum total window area, measured between stops, at least eight percent (8%) of the floor area of such room; whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area; and whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.

B. Every bathroom and water closet compartment and non-habitable room used for food preparation shall comply with the light standards for habitable rooms contained in this code, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the Building Official.

C. Every public hall and stairway shall be adequately lighted by natural or artificial light at all times, with at least a 60 watt standard light bulb for each 200 sq. ft. of floor area, provided that the spacing between lights does not exceed 30 ft., so as to provide in all parts thereof at least ten (10) foot candles of light at the landing, tread and floor level.

Section 4-60 Ventilation standards

A. Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can easily be opened or closed or such other device as will adequately ventilate the room, provided that, if a habitable room is connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total of operable window area in every habitable room shall be equal to at least fifty percent (50%) of the minimum window area size or minimum skylight-type window size as required in § 4-59, except where there is supplied some other device affording adequate ventilation and approved by the Building Official.
B. Interior climate-control facilities (heating, cooling and/or humidity) shall be maintained and operated in a continuous manner and in accordance with the design capacity of the installed equipment. When such equipment is in-operative because of power or mechanical failure, alternative provisions for fresh air ventilation of each dwelling or dwelling unit shall be provided.
C. Every bathroom and water closet compartment and non-habitable room used for food preparation shall comply with the ventilation standards for habitable rooms contained in this section, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the Building Official.

Section 4-61 Windows, doors and other openings

A. All windows, doors and openings intended to be left opened to the outside shall be kept in good repair and workable condition and shall be easily opened and closed by the occupants of the premise(s).
B. Every window, exterior door and hatchway or similar device shall be so constructed as to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects.
C. No broken, cracked or missing window panes shall be allowed.
D. Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least sixteen mesh and shall have a safe closing device.
E. Every window or other device that is opened to outdoor space shall be supplied with screens fixed to the frame.
F. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be rodent and rat-proofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings or if such opening may be reached by rodents or rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other items, such as trees or vines, or by burrowing.
G. All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level and all exterior doorways which might provide an entry for rodents or rats shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the premise(s).
H. The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this code or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant obligating the occupant to do so. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one (1) season, becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

F. ELECTRICAL AND HEATING FACILITIES AND EQUIPMENT

Section 4-62 Compliance required

A. No person shall let to another for occupancy or use any premise(s) which does not comply with the requirements of this Article.
B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.
C. Every occupant of a premise(s) shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 4-63 General requirements

All electrical and heating facilities and equipment shall be maintained in a manner so as not to be a hazard to the health, safety and welfare of any owner, occupant, family, guest or person using or relying on the use of such facilities or equipment.

Section 4-64 Electric facilities and equipment

A. Every dwelling, and all public and common areas of dwellings, shall be supplied with electrical service, outlets and fixtures. Electrical services, outlets and fixtures shall be maintained in working order, properly installed and shall be connected to a utility supplied energy source.
B. Every dwelling unit shall be supplied with at least one 15 ampere branch circuit. This circuit shall not serve more than one dwelling unit. Additional circuits may be required to be installed at the discretion of the Building Official of the Town of Killingly.
C. Every habitable room shall contain at least two separate wall type duplex receptacle convenience outlets or one duplex receptacle and one wall or ceiling type light fixture. No duplex receptacle outlet shall serve more than two electrical utilization devices.
D. Temporary wiring or extension cords shall not be used as permanent wiring.
E. All non-habitable rooms, including furnace rooms, basements, public halls and like areas, shall contain at least one ceiling or wall type electric light fixture. All bathrooms and laundry rooms shall be provided with one duplex electric outlet. All kitchens shall be supplied with at least two duplex electric outlets, one of which shall supply the countertop surfaces.
F. All electric light fixtures within the dwelling unit shall be controlled by switches.

Section 4-65 Heating facilities and equipment

A. Every dwelling or every dwelling unit shall have functioning water-heating facilities which are properly installed and maintained in safe and good working condition, which are properly connected with the hot-water lines required under the provisions of this code and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred ten degrees Fahrenheit (110° F.). Such supplied water-heating facilities shall be capable of meeting the requirements of this section even when the dwelling or dwelling unit heating facilities required under the provisions of this code are not in operation.
B. Every dwelling shall have heating facilities which are properly installed, which are maintained in a safe and good working condition and which are capable of safely and adequately heating all habitable rooms, bathrooms and water closets in every dwelling unit located therein to a temperature of at least sixty-five degrees Fahrenheit (65° F.) at a distance two (2) feet above floor level and one (1) foot from an exterior wall. For the purposes of this code and the designations described in §§ 4-80 and 4--77 of this code, violations of this standard are hereby declared to be an immediate hazard to the health, safety and welfare of the occupants and the general public.
C. No un-vented fuel-burning room heater shall be used in any dwelling unit.

G. PLUMBING

Section 4-66 Compliance required

A. No person shall let to another for occupancy or use any premise(s) which does not comply with the requirements of this Article.
B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.
C. Every occupant of a premise(s) shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 4-67 General requirements

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a safe and sanitary working condition, free from defects, leaks and obstructions and capable of adequately serving the permissible occupancy of each dwelling unit.

Section 4-68 Water Closets

Within every dwelling unit, there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be

equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be properly connected to a sewer system.

Section 4-69 Lavatory Sink

Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which provides at all times an adequate amount of heated and unheated running water under pressure and which is properly connected to a sewer system. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

Section 4-70 Bathing facilities

Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which provides at all times an adequate amount of heated and unheated water under pressure and which is connected to a sewer system. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

Section 4-71 Kitchen Sink

Every dwelling unit shall contain in every kitchen a kitchen sink in good working condition and properly connected to a water supply system which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to a sewer system.

Section 4-72 Water Drainage

All premise(s) shall be graded, drained, free of standing water and maintained in a clean, safe and sanitary manner.

Section 4-73 Construction and maintenance

A. All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed and maintained to prevent the ingress or egress of rats and other rodents to or from a premise(s).
B. Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

H. ADMINISTRATION AND ENFORCEMENT

Section 4-74 General

The Building Official or his/her designee shall enforce the provisions of this code.

Section 4-75 Interpretation

A. The Building Official is hereby authorized to make such interpretations and determinations as are necessary in the interest of public health, safety and general welfare in the administration of this Code. No such interpretation or implementation shall have the affect of contradicting the plain language of this Code, but the Building Official shall have the ability to make reasonable interpretations based upon local conditions, provided such interpretation or implementation does not have the affect of violating the plain meaning of this Code in any way that would impair the public health and safety, or acceptable engineering or building standards.
B. Existing conditions that are found during an inspection not in compliance with Section 4-54 may be appealed in accordance with Section 4-80 if it is determined that the conditions found are original to the dwelling or conditions were created legally with a building permit and approved by the Building Official as substantially in compliance with the Building Code at the time of permit application.

Section 4-76 Inspections

A. The Building Official is authorized and empowered to make inspections of all premise(s) located within the Town of Killingly pursuant to:
   (1) A complaint that an alleged violation of the provisions of this code or of applicable rules or regulations pursuant thereto may exist; or
   (2) When the Building Official has sufficient reason to believe that a violation of this code or any rules or regulations pursuant thereto has been or is being committed.

B. The Building Official shall be required to disclose all records of investigation conducted in accordance with this code with respect to any premise(s), only as required by the Connecticut Freedom of Information Act.

C. If an owner, occupant or other person in charge of a premise(s) fails or refuses to permit free access and entry to the premise(s) under his control, or any part thereof, with respect to which an inspection authorized by this code is sought to be made, the Building Official may petition a court of competent jurisdiction to obtain an inspection warrant.

Section 4-77 Notice of Violation

A. Whenever the Building Official determines that any premise(s) or any part thereof fails to meet the requirements set forth in this code or in applicable rules and regulations issued pursuant thereto, the Building Official, in accordance with existing federal, state and/or municipal law, shall issue a notice of violation setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:
   (1) Be in writing.
   (2) Describe the premise(s) where the violations are alleged to exist or to have been committed.
   (3) Specify each alleged violation of this code or of applicable rules and regulations issued pursuant thereto.
   (4) Specify the last day by which such violations shall be corrected.
   (5) Specify any appeal procedure.
   (6) Be served upon the owner, occupant, operator or agent of the premise(s) personally or by certified mail, addressed to the owner, occupant, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the premise(s).

B. At the end of the period of time allowed for the correction of any violation alleged, the Building Official shall re-inspect the premise(s) described in the notice to determine compliance with the notice of violation.

Section 4-78 Penalties for offenses

A. Each violation of any provision of this code shall be considered a separate offense hereunder.

B. Each day any violation of any provision of this code shall continue shall constitute a separate offense hereunder.

C. Each separate offense shall be punishable by a fine of not more than $100 per day administered pursuant to the provisions of Section 1-9 and 1-10 of the Killingly Code of Ordinances.

D. The imposition of any fine or civil penalty shall not be construed to prevent the enforcement of other laws related to the premise(s) or to prevent the initiation of other enforcement measures or penalties, as appropriate. In addition to the remedies set forth in this Code and the Connecticut General Statutes, the Building Official shall have all the powers and duties pursuant to the Building Code, including the right to institute civil actions for injunctive relief and abatement of nuisance.

Section 4-79 Necessary repairs

A. Whenever an owner, operator or agent of any premise(s) fails, neglects or refuses to make repairs or other corrective action ordered by the notice of violation issued pursuant to this code, the Building Official by or through agents, employees, servants and/or contractors may undertake such repairs or action, when in the Building Official's judgment a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed 50% of the fair market value of the premise(s) to be repaired.

B. Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator or agent by registered or certified mail, return receipt requested or in hand service by the Building Official, or his or her designee, or other Code Enforcement Officer.

C. Every owner, operator or agent of a premise(s) who has received notice of the intention of the Building Official through agents, employees, servants and/or contractors to make repairs or take other corrective action shall

give entry and free access to the agent of the Building Official for the purpose of making such repairs. Any owner, operator or agent of a premise(s) who refuses, impedes, interferes with or hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a penalty of not less than $100 for each such failure to comply with this section.

D. When repairs are made or other corrective action taken at the direction of the Building Official, the cost of such repairs and corrective action shall constitute a debt in favor of the Town of Killingly against the owner of the repaired structure. In the event such owner fails, neglects or refuses to pay the Town of Killingly the amount of this debt within 10 days of written demand therefore, it shall be recoverable in a civil action against the owner or the owner's successor, brought in a court of competent jurisdiction by the Town of Killingly which shall possess all rights of a private creditor.

Section 4-80 Landlord registration

In order to facilitate compliance with this code, by April 1, 2012, any individual owner of an existing occupied or vacant residential rental housing unit shall be required to file and maintain on file the current residential address of the owner of such property in the Building Safety and Inspections Office of the Town of Killingly. Any other owner, such as a corporation, partnership, trust or other legal recognized entity, shall file and maintain on file the current residential address of the agent in charge of the building in the Office of the Building and Housing Inspection of the Town. If such residential address changes, notice of the new residential address shall be provided by such owner or agent in charge of the building to the Building Safety and Inspections Office of the Town of Killingly not more than 21 days after the date that the address change occurred.

Section 4-81 Declaration of unfit dwellings

A. The Building Official shall declare any premise(s) unfit for human habitation when any of the following defects or conditions is found and when in the Official's judgment such defect creates a hazard to the health, safety or welfare of the occupants or of the public:
   (1) Any premise(s) which is damaged, decayed, dilapidated, unsanitary, unsafe and/or vermin-infested and/or contains hazardous levels of lead-based paint or other substance.
   (2) Any premise(s) which lacks basic illumination, ventilation, plumbing, electrical, heating or required sanitation facilities.
   (3) The general condition of the premise(s) is unsanitary, unsafe and/or unhealthful.
   (4) Any premise(s) which is in violation of §§ 4-46, 4-48 or 4-65B of this code.

B. Whenever any premise(s) has been designated as unfit for human habitation, the Building Official shall placard the premise(s) indicating that it is unfit for human habitation and, if occupied, shall order such premise(s) vacated within a reasonable time, said time to be not less than twenty-four (24) hours or more than ten (10) days. This section shall not restrict any action of the Building Official in vacating such premise(s) if acting under § 4-80 of this code.

C. Whenever any tenant in any premise(s) is displaced as the result of the enforcement of this code against the owner, the owner of such building, dwelling, dwelling unit or structure shall be liable for any payments made by the town to any displaced tenant pursuant to Chapter 135 of the General Statutes. If any owner fails to reimburse the town for any payments which the town has made to any displaced tenant and for which the landlord is liable, the town may bring civil action against such owner in Superior Court for the recovery of such payments and for the costs of the town, together with reasonable attorney's fees, in bringing such action.

D. Whenever any premise(s) has been placarded and vacated, the Building Official may order services and utilities to be turned off or disconnected and all utility meters to be removed. All charges for discontinuance or restoration of such services and utilities shall be the owner's expense.

E. For any premise(s) which has been designated as unfit for human habitation and vacated, it shall be the duty of the owner to close all windows, doors and other openings by suitable means so that unauthorized use or access into the premise(s) is prevented.

F. No premise(s) which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the Building Official and the placard removed by the Building Official.

G. The Building Official shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the premise(s) is deemed by the Building Official and Fire Marshal as safe, sanitary and a fit place for human habitation.

H. No person shall deface or remove the placard from any premise(s) which has been designated as unfit for human habitation and has been placarded as such, except as provided in Subsection F.
I. Whenever any premise(s) has been designated as unfit for human habitation, such order shall be filed with the Clerk of the Town of Killingly for inclusion in the land records of the town.
J. Any person affected by any decision of the Building Official or by any designation or placarding of a premise(s) as unfit for human habitation shall upon request be granted a hearing on the matter under the procedure set forth in § 4-82 of this code. However, such appeal will not stay the designation or placarding of a premise(s) as unfit for human habitation and the actions required by such order.

Section 4-82 Means of Appeal

A. Application for appeal. Any person directly affected by a decision of the Building Official or a notice or order other than a citation issued under this code shall have the right to appeal to the board of appeals, pursuant to Section 4-3 of the Killingly Code of Ordinances, provided that a written application for appeals is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.
B. Appeals of any citation issued pursuant to this Code shall be pursuant to Section 1–10 of the Town of Killingly Ordinances for Violations of Ordinances.

Section 4-83 Effect of other rules and regulations

No rule, regulation or schedule of fines made or set by the Building Official pursuant to this Rental Housing Standards Code shall be effective until its effective date after adoption by the Town Council of the Town of Killingly. (Ord. No. C11-07; 3-8-11)

Section 4-84 – 4-100 Reserved

Article IV. RAPID ENTRY SYSTEM

Section 4-101 Intent

This Ordinance requires designated structures to have a key lock box installed on the exterior of the structure for fire safety and related emergency purposes.

Section 4-102 Applicability

The following sections apply to all new and existing buildings within the Town of Killingly that are designated in "A", "B", "C" and "D" below in this section.

A) Buildings used for the following: Nursing care facilities, new and existing businesses, mercantile, industrial, storage, new and existing apartment buildings that comply with condos in "B";
B) Condos with common hallways, common stairwells, HVAC systems in lock rooms or roof access, utility rooms that are locked, gas shut off, sprinkler risers, and standpipe systems;
C) New and exiting Board and Care Occupancies that means "B" in this section;
D) Special structures and high rise buildings.

Section 4-103 Authority

A) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to issuance of an Occupancy Permit.
B) All structures in existence on the effective date of this section and subject to this section shall have one year to comply with the provisions of this Ordinance from the effective date of this Ordinance and if not in compliance at the end of the one year, the owners or occupants of said structures will be given a 30-day warning. The total time allowed for compliance will be one year and 30 days.
C) The Fire Chief of the particular fire district that the structure is in shall designate the type of key that shall be needed for the key lock box system to be implemented within their fire district and shall have the authority to use the designated key lock box system.

D) The owner or operator, lessee or renter of the structure, shall at all times keep a key for the structure that shall allow for access into the structure.
E) The Town of Killingly Fire Marshall after conferring with the appropriate fire chiefs shall be authorized to implement rules and regulations for the use of the lock box system. The Fire Marshall shall be designated the enforcement officer for this Ordinance.
F) A mutual aid fire department that is responding to another fire district to a particular structure related to the mutual aid call may use the key box system.
G) Any person who owns or operates, including a lessee in possession, a structure subject to this Ordinance and violates any term or condition of this Ordinance, shall be subject to a penalty of $25.00 and each day that the violation persists shall be a separate violation of this Ordinance and this Ordinance shall be enforced pursuant to Section 1-9 and Section 1-10 of the Killingly Code of Ordinances.
H) The fire department/company will not keep an unsecured key to the lock box system. No key will be kept on any person or private vehicle. If a spare key is in possession of the fire department/company, it will be secured at the fire station in a secured location where, if needed, it can be accessed only by authority of the fire chief. This spare key is only for emergencies as described in this Ordinance.
I) The fire department/company that has a key(s) to the lock box system will be secure said key in an apparatus in another lock box that is released by the emergency dispatch center. A key pad may be used for emergency back up by the fire department.
J) This Ordinance shall be effective fifteen (15) days after publication as set forth in Section 506 of the Killingly Town Charter. (Ord. of 12-14-04)

Sections 4-104 – 4-160 Reserved

ARTICLE V. DEMOLITION STANDARDS

Section 4-161 Title

This article shall be known as the "Demolition Standards Ordinance of the Town of Killingly" hereinafter referred to as this code.

Section 4-162 Intent

A. This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable diseases; and to reduce environmental hazards to health and safety, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and premise(s) as provided by this code.

Section 4-163 Scope of provisions

A. This code shall apply uniformly to all structures within the Town of Killingly.
B. This code shall:
   (1) Establish standards for demolition of structures pursuant to Connecticut General Statutes, Section 29-401 et. al. as amended from time to time and this code.
   (2) Establish and delegate administration, responsibility and enforcement powers and create and reference enforcement procedures.
   (3) Provide for demolition permits to be issued in accordance with Connecticut General Statutes, Sections 29-406 to 29-408 as amended from time to time.
   (4) Provide procedures to further the preservation, rehabilitation and re-use of historic resources to promote the Town's cultural, economic, social and general welfare, and improve property values in all districts by providing adequate time for all parties to consider and put forth appropriate development alternatives to demolition for such resources where they are not otherwise protected.

Section 4-164 Unfit dwellings

A. The Building Official shall declare any premise(s) unfit for human habitation or unsafe in accordance with the State Building Code when any of the following defects or conditions is found and when in the Official's judgment such defect creates a hazard to the health, safety or welfare of the occupants or of the public:

(1) Any premise(s) which is damaged, decayed, dilapidated, abandoned, unsanitary, unsafe and/or vermin-infested and/or contains hazardous levels of lead-based paint or other substance and/or there is other unsafe debris on the property.
(2) Any premise(s) which lacks basic illumination, ventilation, plumbing, electrical, heating or required sanitation facilities.
(3) The general condition of the premise(s) is unsanitary, unsafe and/or unhealthful.

B. Whenever any premise(s) has been designated as unfit for human habitation, the Building Official shall placard the premise(s) indicating that it is unfit for human habitation and, if occupied, shall order such premise(s) vacated within a reasonable time, said time to be not less than twenty-four (24) hours or more than ten (10) days.

C. Whenever any tenant in any premise(s) is displaced as the result of the enforcement of this code against the owner, the owner of such building, dwelling, dwelling unit or structure shall be liable for any payments made by the Town to any displaced tenant pursuant to Chapter 135 of the General Statutes. If any owner fails to reimburse the Town for any payments which the Town has made to any displaced tenant and for which the landlord is liable, the Town may bring civil action against such owner in Superior Court for the recovery of such payments and for the costs of the Town.

D. Whenever any premise(s) has been placarded and vacated, the Building Official may order services and utilities to be turned off or disconnected and all utility meters to be removed. All charges for discontinuance or restoration of such services and utilities shall be the owner's expense.

E. For any premise(s) which has been designated as unfit for human habitation and vacated, it shall be the duty of the owner to close all windows, doors and other openings by suitable means so that unauthorized use or access into the premise(s) is prevented.

F. No premise(s) which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the Building Official and the placard removed by the Building Official.

G. The Building Official shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the premise(s) is deemed by the Building Official and Fire Marshal as safe, sanitary and a fit place for human habitation.

H. No person shall deface or remove the placard from any premise(s) which has been designated as unfit for human habitation and has been placarded as such, except as provided in Subsection F of this section.

I. Whenever any premise(s) has been designated as unfit for human habitation, such order shall be filed with the Clerk of the Town of Killingly for inclusion in the land records of the Town.

J. Any person affected by any decision of the Building Official or by any designation or placarding of a premise(s) as unfit for human habitation shall upon request be granted a hearing on the matter under the procedure set forth in Section 112 of the State Building Code. However, such appeal will not stay the designation or placarding of a premise(s) as unfit for human habitation and the actions required by such order.

K. The Building Official shall order the removal of any debris damaged by fire within two business days following the fire except where another authorized fire official has otherwise provided for the removal of said debris.

Section 4-165 Demolition of unsafe buildings

A. The Building Official shall order the owner of any premises upon which is located any structure, which in the official's judgment is abandoned, so dilapidated, so damaged by fire or related fire damage or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise declared unfit for human habitation or occupancy in accordance with Section 4-164 above, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

B. The owner of any premise(s) which has been ordered demolished shall be given notice of this order in the manner provided for service of notice as follows and shall be given a reasonable time, not to exceed sixty (60) days unless authorized in writing by the Town for good cause, in which to demolish such structure:
(1) Be in writing.
(2) Describe the premise(s) where the violations are alleged to exist or to have been committed.
(3) Specify each alleged violation of this code or of applicable rules and regulations issued pursuant thereto.

(4) Specify the last day by which such violations shall be corrected.
(7) Specify the appeal procedure specified in this code.
(8) Be served in the same manner used in service for civil process upon the owner, occupant, operator or agent of the premise(s) personally or by certified mail, addressed to the owner, occupant, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the premise(s).

C. Pursuant to Connecticut General Statutes, Section 29-405, any owner aggrieved by any order or decision to demolish may appeal therefrom to the superior court for the judicial district wherein such owner resides.

D. When the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary premise(s) within the requisite time, the Building Official, with the approval of the Town Manager and notice to the Town Attorney, may apply to a court of competent jurisdiction for a demolition order. The cost of such demolition shall create a debt in favor of the Town of Killingly against such owner; such costs shall be recoverable in a civil action brought by the Town of Killingly which shall possess all the rights of a private creditor.

E. Review Process.
(1) No person shall demolish any building, structure or part thereof without obtaining a demolition permit from the building official or his/her designee.
(2) The building official or his/her designee shall review and determine whether a permit may be issued in accord with this code, or such other ordinances as may restrain issuance of such permit.

F. Any applicant for the demolition permit shall give written notice on a form to be furnished by the Building Official's Office to abutting property owners in accordance with Connecticut General Statures Section 29-407, as amended from time to time. This notice shall be given to each abutting property owner at his/her last address according to the tax records of the Town of Killingly. Notice shall be sent by certified mail, return receipt requested. In order for the demolition permit application to be considered complete, a copy of the return certified mail receipt(s) shall be furnished to the Building Official's Office.

G. Whenever a premise(s) is demolished, whether carried out by the owner or by the Building Official, such demolition shall include the filling in of the excavation on which the demolished structure was located in such manner as to eliminate all potential danger to the public health, safety and welfare arising from such excavation in accordance with the State Demolition Code set forth in Connecticut General Statutes § 29-401, et al.

H. Whenever a premise(s) is demolished, whether carried out by the owner or by the Building Official, such demolition shall be in accordance with procedures and requirements of the State Demolition Code as set forth in Connecticut General Statutes § 29-401, et al, including but not limited to making suitable provision for the disposal of all accumulated materials and debris, and providing adequate safety measures such as fencing.

I. All demolition shall be preceded by an inspection of the premise(s) by the Building Official to determine whether or not extermination procedures are necessary. If the premise(s) is found to be infested by pests, feral cats, insects and/or rats, appropriate extermination to prevent the spread of such infestation to adjoining or other areas shall be instituted before, during and after demolition.

Section 4-166 Recovery for abatement of nuisances

Whenever the Town is required to inspect, repair, demolish, remove or, to the extent allowed by law, otherwise dispose of any real estate in order to secure it or make it safe, the condition of the underlying defect resulting in such action shall be deemed to be a public nuisance in accordance with Connecticut General Statutes Section 7-148(7)(E) as amended from time to time, and if found to be detrimental to human life and public welfare and is thereby prohibited; the Town, pursuant to Connecticut General Statutes Section 49-73b, as amended from time to time, may file a lien in accordance with Connecticut General Statutes Section 49-34, as amended from time to time, and recover any expenses relating to the abatement from the real estate owner. If the property owner fails to reimburse the Town for such expenses, the Town may subsequently foreclose on said lien. Insurance proceeds shall be subject to said lien in accordance with Connecticut General Statutes Section 49-73b as amended from time to time.

Section 4-167 Demolition of Historic Resources

A. A building, structure or part thereof which is proposed to be demolished is subject to delay of demolition if it is listed in any of the following:
(1) Historic resources inventory;
(2) List of individual properties on the National Register of Historic Places; or
(3) A contributing property located within a National Register Historic District.

B. If it is determined that the proposed demolition is subject to delay, the Building Official or his/her designee shall inform the applicant in writing that a waiting period of sixty (60) days from the date of receipt of the application will be imposed before granting the demolition permit, in accord with Connecticut General Statutes, Section 29-406(b) as amended from time to time

C. This section shall not apply to a building, structure, or part thereof, if:
   (1) An authorized federal, state or local official has ordered demolition because of a threat to public health or safety;
   (2) Its demolition has been specifically considered and approved within the following public procedures, which must include at least one (1) public hearing, and an application must have been filed indicating that a specific notice of an intention to demolish was given:
      a. It is a part of a project or planned development district containing a specific list of properties to be demolished, as approved by the Town Council, redevelopment agency or Town Planning and Zoning Commission; or
      b. It is part of a planned development unit containing a specific list of properties to be demolished, as approved by the appropriate Town agency or entity.
   (3) It is a non-documented outbuilding or ancillary structure located on a property where the primary structure is included in a document listed in Subsection (B) (2) above: or
   (4) It is located in a local historic district, where a certificate of appropriateness must be obtained in accordance with the Town's Ordinances, as amended from time to time.

D. Any applicant for the demolition permit shall give written notice to abutting property owners, and those individuals and parties on the delay of demolition notification list, which will be furnished by the Town Building Official's Office. Such notice must be given within ten (10) days of the filing of the application for such permit. Additionally, the applicant must post an on-site sign as specified below.
   (1) In accordance with Connecticut General Statures Section 29-407, as amended from time to time, the applicant shall provide written notice of intent to demolish, on a form to be furnished by the Building Official's Office. This notice shall be given to each abutting property owner at his/her last address according to the tax records of the Town of Killingly. Notice shall be sent by certified mail, return receipt requested. In order for the demolition permit application to be considered complete, a copy of the return certified mail receipt shall be furnished to the Building Official's Office.
   (2) The applicant shall provide written notice of intent to demolish by regular mail to individuals and parties on the demolition notification list furnished by the building office.
   (3) The notice of intent to demolish shall state that a request for a permit has been filed, the date of the filing, the location of the property, the identity of the property owner(s) and a statement that the application is on file with the building office and is available for inspection.

E. Sign to be posted: The Building Official's Office shall furnish the applicant with a notice of intent to demolish sign. The applicant shall post the sign in a conspicuous place on site that is viewable from a public street. The posting shall be done within ten (10) days following the filing of a permit request. The sign shall be posted for the entire sixty (60) day period from the date of the demolition permit application.

F. Certification of notification and posting required:
   (1) In order for the demolition permit application to be considered complete, the applicant shall certify that notice of intent to demolish has been furnished, and the applicable sign has been posted in accordance with this Section's requirements.
   (2) If the certification required above is not filed within the Building Official's Office within fourteen (14) calendar days of the initial filing of the demolition permit application, the Building Official shall deem the filing incomplete and deny the application. A new application may be filed.

G. Delay of demolition notification list to be maintained:
   (1) The Building Official's Office shall maintain a list of parties who have made a written request to receive notices of demolition permit applications. The notification list will remain in effect for one (1) year commencing each January.
   (2) The Building Official's Office shall notify parties by November 30th of each year to file a written request to receive such notices, which will be maintained on the notification list. The request must contain the name and mailing address to which notices are to be sent. In order to be maintained on the notification list, a person must annually submit his/her request to the Building Official's Office before December 31st.

Section 4-168 Penalties for offenses

A. Each violation of any provision of this code shall be considered a separate offense hereunder.
B. Each day any violation of any provision of this code shall continue shall constitute a separate offense hereunder.
C. Each separate offense shall be punishable by a fine of not more than $99 per day administered pursuant to the provisions of Section 1-9 and 1-10 of the Killingly Code of Ordinances.
D. The imposition of any fine or civil penalty shall not be construed to prevent the enforcement of other laws related to the premise(s) or to prevent the initiation of other enforcement measures or penalties, as appropriate. In addition to the remedies set forth in this Code and the Connecticut General Statutes, the Building Official shall have all the powers and duties pursuant to the Building Code, including the right to institute civil actions for injunctive relief and abatement of nuisance.
E. Appeals of any citation issued pursuant to this Code shall be pursuant to Section 1–10 of the Town of Killingly Ordinances for Violations of Ordinances.
F. If a property owner initiates a voluntary demolition and it is not commenced within six (6) months after issuance of a permit to demolish, the building official shall declare the permit null and void.

Section 4-169 Severability

If any Section, Subsection, sentence or other portion of this code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the viability of the remaining portions of this code.
(Ord. of 6-10-08)

Sections 4-170 – 4-179 Reserved

ARTICLE VI. PROPERTY MAINTENANCE CODE AND REGULATIONS CONCERNING BLIGHT

A. IN GENERAL

Section 4-180 Title

This ordinance shall be known as the "Property Maintenance Code and Regulations Concerning Blight (the "ordinance") and the standards established by this ordinance shall be referred to as and constitute the minimum property standards within the Town of Killingly (the "Town").

Section 4-181 Intent and Authority

A. This ordinance is intended to protect, preserve and promote public health, safety and welfare; and to reduce environmental hazards to health, safety and welfare, insofar as they are affected by the maintenance of residential and non-residential structures, equipment and premises as provided by this ordinance. This ordinance is further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premises, the community and the general public. This ordinance is intended to maintain and preserve the integrity of the Town's neighborhoods, to preserve and protect property values and to control visual blight.
B. This ordinance establishes the minimum standards and responsibilities for the maintenance of all premises and delegates administrative responsibility and enforcement powers and creates enforcement procedures.
C. This ordinance prohibits any owner or occupier, as defined herein, from allowing, creating, maintaining, or causing to be created or maintained a blighted premise within the Town.
D. This ordinance is adopted in accordance with the provisions of Connecticut General Statutes §7-148(c)(7)(H)(xv), §7-148aa and §7-152c and existing Killingly Ordinance Section 1-7 through 1-11.

Section 4-182 Scope of Provisions

A. Applicability
   1. This ordinance shall apply uniformly throughout the Town to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:
      (a) Dwellings or dwelling units, including one-family and two-family dwellings and buildings with multiple-unit dwellings
      (b) Lots, plots or parcels of land whether vacant or occupied;
      (c) Buildings not exclusively of dwelling use, including commercial, industrial and mixed-use properties that may include one or more dwelling units;
      (d) Accessory structures to any building;
      (e) All apartments, boarding houses, group homes, lodging houses, rooming houses and unrelated family units.

B. DEFINITIONS AND WORD USAGE

Section 4-183 Terms – how constructed

A. Unless another meaning is clearly indicated by the context, the words listed in the article shall have the meanings indicated in this Article, and such meanings shall be used in the interpretation and enforcement of this code.
B. Where terms are not defined in this code and are defined in other zoning, fire, building or health ordinances of the Town of Killingly, they shall have the same meanings ascribed to them in those ordinances.
C. Where terms are not defined under the provisions of this code or under the provisions of other ordinances of the Town of Killingly, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

Section 4-184 Definitions

Accessory structure shall mean a structure, the use of which is customarily incidental and subordinate to that of principal building, structure or use on the same lot.

Blighted premise shall mean:

A. Any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence, where the Building Official determines that two or more of the following conditions exists:
   1. The existing conditions pose a serious threat to the health, safety and welfare of town citizenry;
   2. The building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence (the "premise") is not being properly maintained, as evidenced by the existence, to a significant degree, of one or more of the following conditions:
      (a) Missing, broken or boarded windows or doors;
      (b) Collapsing or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, or floors;
      (c) Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;
      (d) Foundation walls which contain open cracks or breaks;
      (e) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain hazardous decay;
      (f) Chimneys, flues and similar appurtenances which are in a state of disrepair;
      (g) Insect screens which contain tears or ragged edges;
      (h) Garbage, trash or debris improperly stored or accumulated on the premises, or abandoned vehicles on the premises (unless the premise is a junkyard licensed by the State of Connecticut);
      (i) Overgrown grass and offensive weeds at least 18 inches in height and/or other invasive noxious plants such as poison ivy, poison sumac, poison oak or ragweed are present on any portion of the property that is proximate to a public right of way;
      (j) Vermin infestations;
      (k) In the case of a fence, broken or rotted boards or in an otherwise dilapidated condition; or
      (l) Any other exterior condition leading to the progressive deterioration of the neighborhood.

3. The premise is attracting illegal activity constituting a public nuisance, as defined in Connecticut General Statutes 19a-343, as documented in police department records;
4. The premise contains remnants of a burned structure or material and/or is a fire hazard as determined by the Fire Marshal or as documented in the fire department records;
5. The premise is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties; or similar circumstances constituting a nuisance.

Citation Hearing Officer shall mean an individual(s) appointed by the Town Manager to conduct hearings authorized by this chapter.

Connecticut General Statutes shall include any applicable amendments.

Deterioration shall mean the condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use or lack of maintenance.

Legal occupancy shall mean occupancy in accordance with state building and fire codes, local zoning regulations, local housing ordinances and all other pertinent codes.

Neighborhood shall mean an area of the Town comprised of all premises or parcels of land, any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.

Noxious vegetation shall mean any vegetation that is injurious to the public health, safety, peace, or convenience

Nuisance is an unreasonable interference with the public's right to property. It includes conduct that interferes with public health, safety, peace or convenience.

Owner/occupier shall mean any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

Proximate property shall mean any premises or parcel of land within 1,000 feet of a blighted premise within a village.

Solid waste means any solid, liquid, semisolid or contained gaseous material including but not limited to demolition debris, trash, refuse, and the like.

Vacant shall mean a period of 60 days or longer during which a building or structure or part thereof is not legally occupied by human beings.

Vacant parcel shall mean a parcel of land with no structure(s) thereon.

Vegetation shall mean grass or plants not planted as a crop or for ornamental purposes

Village shall mean a geographical area localized in a community within accepted similar zip code; i.e. cul-de-sac, subdivision, sub areas with similar uses.

Section 4-185 Signs, Awnings and Marquees

A. Signs - All permanent signs and billboards exposed to public view permitted by reason of other ordinances or laws shall be maintained in good repair. Any signs which are excessively weathered or faded or those upon which the paint has excessively peeled or cracked or whose supporting members have deteriorated shall be removed forthwith or put into a good state of repair by the owner of the sign.

B. Awnings and marquees - Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting structure, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

Section 4-186 Removal of weeds or similar vegetation

A. Every owner/occupier of property shall keep his property free from noxious vegetation of any type which, in the opinion of the Building Official, is proximate to a public right of way.

B. Any violation shall constitute a nuisance which may be abated by the Town at the expense of the owner, lessor, lessee or any other person in possession or any one or any combination of these to whom the Building Official has given not less than 10 days written notice of intention to abate such nuisance. Such expense may be collected by the Town in a civil action against any one or more of the above-named persons responsible therefore.

Section 4-187 Solid Waste, Storage and Littering

A. Accumulation restricted. It shall be unlawful for an owner/occupier to allow solid waste to accumulate anywhere on premises in the Town in such a manner as to create an offensive, unsightly or unsanitary condition.

B. Storage requirements. In the event that property usage would result in the stacking or piling of materials, including equipment, even if wanted and useful, they must be so arranged as to prohibit the creation of a blighting factor to their neighbors. Furthermore, all useful, wanted material, including equipment, stored outdoors, shall be stored in an orderly fashion and, to the extent reasonably feasible, shall be located in the rear yard.

Section 4-188 Blighted Premises

A. No owner/occupier of real property within the Town shall cause or allow blighted premises to be created nor shall any owner/occupier allow the continued existence of blighted premises.

B. The Building Official shall be authorized to proceed in accordance with the provisions of this ordinance with regard to enforcement of this ordinance.

C. ADMINISTRATION AND ENFORCEMENT

Section 4-189 Inspections, Complaints and Enforcement

A. The Building Official or his/her designee is authorized and empowered to make inspections of all premise(s) located within the Town of Killingly pursuant to:

1. A complaint that an alleged violation of the provisions of this code or of applicable rules or regulations may exist pursuant thereto may exist, or
2. When the Building Official has sufficient reason to believe that a violation of this code or any rules or regulations pursuant thereto has been or is being committed.
3. If an owner, occupant or other person in charge of a premise(s) fails or refuses to permit free access and entry to the premise(s) under his control, or any part thereof, with respect to which an inspection authorized by this code is sought to be made, the Town Manager or his/her designee may petition a court of competent jurisdiction to obtain an inspection warrant.

B. Notice of Violation

Whenever the Building Official determines a violation of this ordinance in fact exists, enforcement shall be in accordance with Section 4-77 – Notice of Violation (NOV), excepting however, that the Building Official may issue a NOV warning letter prior to issuance of the actual Notice of Violation. The NOV warning letter may allow corrective work to be completed in ten (10) days or as agreed to by both parties. If the property is rehabilitated to the satisfaction of the Building Official, no further enforcement action will be taken.

Section 4-190 Enforcement by Citation and Penalties

A. If the remedial action(s) specified in the Notice of Violation are not timely performed, the Building Official shall issue a written citation to the owner/occupier.

B. Citation Procedures shall be in accordance with Sections 1-9 and 1-10 as to penalties, citation hearing officers, hearings, notice of assessment and appeal. The owner/occupier may not contest a Notice of Violation warning letter before a Citation Hearing Officer.

C. Penalties for offenses:

1. Each violation of any provision of this code shall be considered a separate offense hereunder.
2. Each day any violation of any provision of this code shall continue shall constitute a separate offense hereunder.
3. Each separate offense shall be punishable by a fine of not more than $100 per day administered pursuant to the provision of Section 1-9 and 1-10 of the Killingly Code of Ordinances.
4. The imposition of any fine or civil penalty shall not be construed to prevent the enforcement of other laws related to the premise(s) or to prevent the initiation of other enforcement measures or penalties, as appropriate.

(Ord. C15-01 of 2-10-15; Effec. 2-26-15)