Chapter 8

GARBAGE, TRASH AND REFUSE[1] [2]

Art. I. General
Art. II. Recycling Center and Bulky Waste Landfill
Art. III. Storage of Garbage, Trash and Refuse

ARTICLE I. GENERAL

Section 8-1 Deposit of unauthorized material

(a) No person shall deposit, dispose of, place or release any material, specifically including solid waste, bulky waste, and/or recyclables upon any street, sidewalk, storm sewer, catch basin, gutter, town road, or town-owned property.

(b) No person shall deposit, dispose of, place or release any material, specifically including solid waste, bulky waste, and/or recyclables upon private property other than that person's property. Further, it shall be a violation of this section to deposit, dispose of, place, release, or bury any solid waste or bulky waste on one's own property, unless it is part of a bona-fide compost program.

(c) No person shall allow accumulations of garbage, rubbish, furniture, tires, or any other material which, because of its character, condition, or improper storage, may invite the breeding or collection of flies, mosquitoes, or rodents or which may in any manner prejudice the public health. (Ord. No. 98-020, 10-13-98)

Section 8-2 Vehicles transporting material

No person shall operate any vehicle upon a public road of this town in which bulky waste, recyclables, or other solid waste {are contained} unless it is covered and properly secured to prevent the contents of the vehicle from falling off and littering the roadway. (Ord. No. 98-020, 10-13-98)

Section 8-3

Pursuant to the provisions of Section 22a-220a of the Connecticut General Statutes, subsection f, any collector who dumps more than one (1) cubic foot in volume of solid waste at one time in an area not designated for such disposal by a municipality pursuant to the provisions of Section 22a-220a, or who knowingly mixes other solid waste with items designated for recycling pursuant to Section 22a-241b, or pursuant to municipal ordinance, shall for a first violation, be liable for a civil penalty not to exceed more than $2,500.00 for each violation and not more than $10,000.00 for subsequent violations, as well as a fine as provided in Section 8-6-b. (Ord. 06-08-2004)

Section 8.4

Any person other than a collector who, 1) dumps more than one (1) cubic foot in volume of solid waste at one time in a solid waste or refuse collection container without the authorization of the owner of such container or, 2) dumps any material into a recycle container used to collect another type of material for the purpose of disposal, shall be guilty of an infraction, as provided for in Chapter 881b of the Connecticut General Statutes. (Ord. 06-08-2004)

Ord. No.	Date	Section	Ord. No.	Date	Section
	10-13-81	I-III		6-19-91	1--3
	8- 8-89			12-10-91	
	4-10-90			6- 9-92	1--3
	6-21-90	1, 2		5-27-94	
	10-27-90		96-007	6-25-96	1--4
	12-11-90	1, 2			

[1] Editor's note—Ord. No. 98-020, adopted Oct. 13, 1998, amended Ch. 8 of the Code in its entirety to read as herein set out. Prior to amendment, Ch. 8, §§ 8-1—8-9, 8-16—8-31, pertained to similar subject matter and derived from the following ordinance.

[2] Cross reference – Sewers and sewage disposal, § 15-16 et seq.

Section 8.5

Pursuant to the provisions of Section 22a-250 of the Connecticut General Statutes, no person shall throw, scatter, spill, or place, or cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property in the state or upon private property in the state not owned by him, or in the waters of the state, including, but not limited to, any public highway, public park, beach, campground, forest land, recreation area, mobile manufactured home park, highway, road, street or alley, except; 1) when such property is designated by the state or any political subdivision thereof for disposal of garbage and refuse, and such person is authorized to use such property for such purpose; 2) into a litter receptacle in such manner that litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or water. (Ord. 06-08-2004)

Section 8-6a Violation

Any violation of sections 8-1 through 8-2 or any part thereof shall be punishable by a fine not to exceed one hundred dollars ($100.00). Each day any such violation shall continue shall constitute a separate offense and shall be punishable as such.

Any person found in violation of the provisions of sections 8-1 through 8-2 or any part thereof, in addition to any other fines specified herein, shall be assessed the cost of removal of the unauthorized materials caused to be deposited upon any street, sidewalk, storm sewer catch basin, gutter or upon any town-owned or private property. Said assessment shall reflect the cost of manpower and equipment time as determined by the town manager or his designee to be necessary to remove said materials and to properly dispose of them. (Ord. No. 98-020, 10-13-98) (Ord. 06-08-2004)

Section 8-6b

Any violation of Sections 8.3 through 8.5 or any part thereof shall be punished by a fine of not to exceed $1,000.00 as authorized by Section 22a-226d of the Connecticut General Statutes, and any police officer or other person authorized by the Chief Executive Officer of the Town of Killingly may issue a citation to any person who commits such a violation. The hearing procedures for Section 8.6.b shall be pursuant to Section 7-152c of the Connecticut General Statutes as amended and Section 1-10 of this Code of Ordinances. (Ord. 06-08-2004)

Section 8-7 Repeal of conflicting provisions

All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this article are hereby repealed to the extent of such inconsistency.
(Ord. No. 98-020, 10-13-98)

Section 8-8 Severability

Sections 8-1 and 8-2 and the various parts, sentences and clauses thereof are hereby declared to be severable. If any part, sentence or clause is adjudged invalid, it is hereby provided that the remainder of this article shall not be affected thereby.
(Ord. No. 98-020, 10-13-98)

Section 8-9—8-15 Reserved

ARTICLE II. RECYCLING CENTER AND BULKY WASTE LANDFILL

Section 8-16 Definitions

As used in this article, the following terms shall, where the content permits, be constructed as follows:
Bulky waste shall consist of those items identified by the State of Connecticut or agency thereof, such as construction/demolition debris, furniture, and wood waste.
Commercial user shall be defined as any one (1) of three (3) classes as follows:

(1) A person doing business in the collection and transportation of recyclables or bulky waste generated by sources originating in town;
(2) A person who transports recyclables and/or bulky waste that is generated at said person's place of business in town and which is a waste product of that person's trade or industry;

(3) A person doing business outside of town that temporarily collects and transports recyclables or bulky waste originating within town.

Killingly Recycling Center and Bulky Waste Landfill (facility) shall be defined as the area located on Brickhouse Road designated as the collection depository for solid waste, bulky waste and recyclables generated within town, except as provided for those prohibited items specified in this article.

Nonresidential solid waste shall mean any solid waste from agricultural, commercial, industrial or institutional activities.

Person shall include an individual, firm, partnership, association, private corporation, or municipal corporation.

Recyclables shall include all items identified by the State of Connecticut or agency thereof as mandatory items to be segregated from the solid waste stream. The town manager or his designee in consultation with the town council may designate, from time to time, other items to be segregated from the solid waste stream.

Residential user shall be any owner or lessee of property in town who transports refuse by means of private passenger car or a truck, which refuse has been collected solely from his private residence.

Solid waste shall mean garbage and other discarded solid material generated by residential, institutional, commercial, industrial and agricultural sources, but does not include solids or dissolved material in sewage or sewer sludge nor does it include prohibited items as defined by this article, State of Connecticut, or agency thereof.

Specially marked Killingly garbage bags shall mean the mechanism by which the Town of Killingly offsets the costs of residential solid waste disposal.

Tipping fee shall mean the charge per ton (two thousand (2,000) pounds avoirdupois) for bulky waste and/or recyclables accepted at the facility.

Town shall mean the Town of Killingly, Connecticut, including all of the land within its geographic boundaries. (Ord. No. 98-020, 10-13-98)

Section 8-17 Intent

In accordance with the General Statutes of Connecticut, the town recognizes its responsibility to make provisions for the safe and sanitary disposal of refuse that is generated within town, except for those prohibited items as defined in this article, State of Connecticut, or agency thereof. (Ord. No. 98-020, 10-13-98)

Section 8-18 Scope of service; hours of operation

(a) *Scope of service.* The facility shall accept solid waste, recyclables and bulky waste generated within the town. Solid waste accepted at the facility must be contained in specially marked Town of Killingly garbage bags.

(b) *Hours of operation.* The facility shall be open to the public for those hours established by resolution of the town council in consultation with the town manager or his designee.

(Ord. No. 98-020, 10-13-98)

Section 8-19 Use of facility; conditions of use

The use of the facility by any person under the terms of this article shall be at the risk of the person and upon the following conditions: in consideration of the grants and privileges to use the waste area, the person using the facility shall, as a condition precedent, release the town from any right of action, claim or demand which may otherwise accrue to him by reason of the loss of any of his property while in, upon or about the premises at the facility, and further agrees for such consideration to indemnify the town and save it harmless from all claims, demands, actions, costs and charges to which the town may be subject, or which it may have to pay by reason of injury to any person or property or loss of life or property suffered or sustained by any person while in, upon or about the premises of the facility.

(Ord. No. 98-020, 10-13-98)

Section 8-20 Same–Material originating outside of Killingly prohibited

No person, whether residing or operating a place of business in town, may dispose of refuse at the facility when such refuse is generated outside of town.

(Ord. of 98-020, 10-13-98)

Section 8-21 Same–Residential and commercial permits required

(a) Any person using the facility shall obtain an annual permit in accordance with the criteria below. The use of said permit shall be in accordance with all other provisions of this article and with such rules and regulations as may be prescribed from time to time by the town manager or his designee in consultation with the town council.

(1) Any residential user shall be required to purchase a residential permit. The cost of the residential permit shall be set by resolution of the town council in consultation with the town manager or his designee.[3]

Any residential user of the facility shall be required to use specially marked Town of Killingly garbage bags for all solid waste (excluding those items classified as recyclables or bulky waste) generated solely from his private residence. The town may at its discretion, through operating rules and procedures, limit the amount of solid waste that can be disposed or under a residential permit. The cost of the specially marked Town of Killingly garbage bags shall be set by resolution of the town council in consultation with the town manager or his designee.

Any residential user of the facility shall be required to pay a tipping fee for the disposal of bulky waste. The residential tipping fee for bulky waste shall be set by resolution of the town council in consultation with the town manager or his designee.

(2) Any commercial user shall be required to obtain a commercial permit. The class of permit that is required shall be determined by the type of commercial use as defined by this article. The cost of the commercial permits shall be set by resolution of the town council in consultation with the town manager or his designee.

Any commercial user of the facility shall be required to pay a tipping fee for the disposal of bulky waste and recyclables. The commercial tipping fees shall be set by resolution of the town council in consultation with the town manager or his designee.
Generally, [producers of] nonresidential solid waste may not dispose of [nonresidential] solid waste at the facility. The town, however, through operating rules and procedures, may allow for the disposal of limited amounts of nonresidential solid waste from commercial users.

(b) The town manager or his designee may temporarily suspend the requirement for residential users of the facility to display permits. The town manager or his designee shall limit the length of time such suspension may be in effect and may impose other reasonable rules and regulations governing the use of the facility during these times.

(c) The town manager or his designee may temporarily reduce or eliminate tipping fees for bulky waste disposed of at the facility for municipal projects or for those projects that have a bona-fide community benefit. (Ord. No. 98-020, 10-13-98)

Section 8-22 Operating rules and regulations

Operating rules and regulations shall be prescribed by the town manager or his designee in consultation with the town council to ensure the proper and safe operation of the facility and administration of the residential and commercial permit system.
(Ord. No. 98-020, 10-13-98)

Section 8-23 Ownership of refuse; entry into recycling center; depositing materials generally

(a) The ownership of all refuse deposited at the facility shall be vested in the town and such material is hereby declared to be town property.

(b) No person shall go upon the facility for the purpose of depositing materials thereon nor shall any person deposit materials at the facility except in accordance with the provisions of this article and any rules and regulations which may be prescribed by the town manager or his designee.

(Ord. No 98-020, 10-13-98)

[3] Editor's note: included in 8-21 (1) Three-Visit, $10 Pass (Ord. 09-05; 5-2009)

Section 8-24 Prohibited items

The following items shall not be accepted at the facility:

(1) Generally, solid waste from commercial users;
(2) Animal or human remains;
(3) Ash, cinder or other hot loads;
(4) Biological or pathological waste;
(5) Boulders;
(6) Chemicals or compounds thereof which are explosive, flammable, radioactive or toxic;
(7) Hazardous waste as determined by any governmental authority (excluding automotive/marine batteries);
(8) Large equipment;
(9) Liquid and semi-liquid wastes;
(10) Motor vehicles or components thereof (excluding tires);
(11) Tree stumps exceeding five (5) inches in diameter;
(12) Any substance or item that may cause damage to or adversely affect the operation of the facility.

(Ord. No. 98-020, 10-13-98)

Section 8-25 Town Manager's authority to prohibit disposal of dangerous refuse

The town manager or his designee may prohibit the disposal of any refuse at the facility when such refuse is of a nature and quantity to be, in his opinion, dangerous to the public health, welfare or safety or prejudicial to the proper operation of the facility.

(Ord. No. 98-020, 10-13-98)

Section 8-26 Violations; penalties

(a) Violations by either residential or commercial users of any section of this article may be punishable by fine of not more than one hundred dollars ($100.00) for each offense and/or the suspension of use of the facility for a period of time to be determined by the town manager or his designee. Each day that said violation occurs shall be deemed a separate offense.

(b) Violations by either residential or commercial users of the operating rules and procedures as set forth in section 8-22, may be punishable by fine of not more than one hundred dollars ($100.00) for each offense and/or the suspension of use of the facility for a period of time to be determined by the town manager or his designee. Each day that said violation occurs shall be deemed a separate offense.

(c) In addition to the penalties herein set forth, a civil penalty for violation of section 8-20 is hereby established; said penalty to be up to one thousand dollars ($1,000.00) for first violations, up to two thousand dollars ($2,000.00) for second violations, and up to three thousand dollars ($3,000.00) for subsequent violations, pursuant to the Connecticut General Statutes.

(d) A residential user that knowingly mixes other solid waste with items designated for recycling pursuant to section 8-16 of this article shall be liable for civil penalties not to exceed one hundred dollars ($100.00) for each violation per class of recyclable.

(e) A commercial user that knowingly mixes other solid waste with items designated for recycling pursuant to section 8-16 of this article shall be liable for civil penalties not to exceed five hundred dollars ($500.00) for each violation per class of recyclable.

(Ord. No. 98-020, 10-13-98)

Section 8-27 Appeal procedure

(a) Any person aggrieved by the imposition of the penalties as herein prescribed may file a notice of appeal within seven (7) days from date of receipt of the notice if imposition of penalty, which appeal shall be filed in the office of the town manager at the town hall. Any such appeal shall stay the imposition of the penalty until the appeal shall be heard. The town manager or his designee is designated as the hearing officer for any such appeal, and shall hold a hearing within fourteen (14) calendar days of notice of appeal. Any appellant shall be entitled to appear in person or by counsel and show cause why the penalty appealed from should not be imposed.

(b) The town manager or his designee, acting as the hearing officer, shall hear evidence regarding the alleged violation as set forth in the original notice of violation, and shall make a determination, which shall either affirm the penalty, vacate the penalty, or modify the penalty as the town manager or his designee shall deem appropriate. Any penalty stayed by an appeal shall become effective seven (7) days after it is affirmed or modified by the town manager or his designee acting as the hearing officer, with written notice by certified

mail to the appellant. The town manager or his designee is specifically authorized; if he deems it appropriate, to obtain independent counsel to act as advisor to the appeals at any hearing brought pursuant to this provision. (Ord. No. 98-020, 10-13-98)

Section 8-28 Repeal of conflicting provisions

All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this article are hereby repeals to the extent of such inconsistency.
(Ord. No. 98-020, 10-13-98)

Section 8-29 Severability

Sections 8-16–8-27 and the various parts, sentences and clauses thereof are hereby declared to be severable. If any part, sentence or clause is adjudged invalid, it is hereby provided that the remainder of this article shall not be affected thereby. (Ord. No. 98-020, 10-13-98)

Section 8-30 Effective Date

Sections 8-16–8-29 shall take effect on November 1, 1998.
(Ord. No. 98-020, 10-13-98)

ARTICLE III. STORAGE OF GARBAGE, TRASH AND REFUSE

Section 8-31 Definitions

For the purposes of this Article, the following words and phrases shall have the meanings indicated:

Bulk Storage Container: A Solid Waste Storage Container with space for one (1) cubic yard or more.
Day of Collection: A thirty-six hour period consisting of the date on which collection of Solid Waste from a Solid Waste Container is scheduled and a period of twelve (12) hours immediately preceding such date.
Domestic Storage Container: A Solid Waste Storage Container with space for less than one (1) cubic yard.
Solid Waste: Unwanted or discarded materials as defined by Section22a-207 of the Connecticut General Statutes including what is commonly referred to as garbage, trash, offal or refuse.
Solid Waste Storage Container: A rigid or semi-rigid container designed to store Solid Waste pending its collection or a rigid container such as a can or barrel adapted for use as a container for Solid Waste.
Town Manager: The Town Manager of the Town of Killingly or her/his designated agent.
Yard Vegetation Waste: Waste vegetation emanating from gardens and yards on the immediate property including grass clippings, leaves, branches, hedge trimmings, stalks and the unprocessed fruit of trees and plants existing on the property.

Section 8-32 Storage of Solid Waste

(a) No person shall accumulate, store or require the storage or handling of Solid Waste in such a manner as to promote the propagation, harborage or attraction of vermin or as to otherwise create health hazards or nuisance.
(b) The owner of property on which Solid Waste is produced, accumulated or generated shall cause such waste to be removed to a permitted solid waste disposal facility at frequencies sufficient to prevent the occurrence of health hazards or a nuisance but in no case shall removal be less frequent than once every two (2) weeks.
(c) The owner of property on which Solid Waste is produced, accumulated or generated or a tenant-occupant thereof, if the leasehold so provides, shall maintain sufficient Solid Waste Storage Containers for receiving and holding such Solid Waste.
(d) Where a commercial collector of Solid Waste furnishes Solid Waste Storage Containers, such collector shall be responsible for maintaining such Solid Waste Storage Containers in good condition unless this responsibility has been assumed by the person occupying or maintaining~ the premises under the terms or conditions of service.
(e) Plastic or paper bags shall not be used for the storage of Solid Waste out of doors unless such bags are wholly contained within a Solid Waste Storage Container, provided yard vegetation waste awaiting collection may be stored out of doors in paper or plastic bags designed for that purpose.

(f) It shall be the responsibility of each owner of a building, structure or dwelling house arranged for three (3) or more dwelling units to provide such Bulk Storage Containers as the premises may require for the sanitary and safe storage of Solid Waste and to provide for the removal and legal disposal thereof.
(g) An owner or occupant of a premise shall only store Solid Waste out of doors in Solid Waste Storage Containers conforming to the requirements of this Code.
(h) An owner and each occupant of a premise shall be responsible for closing and keeping closed all covers of a Solid Waste Storage Container required by this Code.
(i) No owner or occupant of a premise shall store, place or allow to accumulate any Solid Waste that may serve as food or harborage for rats, rodents or other vermin and pests. All Solid Waste Storage Containers shall be maintained in a clean and sanitary condition acceptable to the Northeast District Department of Health.

Section 8-33 Solid Waste storage containers

(a) A Bulk Storage Container which is used for the storage of Solid Waste shall:
  (1) Be kept in a location of the premises served by such Solid Waste Storage Container that is no closer to the centerline of the public street on which the premises is addressed than (a) sixty (60) feet, or (b) a line running parallel to the street but no closer thereto than the nearest edge of the front of the main building situated thereon, whichever is less. A Solid Waste Storage Container may be placed at the curbside or road pavement edge only during a Day of Collection provided it be situated so as not to impede vehicular or pedestrian travel.
  (2) Be rodent-proof, insect-proof, watertight, rust free and structurally strong and sound, and shall not allow leakage of its contents.
  (3) Be provided with tight-fitting lids or covers, which shall be kept closed at all times except (i) during the time Solid Waste is being deposited therein; or (ii) when such Solid Waste Storage Container is being cleaned; or (iii) when the contents of such Solid Waste Storage Container are being emptied to a Solid Waste collection vehicle.
(b) Each dwelling unit shall be provided with Solid Waste Storage Container capacity of at least forty (40) gallons and Solid Waste Storage Container capacity of such additional amount as may be necessary to store the Solid Waste accumulated by the occupants of each dwelling unit on the premises between the regular collections or regular removals required by this Article.
(c) A Solid Waste Storage Container shall:
  (1) Be located on the premises it serves so as to be as far away as practicable from a dwelling unit on any adjacent property.
  (2) Be located on the same property as the users served by such Solid Waste Storage Container.
  (3) Conform to all sanitary requirements specified by the Northeast District Department of Health, including, without limitation, cleaning, keeping surrounding areas free of spilled Solid Waste and litter and odor suppression.
(d) Bulk Storage Containers temporarily used to store construction or demolition debris shall not be left or kept within the right-of-way or between the street lines of any public road but shall otherwise be exempt from the provisions of this Article, provided they shall be used only to store construction and demolition debris and not other types of Solid Waste.

Section 8-34 Enforcement

(a) The Town Manager is directed and empowered to enforce the provisions of this Article.
(b) In addition to penalties provided in Section 8-35, the Town Manager may cause the removal of a Solid Waste Storage Container left or kept within the right-of-way or between the street lines of any public road in violation of this Article and the expense of such removal including carting, storage and disposal of the contents of the such Solid Waste Storage Container that is incurred by the Town shall be charged to the owner thereof. The Town Manager is authorized to hold a Solid Waste Storage Container that is so removed until the charges are paid.
(c) If, upon the receipt of a request from an occupant of a premises, the Town Manager finds that hardship will be caused by the physical configuration of the premises, including the location of buildings thereon or caused by the physical disability or infirmity of the occupant, the Town Manager shall be authorized to modify and adjust the application of this Article to mitigate such hardship. Before such modification or adjustment shall become effective, the Town Manager shall cause to be conspicuously posted for a period of not less than ten (10) calendar days at the street frontage of such premises a notice of the intent to grant such modification or adjustment. Any resident or property owner of the Town may file with the Town Council a written objection to

the Town Manager's intent to grant a modification or adjustment and such grant shall be stayed until the Town Council votes a resolution of the matter.

Section 8-35 Penalty

A person violating the provisions of this Article shall be subject to a penalty of one hundred dollars ($100) and each day that a person fails to obey an order of the Town Manager issued in enforcement of this Article shall be deemed a separate offense.

Chapter 8.1

HISTORIC DISTRICTS AND PROPERTIES[4]

Art. I. In General
Art. II. Dayville Historic District, Danielson Historic District – Academy Street, and Miscellaneous Historic Properties

ARTICLE I. IN GENERAL[5]

Section 8.1-1 Town Historian

(a) *Appointment.* Pursuant to Public Act 87-278 of the State of Connecticut, the town historian shall be appointed in the Town of Killingly to promote a knowledge, appreciation and dissemination of town history.

(b) Qualifications.
  (1) The town historian shall be a legal resident and elector in the town.
  (2) The town historian shall be qualified by knowledge of town history as well as general state and American history; by knowledge of historical research; and by good writing and speaking skills.

(c) Term of office and method of appointment.
  (1) The town council shall appoint a town historian for a term of four (4) years. The same person may be reappointed to additional terms.
  (2) A vacancy in the office of town historian shall be filled by the town council for the unexpired portion of the term vacated.

(d) *Duties and responsibilities.* The town historian shall:
  (1) Promote an awareness of and an appreciation for the town's history, through research, writing, and public speaking; through publications, projects, exhibits, displays, celebrations, and commemorations; through the maintenance of plaques, markers and monuments; and through the preparation of classroom aids, guides, workshops and training.
  (2) Advise the town government on historical issues and subjects including historical objects, historical structures and sites, historic districts, national register properties and historic preservation.
  (3) Serve as a liaison among the town's museums, libraries and historical associations, and with similar outside groups, to encourage historical coordination, cooperation and resource sharing. The town historian shall also maintain a reference library of historical information and serve as a central referral point for inquiries for information.
  (4) As appropriate, supervise staff and programs of the municipality, maintain an office, expend funds, and obtain contributions and grants to carry out these duties (Ord. of 10-11-88)

Sections 8.1-2 - 8.1-15 Reserved

ARTICLE II. DAYVILLE HISTORIC DISTRICT, DANIELSON HISTORIC DISTRICT – ACADEMY STREET, AND MISCELLANEOUS HISTORIC PROPERTIES[6]

Section 8.1-16 Statutory Authorization

This article is enacted pursuant to the provisions of sections 7-147a through 7-147m inclusive of the General Statutes of Connecticut, as amended, herein sometimes referred to as "the Act." (Ord. of 1-13-87, § 1; Ord. of 3-8-88, § 1; Ord. of 4-12-88, § 1; Ord. of 8-9-88, § 1)

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[4] Cross reference – Administration, Ch. 2.

[5] Editor's note--Codification of a nonamendatory ordinance adopted Oct. 11, 1988, which created the position of town historian, as § 8.1-1 was at the editor's discretion.

[6] Editor's note--Codification of §§ 1--10 of a nonamendatory ordinance adopted Jan. 13, 1987, as article II, §§ 8.1-16-8.1-25, was at the editor's discretion. Said ordinance was effective April 1, 1987.

Section 8.1-17 Established; purpose, boundaries of district

The purpose of this article is to preserve and protect buildings and places of historic significance and their settings in Killingly, recognizing them as landmarks in the history of the town. For this purpose, there is hereby established the local historic districts known as Dayville and Danielson Historic District—Academy Street, as historic properties known as the Samuel Moffit House Historic Property, Center Schoolhouse Property and the Stone Road Historic Property. The boundaries of such historic districts and historic properties are fixed and defined as follows:

Dayville Historic District. Reference is hereby made to a map delineating the boundaries of such historic district entitled, "Dayville Historic District," dated 10/86, which map shall, upon the enactment of this article, be filed in the office of the town clerk of the Town of Killingly and which is incorporated herein and made a part of this article by reference.

Samuel Moffit House Historic Property. Reference is hereby made to a map delineating the boundaries of such historic property, known as the Samuel Moffit House and entitled, "Dayville Historic Property," dated August 1987, which map shall, upon the enactment of this article, be filed in the office of the town clerk of the Town of Killingly and which is incorporated herein and made part of this article by reference (as amended March 8, 1988).

Danielson Historic District–Academy Street. Reference is hereby made to a map delineating the boundaries of such historic district entitled "Danielson Historic District," dated August 1987, which map shall, upon the enactment of this article, be filed in the office of the town clerk of the Town of Killingly and which is incorporated herein and made a part of this article by reference (as amended April 12, 1988).

Killingly Center Schoolhouse Property. Reference is hereby made to a map delineating the boundaries of such historic property, known as Killingly Center Schoolhouse Property, and entitled Killingly Historic Property, dated October 1987, which map shall, upon enactment of this article, be tiled with the office of the town clerk of the Town of Killingly and which is incorporated herein and made part of this article by reference.

Stone Road Historic Property. Reference is hereby made to a map delineating the boundaries of such historic property, known as Stone Road, and entitled Daniel's Mill Area, which shall be filed in the office of the town clerk, and which is incorporated herein and made a part of this article by reference.

(Ord. of 1-13-87, § 2; Ord. of 3-8-88, § 2; Ord. of 4-12-88, § 2; Ord. of 8-9-88, § 2)

Section 8.1-18 Historic District Commission–Established; composition

An historic district commission (hereinafter called "the commission") is hereby established to promote the purpose set forth in this article and to perform all functions as shall from time to time be prescribed under the General Statutes of Connecticut and as provided in this article. Said commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the town holding no salaried town office and all shall serve without compensation. The members shall be appointed within thirty (30) days of the effective date of this article by the town council. The historic district shall be represented on the commission by at least one (1) regular member who shall be a resident of the district.

(Ord. of 1-13-87, § 3; Ord. of 3-8-88, § 3; Ord. of 4-12-88, § 3; Ord. of 8-9-88, § 3)

Section 8.1-19 Same–Terms

The terms of the original members of the commission shall be arranged in such manner that the term of at least one (1) regular member and one (1) alternate member shall expire each year. Their successors shall be appointed by the town council for terms respectively of five (5) years for regular members and three (3) years for alternate members except that an appointment to fill a vacancy shall be for the duration of the unexpired term.

(Ord. of 1-13-87, § 4; Ord. of 3-8-88, § 4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 4)

Section 8.1-20 Same - Election of Officers

Within thirty (30) days after appointment of the original members of the commission, and annually thereafter, the regular members shall meet and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the commission.

(Ord. of 1-13-87, § 5; Ord. of 3-8-88, §4; Ord. of 4-12-88, § 4; Ord. of 8-9-88, § 5)

Section 8.1-21 Same - Powers and limitations

The commission shall have such powers and shall be subject to such limitations as shall from time to time be prescribed under the General Statutes of Connecticut. The commission shall be empowered specifically to determine the appropriateness or inappropriateness of the external, visual aspects only of all erection, alteration,

restoration, movement, or razing of all buildings and structures within the historic district. The style, material, size, and location of outdoor advertising signs and bill posters within the historic district shall also be under the control of the commission. The commission shall adopt rules of procedure and regulations not inconsistent with the provisions of said statutes and this article. The commission may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money gifts or expend the same for the purposes of the Act and this article. (Ord. of 1-13-87, § 6; Ord. of 3-8-88, § 6; Ord. of 4-12-88, § 6; Ord. of 8-9-88, § 6)

Section 8.1-22 Same - Liaison with other town offices; furnishing Certificates of Appropriateness for properties within the district; Annual Reports

Said commission and other town offices or officers whose areas of concern may overlap or affect each other should maintain liaison for information and coordination in matters with which the commission may be dealing. With particular regard to such liaison between the commission and the building inspector of the town, the latter official will require a certificate of appropriateness from the commission prior to the issuance of any building permit for properties within the historic district which might affect the exterior architectural or visual aspects of such properties.

The commission should make reports at least annually. Such reports may be included in the annual town report and should be issued to all owners of real property in the district. The report should also be available to any other residents of the town. (Ord. of 1-13-87, § 7; Ord. of 3-8-88, § 7; Ord. of 4-12-88, § 7; Ord. of 8-9-88, § 7)

Section 8.1-23 Same–Standards of appropriateness

Anticipating future new construction and change in the historic district, the exterior architectural aspect of which may require the approval of the commission under certain conditions specified in the Act and which the commission may in accordance with the Act decide to be detrimental and inappropriate to the interest of said historic district, the commission shall make known the standards of appropriateness or inappropriateness which it proposes to follow in passing upon proposals for new construction or change. Such standards of criteria shall not be such as to bind the historic district to any uniform or necessarily traditional style in new construction, but shall look both to the protection of the old and to the interest and distinctiveness of those communities in the future when other generations will view styles and developments of the present day also as history.
(Ord. of 1-13-87, § 8; Ord. of 3-8-88, § 8; Ord. of 4-12-88, § 8; Ord. of 8-9-88, § 8)

Section 8.1-24 Same–Meetings with residents

For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of interested residents of the historic district who are not members of the historic district commission, and apart from the provision in the Act for formal appeals from the commission decisions by aggrieved parties, and other than the required public hearings by the commission upon applications for certificates of appropriateness, the commission shall hold meetings with residents of the historic district if and when at least fifty (50) per cent of the owners of real property in the district make written petition for such meeting to discuss matters of policy or other matters that may be at issue between property owners and the commission. The commission shall call meetings so requested, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit. (Ord. of 1-13-87, § 9; Ord. of 3-8-88, § 9; Ord; of 4-12-88, § 9; Ord. of 8-9-88, § 9)

Section 8.1-25 Enforcement of Article

Regulations and orders of the commission issued pursuant to the Act or to this article shall be enforced by the zoning enforcement official. The building inspector, or any other person, may be designated by the town manager to act instead of the zoning enforcement official if required. (Ord. of 1-13-87, § 10; Ord. of 3-8-88, § 10; Ord. of 4-12-88, § 10; Ord. of 8-9-88, § 10)