



# TOWN OF KILLINGLY

OFFICE OF THE TOWN MANAGER

172 Main Street

Killingly, CT 06239

Tel: 860 779-5300 ext. 7 Fax: 860 779-5382

## ORDINANCE SUBCOMMITTEE MEETING

Thursday, July 29, 2021

6:30 p.m.

Town Meeting Room

Killingly Town Hall

### Council Members:

Kevin Kerttula, Chairman

Patti George

Ray Wood

**This is an in-person meeting. Public can attend the meeting at the Town Hall. Emailed public comment will still be accepted and presented at the meeting.**

1. Call to Order
2. Citizens' participation  
Pursuant to the Town Council's Rules of Procedure, Article IV, Section 2, all presentations by citizens shall be limited to an aggregate of forty-five minutes (45) and each citizen's presentation shall not exceed five (5) minutes unless otherwise indicated by a majority vote of the Town Council.

Public comment can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to Town of Killingly, 172 Main Street, Killingly, CT 06239 on or before the meeting. All public comment must be received prior to 2pm the day of the meeting. Public comment will be posted on the Town's website [www.killinglyct.gov](http://www.killinglyct.gov).

3. Adoption of minutes of previous meeting: September 22, 2020
4. Old Business - None
5. New Business
  - a. Review proposed Ordinance Amendment for Chapter 4 Article VI – Property Maintenance Code and Regulations Concerning Blight.
6. Adjournment

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This institution is an equal opportunity provider and employer.

**TOWN OF KILLINGLY**  
**ORDINANCE SUBCOMMITTEE MEETING**  
Tuesday, September 22, 2020, 6:30PM  
**Town Meeting Room, Killingly Town Hall, 172 Main Street, Killingly**  
**Commission members only**  
**Public can view the meeting on Facebook Live**

**Meeting Minutes**

1. **Call To Order** – Kevin Kerttula called the meeting to order at 6:32pm.

**Members Present:**

Kevin Kerttula, Patti George, Ray Wood

**Members Absent with Notification:**

**Others Present:**

Town Manager Mary Calorio

RECEIVED  
TOWN OF KILLINGLY, CT  
2023 SEP 29 AM 11:09  
Ellye Beth M. Wood

2. **Citizens Participation:** None.

3. **Adoption of Minutes of Previous Meeting:**

- a. March 5, 2020 – R. Wood made a motion to accept the minutes as presented. P. George seconded the motion which passed unanimously 3-0-0.

4. **Unfinished Business** - None

5. **New Business:**

- a. Review proposed Ordinance Amendment for Chapter 14 to include the amendment of Section 14-6e(2) for the duration of tax assessment deferrals and tax abatements.

TM Calorio presented the proposed amendment which would remove language capping the duration of agreements. Members discussed the potential impact of this language change. The Town Attorney recommended this revision to give the Town Council and Town more flexibility in considering possible long-term agreements as allowed under statute.

R. Wood made a motion to recommend the proposed amendment to the Town Council for approval. P. George seconded the motion which passed unanimously 3-0-0

- b. Review proposed ordinance amendment for Chapter 12 to amend the registration and permit process for hawkers, peddlers and vendors.

TM Calorio presented the proposed amendment to Chapter 12 which changes the primary processing department from the Town Clerk to the Town Manager or designee. Members discussed the impact of the proposed modifications.

P. George made a motion to recommend the proposed amendments to the Town Council for approval. R. Wood seconded the motion which passed unanimously 3-0-0

- c. Review proposed ordinance amendment for Chapter 15 to include Article IV – Illicit Discharge and Connection to Stormwater System.

TM Calorio presented the proposed new section which outlines illicit discharges to the Town's stormwater system and enforcement actions. Members discussed the definitions and enforcement actions outlined in the new section. Members also discussed potential liability to the Town for illicit discharges.

P. George made a motion to recommend the proposed new section to the Town Council for approval.  
R. Wood seconded the motion which passed unanimously 3-0-0

**7. Adjournment**

**Motion** to adjourn by R. Wood at 7:02 PM, **Second** by P. George. **Motion** carried 3-0-0.

Respectfully submitted,  
Mary T. Calorio, Town Manager

# Killingly Code of Ordinances

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## **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.

# Killingly Code of Ordinances

## 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~~ **the Town Manager's Designee**, 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

# Killingly Code of Ordinances

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**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~~ **Town Manager's Designee**, 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~~ **Town Manager's Designee** 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.
- C. 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 Town



# Killingly Code of Ordinances

Manager's Designee 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 4-188 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~~ Town Manager's Designee shall be authorized to proceed in accordance with the provisions of this ordinance with regard to enforcement of this ordinance.
- C. 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 Town Manager's Designee 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.

## C. ADMINISTRATION AND ENFORCEMENT

### Section 4-189 Inspections, Complaints and Enforcement

- A. The ~~Building Official~~ or his/her designee Town Manager's 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~~ Town Manager's Designee 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~~ Town Manager's Designee 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~~ Town Manager's Designee 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~~ Town Manager's Designee, 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~~ Town Manager's Designee 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)