



TOWN OF KILLINGLY

OFFICE OF THE TOWN MANAGER

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TOWN OF KILLINGLY

ORDINANCE SUBCOMMITTEE MEETING

Thursday, February 6, 2020

6:00 p.m.

Room 204

Killingly Town Hall, 172 Main Street, Killingly

Council Members:

Patti George
Kevin Kerttula
Ray Wood

Meeting Agenda

1. Call To Order--TM
2. Election of chair
3. Citizens participation
4. Adoption of minutes of previous meeting: August 19, 2019
5. Old Business
6. New Business
 - a. Discussion and possible action on the recommendation of the draft amendment to Chapter 2 – Administration to include amendments to Chapters 8, 12 and 15 for Boards and Commissions.
 - b. Discussion and possible action on the recommendation of the draft amendment to Chapter 14 – Firefighter and Emergency Volunteer Personnel Property Tax Abatement
7. Adjournment

TOWN OF KILLINGLY
ORDINANCE SUBCOMMITTEE MEETING
Monday, August 19, 2019, 6:30PM
Room 102, Killingly Town Hall, 172 Main Street, Killingly

Meeting Minutes

- 1. Call To Order:** Mr. A. Griffiths called the meeting to order at 6:33PM

Members Present: Mr. A. Griffiths, Mr. K. Kerttula

Others Present: Town Manager Mary Calorio

- 2. Citizens Participation:** None

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

- a. July 8, 2019 - K. Kerttula made a motion to accept the minutes as presented. A. Griffiths seconded the motion which passed unanimously 2-0-0.

- 4. Unfinished Business** - None

- 5. New Business:**

- a. Draft Amendment to Procurement Code Ordinance

TM Calorio presented the proposed amendments to Chapter 2, Article XIV Procurement Code. Members reviews the proposed changes. A. Griffiths requested the specific federal and state regulation be referenced in Section 2-206(O)(5). M. Calorio to insert the appropriate references.

K. Kerttula made a motion to forward the proposed amendments with the revisions to the Town Council with the recommendation to approve. A. Griffiths seconded the motion which passed unanimously 2-0-0

- b. Discussion regarding Noise Ordinance

TM Calorio provided a copy of Section 12.5-124 of the Noise Ordinance. The Ordinance Subcommittee had previously requested the Town Manager to review the Noise Ordinance as it related to the measurement of sound. Members discussed the section presented. No amendments were proposed.

- c. Draft Amendment to Chapter 2 to create a section for the Housing Authority within the Code of Ordinance

TM Calorio presented an amendment to Chapter 2 of the Code of Ordinances to create a new section for the Housing Authority. The new Ordinance language would give the authority to appoint alternates to the Housing Authority. TM Calorio relayed it is the Town Attorney's advised to hold on making the revision until after the November election has completed and the Charter Revision questions have been voted on. If the question 3 is adopted, Chapter 2 would require significant revision. Members discussed the proposed amendment and the impacts of Charter revision.

A. Griffiths made a motion to table the item for consideration at the time of redraft or the completion of the vote for the Charter revision questions. K. Kerttula seconded the motion which passed unanimously 2-0-0

6. Adjournment

Motion to adjourn by K. Kerttula at 7:22 PM. **Second** by A. Griffiths. **Motion** carried 2-0-0.

Respectfully submitted,
Mary T. Calorio
Town Manager

Killingly Code of Ordinances

Chapter 2

ADMINISTRATION¹

Art. I.	In General
Art. II.	Officers and Employees
	Division 1 Generally
	Division 2 Social Security
Art. III.	Inland Wetlands and Watercourses Commission
Art. IV.	Planning Commission
Art. IV.5.	Public Safety Commission
Art. V.	Planning and Zoning Commission
Art. VI.	Regional Planning
	Division 1 Generally
	Division 2 Regional Resource Recovery Authority
Art. VII.	Zoning Board of Appeals
Art. VII.1	Killingly Agriculture Commission and Right to Farm
Art. VIII.	Economic Development Commission
Art. IX.	Permanent Commission on Public Buildings
Art. X.	Special Commission on Consolidation of Services
Art. XI.	Special Commission on the Maintenance of Buildings
Art. XII.	Open Space Land Acquisition Fund
Art. XIII.	Capital Reserve Fund
	Division 1 General Conditions of Use
	Division 2 Disbursements
Art. XIV.	Procurement Code

ARTICLE I. IN GENERAL

Section 2-1 Board of Education; number^{2 3}

The board of education of the town shall consist of nine (9) members. (Ord. of 5-2-1898)

Section 2-2 Town Seal

The design shown in this section shall be the official Seal of the Town of Killingly.



(Ord. of 9-13-05)

~~Section 2-3-2-16 Reserved~~

¹ Cross references -- Building official, § 4-2; building-board of appeals, § 4-3; courts, Chapter 5; elections, Chapter 6; historic district commission, § 8.1-18 et seq.; library department created, § 9-1; taxation, Chapter 14; water pollution control authority, § 15-18; water pollution hearing board, § 15-23; inland wetlands regulations, App. A; subdivision regulations, App. B; zoning regulations, App. C.

⁵ Charter reference—Board of education, § 401.

⁶ State law reference—Authority to determine number, G.S. § 9-203.

Killingly Code of Ordinances

ARTICLE II. OFFICERS AND EMPLOYEES

DIVISION 1 GENERALLY

~~Section 2-17~~ — Sick leave

~~The town shall grant on account of sickness or accident disability, to its covered employees who have furnished satisfactory proof of such sickness or accident disability, sick leave with pay.~~

~~Such sick leave shall be excluded from wages for which social security contributions are made in accordance with section 209(b) of the Social Security Act and permitted in Connecticut P.A. 79-529, section 2. (Ord. of 4-18-80)~~

~~Section 2-18~~ 3 Defense of town employees

The town shall defend and save harmless from any judgments rendered against them all members of any town boards or commissions, its officers, servants, agents and employees who are sued or against whom a claim is made arising from the conduct of their official duties on behalf of the town, provided that such individual was acting in the performance of his duties and within the scope of his employment and that such claim does not arise as a result of any willful or wanton act of such employee.

Notwithstanding any of the foregoing, this section shall not in any way enlarge the liability of the Town of Killingly or the members of any boards or commissions, its officers, servants, agents and employees nor shall it obviate or lessen any defense available to the town or any of the aforementioned individuals; and the town expressly reserves the defense of governmental immunity and all other proper defenses to any such action.

This section shall not apply to physical injury to a person caused by an employee to a fellow employee while both employees are engaged in the scope of their employment for such municipality or for any other individual or office named in this section if the employee or other individual suffering such injury has a right to benefits of compensation under Chapter 568 by reason of such injury.

(Ord. of 3-11-86)

~~Sections 2-19 — 2-29~~ Reserved

~~DIVISION 2 — SOCIAL SECURITY~~

~~Section 2-30~~ — Application for; excluded employees

~~The town shall apply for membership in and participate in the Old Age and Survivors Insurance System under Title II of the Social Security Act as amended, in accordance with sections 7-452 through 7-459, General Statutes, for all its employees with the exception of employees of an emergency nature and the employees excluded by section 7-454, General Statutes. (Ord. of 5-7-52)~~

~~Section 2-31~~ — Withholding

~~The town treasurer is hereby authorized and directed to make deductions from the wages of the employees participating in the Old Age and Survivors Insurance System as provided by section 7-456 of the General Statutes and to forward the amount thereof with the contribution of the town to the state retirement commission in the manner and form prescribed by law. (Ord. of 5-7-52)~~

~~Sections 2-32 — 2-48~~ Reserved.

Article VIII KILLINGLY AGRICULTURE COMMISSION AND RIGHT TO FARM ORDINANCE

~~Section 2-131~~ 10 Agriculture Commission; Established; Composition

- a) There shall be an Agriculture Commission composed of five (5) regular members and up to three (3) alternate members who shall be residents of the Town. Insofar as practical, members shall be appointed in accordance with the Connecticut General Statutes by majority vote of the Town Council and shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes 1-1(q), particularly those directly involved in agriculture. Members of the

Killingly Code of Ordinances

Commission may be removed in accordance with Section 811 of the Killingly Town Charter. In addition to the five (5) regular members and three (3) alternate members, the Town Manager, or a designated representative, shall be an ex-officio member of the Commission.

- b) To establish the commission, the Town Council shall initially appoint two (2) regular members to serve for three (3) years; two (2) regular members to serve for two (2) year terms; one (1) regular member to serve for one (1) year. Thereafter, members will be appointed for three (3) year terms or to fill an unexpired term in case of a vacancy. The alternate members shall be appointed for three (3) year terms.
- c) Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall elect from its membership a chairperson, vice-chairperson and secretary.

Section 2-~~132~~11 Agriculture Commission Duties

- a) The Agriculture Commission shall be an advisory commission to the Town Council and other Town officials on matters related to farming.
- b) The general duties of the Commission shall be to:
 - 1. Foster agricultural viability and preservation of agricultural land in Killingly.
 - 2. Serve as a conduit between local farmers and non-profit agencies, civic organizations, municipal boards, commissions and committees, elected officials, and non-farm residents.
 - 3. Advocate for agriculture before land use and other relevant boards, commissions and/or committees.
 - 4. Act as a resource for agricultural information.
 - 5. Promote keeping Town-owned farmland in agricultural production.
 - 6. Serve as a resource for information and non-binding advice for residents, established town committees and departments concerning the resolution of agriculture related issues.
- c) The Commission shall provide for education and outreach services as follows:
 - 1. To increase awareness of agricultural enterprises in the community.
 - 2. To promote the value of viable agriculture to the Town in the areas of employment, property taxes, environment and farmland preservation.
 - 3. To provide information and guidance on agriculture-related issues such as zoning, inland wetlands, public works and others to town departments and other boards, committees and residents as necessary.
 - 4. To support young farmers by supporting local, regional, and state vocational agricultural education and 4-H programs.
 - 5. To recognize and support new farming operations.
 - 6. To act as a sounding board and provide review to Town departments, boards and committees concerning the impact of proposed Town policies on agricultural activities.
 - 7. To promote opportunities for Killingly's agricultural products and service providers to collaborate and coordinate activities with each other and with other product and service providers in the region.
 - 8. To encourage and promote generally accepted management practices for farming and celebrate successful ones.
- d) The Commission shall investigate educational opportunities as follows:
 - 1. To identify opportunities to preserve and expand agriculture in Killingly.
 - 2. To promote opportunities for residents and local businesses to support agriculture.
 - 3. To provide information regarding available financial support related to agricultural viability.

Section 2-~~133~~12 Right to Farm Policy; Preamble

- a) Agriculture plays a significant role in Killingly's character and way of life. Killingly's Right to Farm ordinance has been adopted to encourage preservation of agriculture, promote agriculture-based economic opportunities, and seek to protect prime farmland within Killingly by allowing agricultural uses and related activities to function with minimal conflict from abutters and Town agencies.
- b) Killingly recognizes the importance of farming to its historical, cultural, social, scenic, and ecological value. It also recognizes the value it brings to its tax base, and economic development through food security and other agricultural products.
- c) Pursuant to the powers conferred by Connecticut General Statutes (CGS), Section 7-148 (c) (7) (e), (8), and (10) (A), and in furtherance of the goals of CGS Section 19a-341, the Town of Killingly adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a

Killingly Code of Ordinances

priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.

- d) The definitions applicable to this policy are defined by the Connecticut State Definition of Agriculture CGS 1-1 (q)

Section ~~2-134~~13 Right to Farm Policy

- a) Notwithstanding, any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable:
1. Odor from livestock, manure, fertilizer or feed.
 2. Noise from livestock, or farm equipment used in normal, generally acceptable farming procedures.
 3. Dust created during plowing or cultivation operations.
 4. Use of herbicides and pesticides, provided such use and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services or
 5. Water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more, and has not been substantially changed and such operation follows generally accepted agricultural practices.
- b) Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.
- c) The provisions of this ordinance shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.
- d) Nothing contained in this ordinance shall restrict the power of the Killingly Planning and Zoning Commission under Chapter 124 of the General Statutes. The Commission is urged to adopt regulations consistent with this ordinance and to make the permanent preservation of farmland within this municipality, a criterion in its planning and policy decisions. (Ord. of 10-9-12; Effective: 10-26-12)

ARTICLE IV. CONSERVATION COMMISSION⁴

Section ~~12.5-21~~ 2-20 Statutory Authority

This article, establishing a conservation commission (hereinafter called "the commission") for the town is enacted pursuant to the provisions of Section 7-131A of the General Statutes of Connecticut, and amendments thereto. (Ord. of 2-13-90)

Section ~~12.5-22~~ 2-21 Purpose

The purpose of this article is to promote the development, conservation, supervision and regulation of natural resources, including water resources within the town, and other such purposes and objectives as set forth by the state statute and this article. (Ord. of 2-13-90)

Section ~~12.5-23~~ 2-22 Conformance to Statute

The commission shall conform to and have such powers, purposes and objectives as set forth in Chapter 97, Section 7-131A of the general statutes and as provided in this article. (Ord. of 2-13-90)

⁴ Editor's note—An ordinance adopted Feb. 13, 1990, did not specifically amend this Code; hence, inclusion of said ordinance as §§ 2-20 to 2-29 was at the editor's discretion.

Killingly Code of Ordinances

Section ~~12.5-24~~ 2-23 Terms of office; compensation; vacancies

The commission created by this article shall consist of five (5) regular members, all of whom shall be electors of the town holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager with the advice and consent of the town council for five-year terms. The initial terms of appointment shall be fixed so that the terms of one-fifth (1/5) of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager with the advice and consent of the town council. There shall be two (2) alternate members appointed for three- year terms. (Ord. of 2-13-90)

Section ~~12.5-25~~ 2-24 Appointment; election of officers; removal of members

The members shall be appointed within thirty (30) days of the effective date, March 1, 1990, of this article.

- (a) Appointment.
- (b) **Election of officers.** Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers.
- (c) **Removal of members.** A member of the commission may be removed for cause by the town manager with advice and consent of the town council. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk.

(Ord. of 2-13-90)

Section ~~12.5-26~~ 2-25 Quorum

The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting.

(Ord. of 2-13-90)

Section ~~12.5-27~~ 2-26 Powers and Duties

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 adopt rules and procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct researches into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning and zoning commission, the inland wetlands and watercourses commission, the board of recreation and the town council plans and programs for the development and use of such areas. (Ord. of 2-13-90)

Section ~~12.5-28~~ 2-27 Annual Report

The commission shall make an annual report to the town council summarizing the commission's activities.

(Ord. of 2-13-90)

Section ~~12.5-29~~ 2-28 Appropriations

Acting through the town manager and pursuant to the town's personnel rules and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article.

(Ord. of 2-13-90)

Section ~~12.5-30~~ 2-29 Meeting Attendance

Three (3) consecutive unexcused absences shall require notification to the member that he shall be recommended to the town manager for removal unless a proper explanation acceptable to the commission is received within twenty-one (21) days from notification.

Killingly Code of Ordinances

ARTICLE VIII. ECONOMIC DEVELOPMENT COMMISSION⁵

Section ~~2-141~~ 2-30 Statutory authority

This article, establishing an economic development commission (hereinafter called the commission) for the Town of Killingly, is enacted pursuant to the provisions of section 7-136 of the General Statutes of Connecticut, and amendments thereto. (Ord. of 7-23-87, § 1)

Section ~~2-142~~ 2-31 Purpose

The purpose of this article is to promote and develop the economic resources of the town and other such purposes and objectives as set forth by state statute and this article. (Ord. of 7-23-87, § 2)

Section ~~2-143~~ 2-32 Conformance to Statute

The commission shall conform to and have such powers, purposes and objectives as set forth in chapter 97, section 7-136 of the general statutes and as provided in this article. (Ord. of 7-23-87, § 3)

Section ~~2-144~~ 2-33 Terms of office; compensation; vacancies

The commission created by this article shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of the Town of Killingly holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager for five-year terms, except that the alternate members shall be appointed for three-year terms. The initial terms of appointment, except for the two (2) alternate member positions, shall be fixed so that the terms of one-fifth of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager. (Ord. of 7-23-87, § 7; Ord. of 4-9-91, §§ 1 – 3)

Section ~~2-145~~ 2-34 Appointment

The members shall be appointed within thirty (30) days of the effective date of this article. (Ord. of 7-23-87, § 8)

Section ~~2-146~~ 2-35 Quorum

The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting. (Ord. of 7-23-87, § 9)

Section ~~2-147~~ 2-36 Election of officers

Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers. (Ord. of 7-23-87, § 10)

Section ~~2-148~~ 2-37 Powers and duties

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 adopt rules of procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct research into the economic conditions and trends of the town, shall make recommendations to appropriate officials and agencies of the town regarding action to improve the economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further official purposes. (Ord. of 7-23-87, § 4)

Section ~~2-149~~ 2-38 Annual Report

The commission shall make an annual report to the town manager and the town council summarizing the commission's activities and recommendations for improving economic conditions and development of the town. (Ord. of 7-23-87, § 5)

⁵ Editor's note -- Codification of §§ 1–11 of a non-amendatory ordinance adopted July 23, 1987, as Article V, §§ 2-30 -- 2-40, has been at the editor's discretion.

Killingly Code of Ordinances

Section ~~2-150~~ 2-39 Appropriations

Acting through the town manager and pursuant to the town's personnel policies and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article. The council may appropriate a sum to the commission not to exceed one-twentieth of one per cent of the last-completed grand list of taxable property. (Ord. of 7-23-87, § 6)

Section ~~2-151~~ 2-40 Removal of members

A member of the commission may be removed for cause by the town manager. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk. (Ord. of 7-23-87, § 11)

ARTICLE VI. HISTORIC DISTRICT COMMISSION

Section ~~8-1-18~~ 2-50 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~~ 2-51 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~~ 2-52 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~~ 2-53 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~~ 2-54 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.

Killingly Code of Ordinances

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 2-55 ~~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 2-56 ~~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)

ARTICLE VII. HOUSING AUTHORITY

Section 2-60 Established

There shall be a Housing Authority established in accordance with general statutes Chapter 128.

Section 2-61 Responsibilities

Said Authority shall have all the powers and duties relating to housing imposed upon housing authorities by Chapter 128 of the General Statutes, as amended. It shall further be the duty of the Housing Authority to investigate and to conduct research on the condition of housing within the Town, and to coordinate the activities of the various other municipal departments, agencies, and authorities as they pertain to housing. Said Authority shall serve as a liaison and coordinating body between the Town and federal and state agencies and private enterprise in order to provide adequate housing within the Town and shall have such other powers and duties as the Council may prescribe. In the event of any conflict between the specific provisions of this Ordinance and the several federal governmental laws and regulations imposed upon local agencies with regard to housing such federal laws and regulations shall prevail.

Section 2-62 Membership

- (a) The authority created by this article shall be composed of five (5) members appointed by the town council and shall consist of members drawn from citizens at large. Members shall serve for overlapping terms of three (3) years.

Killingly Code of Ordinances

ARTICLE VIII. INLAND WETLANDS AND WATERCOURSES COMMISSION^{6 7}

Section **2-49** 2-70 Established

There shall be an inland wetlands and watercourses commission established in accordance with general statutes sections 22a-36 through 22a-45. (Ord. of 3-14-74, § 1)

Section **2-50** 2-71 Responsibilities

The commission established by this article shall have all the powers and responsibilities authorized under sections 22a-36 through 22a-45 of the general statutes. (Ord. of 3-14-74, § 2)

Section **2-51** 2-72 Membership

- (a) The commission created by this article shall be composed of seven (7) members appointed by the town council and shall consist of members drawn from citizens at large or from applicable town boards and commissions.
- (b) Following the expiration of the original terms of appointment, all appointments or reappointments shall be for a period of three (3) years. In addition, the town council shall appoint two (2) alternate members to the inland wetlands and watercourses commission. Such alternates shall serve for terms of two (2) years and shall have those powers and responsibilities of regular members at those times when a regular member is absent or unable to act for any reason. (Ord. of 3-14-74, § 3; Ord. of 6-28-77)

Section **2-52** 2-73 Vacancies

Any vacancy in the membership of the commission created by this article which may occur through death, resignation or otherwise shall be filled for the unexpired term of such member by the town council. In the event that a commission member misses three (3) consecutive meetings, the town council may remove the member and fill the vacancy thus created. (Ord. of 3-14-74, § 4)

Section **2-53** 2-74 Aquifer Protection

(1) Designation and membership

- (a) In accordance with the provisions of Conn. Gen. Stat. §22a-354a, et seq. as amended, the Inland Wetlands and Watercourses Commission is designated as the Aquifer Protection Agency (hereinafter the "Agency") of the Town of Killingly to replace the Planning and Zoning Commission following the registration of all applications related to the Elmville Well Field. The staff of the Planning and Development Department shall serve as the staff of the Agency.
- (b) Members of the Inland Wetlands and Watercourses Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Inland Wetlands and Watercourses Commission including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.
- (c) At least one member of the Agency and/or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to Conn. Gen. Stat. § 22a-354v.

(2) Regulations to be adopted

- (a) The Agency shall adopt regulations in accordance with Conn. Gen. Stat. § 22a- 354p and R.C.S.A. § 22a- 354i-3. Said regulations shall provide for:
 - i. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
 - ii. Procedures for the regulation of activity within the area.
 - iii. The form for an application to conduct regulated activities within the area.
 - iv. Notice and publication requirements.
 - v. Criteria and procedures for the review of applications.
 - vi. Administration and enforcement.

(3) Inventory of Land Use

⁶ Cross references – Regulations for the protection and preservation of inland wetlands and watercourses, App. A.

⁷ State law reference -- Authority to establish, G.S. 22a-42(c).

Killingly Code of Ordinances

- (a) *In order to carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.*
- (b) *Not later than three months after approval by the Commissioner of the Connecticut Department of Environmental Protection of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner pursuant to Conn. Gen. Stat. § 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency. [Conn. Gen. Stat. § 22a-354e] (Ord. of 5-11-10)*

Sections 2-75 – 2-79 Reserved

ARTICLE IX. PERMANENT COMMISSION ON PUBLIC BUILDINGS^{8*}

Section ~~2-152~~ 2-80 Purpose

There is hereby established a Killingly Permanent Commission on Public Buildings for the purpose of consolidating the design and construction of all public buildings and building projects with a projected total cost of twenty-five thousand dollars (\$25,000.00) or more under one commission in order to provide the town with the best possible buildings and facilities at the lowest possible cost through the increased cooperation of all town officers, boards, commissions, and agencies. (Ord. of 8-8-95)

Section ~~2-153~~ 2-81 Membership

The Commission shall be composed of five (5) permanent members who are electors of the town to be appointed by majority vote of the town council, not more than three (3) of whom shall be members of the same political party. All of said permanent members of the Commission shall hold office as follows:

- (1) Within thirty (30) days from the effective date of this article, three (3) members shall be appointed to serve until December 15, 1997; and two (2) members shall be appointed to serve a term until December 15, 1999. The terms of each member shall commence on the day following their appointment, and each existing member of said Commission shall hold office until a successor is appointed and duly qualified.
- (2) As each term shall expire, the Town Council, by majority vote, shall appoint an elector of the Town to serve a four-year term running from December 16th of the odd number year until December 15th four (4) years later.
- (3) Any vacancy shall be filled by a majority vote of the Council to complete the unexpired term of the vacating member.
- (4) The then Chairman of the Town Council or a Council member designated in writing by the Chairman, the Town Manager or his written designee on the Town staff, and the Superintendent of Schools or his designee shall be ex-officio members of the Commission without the power to vote.
- (5) a. The Council may, by majority vote, appoint up to four (4) temporary members to the Commission to represent the "user's interest" and/or general citizens' interest in the project. Such temporary members shall serve until final completion and approval of the project by the Council and shall serve with vote only on matters relating to the specific assignment for which they were appointed. No more than two (2) members of such temporary members shall be of the same political party.
b. The Council may, upon the same terms and conditions as aforesaid, appoint such additional temporary members in multiples of two (2) to the Commission as it deems expedient and proper. All such temporary members shall be electors of the Town.
- (6) Each permanent member appointed by the Council shall be qualified by experience or training to contribute to the overall knowledge and ability of the Commission to carry out its mission.
- (7) The Council shall also appoint two (2) alternate members, no more than one (1) of whom shall be of the same political party, who shall serve for a term of four (4) years from the effective date of this Article to December 15, 1999. The alternates shall have the same qualifications as the permanent members, and whenever a permanent or temporary member is absent, the Chairman of the Commission shall designate an alternate to act. Vacancies and appointment of successor alternates shall be as set forth for the permanent members.
- (8) Avoidance of conflicts of interest. The provisions of section 1203 of the Town Charter regarding conflicts of interest shall apply to all members, whether permanent or temporary, of the Commission on Public Buildings. It is expressly found by the Town Council that for the purposes of this Article, participation by an employee of

⁸ Cross reference – Buildings and building regulations, Ch. 4; regulations for the protection and preservation of inland wetlands and watercourses, App. A.

Killingly Code of Ordinances

a contractor or subcontractor who has no direct financial interest in the business shall not be a violation of said Section, provided no such individual shall have participated or have voted, or shall participate or vote on any aspect of the contract which directly affects his or her employer, but shall be free to participate and vote on contractual or general matters even if he or she is employed by a contractor or subcontractor, who is working on a Town project, provided that the contract on said project was awarded as part of a public bid. (Ord. of 8-8-95)

Section ~~2-154~~ 2-82 Powers and duties

- (a) *Officers; rules and regulations.* The Commission shall appoint its own Chairman and Secretary and establish its own rules and regulations for the conduct of its meetings. A copy of said rules and regulations shall be filed with the Town Clerk.
- (b) *Responsibility; limitation.* The Commission shall be responsible for the design and construction of only such public buildings or building projects as may be specifically authorized by resolution of the Council. A building project shall be defined as a project that involves the construction or renovation of a building requiring an architectural design and construction by the building trades. Building projects shall not include maintenance work such as the routine upkeep of plant or equipment; repair or replacement of equipment based on technical specifications such as boilers, chillers, other HVAC equipment, security and other similar equipment or repair or replacement of roofs except when required by Connecticut General Statutes. Building projects proposed in the capital improvement program and approved with an appropriation in the annual Capital Budget shall be presented to the Town Council prior to any expenditure of the appropriation for consideration of a resolution to specifically authorize responsibility for the design and construction of such public building or building projects to the Commission. The Commission may decline jurisdiction over any project if it feels that its assistance and oversight is unnecessary as to that particular project. It shall not decline jurisdiction over any project which requires as a matter of law a building commission to oversee it, and it shall give ten (10) days' prior notice to the Council of any proposed declination of jurisdiction.

Additional Duties The commission will assume the following additional duties:

- (1) The commission shall assure that the provisions of Section 2-206 of the Code of Ordinances are complied with. Prior to commencement of performance, and at any time after commencement of performance of the contract by the contractor, the commission may require submission of relevant documents and other relevant information related to the employment of tradesmen and laborers in performance of any specific contract with the town. The commission shall submit to the Town Manager its requests for documents and other information and the Town Manager shall obtain such documents and other information from the contractor and transmit the same to the commission. If the commission determines that a contractor is not in compliance with Section 2-206 O of the Code of Ordinances, it shall make a report of its findings to the Town Manager for transmittal to the Town Council with its recommendations as to whether corrective action should be required of the contractor, or whether the contract should be terminated.
- (2) If called by the commission, there will be a pre-bid conference with the Purchasing Agent, the architect of the project and/or, if applicable, the project engineer, to ensure that the procurement regulations of the Town are included in the bid document.
- (3) Prior to the monthly meeting of the commission, each contractor shall submit a copy of his monthly payroll and list of work force composition to the Town Manager or his designee for transmittal to the commission for the purpose of checking that the payroll is in compliance with area prevailing wages or rates and that residents of the Town are employed as tradesmen and laborers.
- (4) If the commission so decides, the apparent successful bidder and his major subcontractors shall attend a pre-award conference and submit a list of key personnel prior to award of the contract.
- (5) The commission shall hold a pre-construction conference with the designated contractor or subcontractor, at which time any contractor or subcontractor claiming to have key personnel must present a list of those key personnel.
- (6) If during construction, there is a dispute between the commission and the contractor or the subcontractor as to key personnel, there shall be a meeting to resolve said dispute with the commission and the contractor or subcontractor.
- (7) It shall be the duty of the Purchasing Agent to report to the commission all contracts pertaining to tradesmen and laborers. (Ord. of 12-11-07)

Killingly Code of Ordinances

(c) Feasibility studies.

- (1) Upon the request of any other Town board, officer, agency, or Commission, the Commission may assist, without prior Council approval, such other town officer, board, agency, or commission in the development of feasibility studies of buildings or building projects which are a part of the Town's Capital Improvement Program. Any cost to be incurred, in excess of monies previously allocated by the Council for such studies, must be approved by the Council prior to making the study. All contracts for such studies must be in writing and approved by the Council prior to execution by the Town Manager.

(2) Reserved.

(d) Design phase.

- (1) The Commission shall study sites and building locations for such public buildings or building projects as may be assigned by the Council. In considering such sites and locations, the Commission shall coordinate and review its study with the Planning and Zoning Commission, the Inland Wetlands Commission, and other appropriate municipal land use agencies.
- (2) Any appropriation needed for architectural or other professional services shall be requested of the Council and no expenditure shall be made unless and until said appropriation has been approved.
- (3) The Commission shall select an architect, where necessary, for each public building or building project and for such other professional service as may be required. Except as may otherwise be provided by State statutes, comparative selection shall be made by inviting firms or individuals through adequate public notice of interviews for determination of their qualifications for the specific building or building project. The comparative selection process may be altered or waived by the Public Building Commission with the approval of the Town Council. The Commission shall recommend any proposed contract with architects or other third parties to the Town Council. All such contracts shall be subject to review by the Town Manager's office and the Town Attorney.
- (4) The Commission shall prepare schematic design and reasonable cost estimates for each building or building project. The Commission shall also obtain the written approval of the schematic design from State and Federal agencies, commissions, boards, etc. where they are required by law. Written site plan review comments of the Planning and Zoning Commission, Inland Wetlands Commission, Water Pollution Control Authority and other applicable Town boards, commissions, agencies, officers, and committees shall also be obtained. The schematic design with reasonable cost estimates, together with the written approvals where required and written comments of the various town boards, commissions, and committees, shall be submitted to the council for its approval before proceeding with the design development phase of the building or building project.
- (5) "Schematic design" is defined as the phase at which drawings graphically describe the scale and relationship of project components of the building or building project. It also shall represent the point at which no greater than fifteen (15) per cent of the estimated total fee for professional services for the building or building project shall be incurred.
- (6) The Commission shall consider the necessary appropriations required for each public building or building project in whole or in part and make recommendations to the Council so that the necessary appropriations may be made by the Council. The Commission shall also advise the Council of any and all possibilities of available reimbursement of monies to the Town for the building or building project.
- (7) Design development is defined as the point at which the documents fix and illustrate the size, arrangement and character of the project, stipulate the kinds of materials to be used, the type of structural system, mechanical and electrical systems and equipment, site development, and other information essential to a more detailed description of the building or building project. It also shall represent the point at which no greater than thirty-five (35) per cent of the estimated total fee for professional services for the building or building project shall be incurred.
- (8) Upon completion of the design development phase of any building or building project, the Commission shall review it with the Council before proceeding with the construction phase.

(e) Construction phase:

- (1) The Commission (subject to the applicable provisions of the Charter) shall prepare construction documents and seek competitive bids for construction of each building project. All bids obtained shall be referred to the Council with recommendations for its acceptance or rejection.
- (2) The Commission shall arrange for supervision of each project during construction. Such supervision shall include, but is not necessarily limited to, observing the work and materials as often as may be necessary with respect to the quality, suitability and adherence to the contract drawings, specifications and other

Killingly Code of Ordinances

contract documents so as to protect the Town against defects and deficiencies in the work of the contractor and materials supplied by the contractor.

- (3) The Commission shall make application for State or Federal funds for each project that may be eligible for such funds. In those cases where another agency, officer, board, or commission of the Town government is required by law to or in good practice should make such application, the commission shall request such action be taken and said appropriate agency, officer, board or commission shall make such application. All applications for State or Federal funds shall be coordinated through the Town Manager.
- (4) During the construction of each building project, the Commission shall make, in coordination with the Town Manager's office, a quarterly accounting to the Council of the financial receipts, commitments, and expenditures to date. The Commission shall notify the Council in writing during the initial 95% of construction of any building project when the remaining contingency on said project shall be reduced to less than one percent (1%) of the balance of construction and shall recommend procedures to address use of the remaining contingency.
- (5) Subsequent to substantial completion of each building project, the commission shall render to the council a written report concerning said project and an accounting to date of all income and expenses made under the related appropriation.
- (6) Upon approval of the commission's final accounting by the council at the final completion of each building project, the commission shall turn the project over to the appropriate town body and shall notify such body and the council of such acts in writing.
- (7) This article shall take effect on August 25, 1995 but shall not affect the continuing existence or validity of any previously established building committees. (Ord. of 8-8-95, Amending Ord. 2-9-2010)

ARTICLE ~~V~~X. PLANNING AND ZONING COMMISSION⁹

Section ~~2-86~~ 2-90 Created

Chapter 124 of the General Statutes of the state, 1958 Revision as amended, is hereby adopted and a combined planning and zoning commission is hereby created in and for the town. (Ord. of 9-13-73, § 1)

Section ~~2-87~~ 2-91 Powers

The commission created by this article, in addition to those powers granted to the town planning commission in section 804 of the town charter shall exercise the powers of chapter 124 of the general statutes of the state and shall have jurisdiction over all areas of the town. (Ord. of 9-13-73, § 2; Ord. of 7-14-87)

Section ~~2-88~~ 2-92 Composition; terms; officers; rules; record of proceedings

The planning and zoning commission shall consist of five (5) members whose appointments shall be made pursuant to the provisions of chapter 124 of the general statutes of the state and the town charter. Three (3) alternates shall be designated in accordance with chapter 124 of the general statutes of the state and each shall serve for a three (3) year term. The commission shall elect a chairman, vice-chairman and secretary from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities. (Ord. of 9-13-73, § 3)

Section ~~2-89~~ 2-93 Vacancies

Vacancies on the planning and zoning commission arising from resignation or dismissal shall be filled by the town council for the unexpired portion of the term. (Ord. of 9-13-73, § 4)

Section ~~2-69~~ 2-94 Alternate members¹⁰

- (a) *There shall be named to the planning commission of the town three (3) alternate members.*
- (b) *Such alternates shall be appointed by the town council and shall serve for terms of three (3) years.*
- (c) *Such alternates shall be eligible to act if a regular member of the planning commission is absent or disqualified in accordance with sections 8-19a and 8-21 of the general statutes, 1958 Revision, as amended.*
- (d) *Should any vacancy occur among the alternate members of the planning commission, the town council shall fill such vacancy.* (Ord. of 7-12-73, §§ I – IV)

⁹ Cross references -- Subdivision regulations, App. B; zoning regulations, App. C.

¹⁰ State law reference -- Authority to provide for alternate members, G.S. § 8-19a

Killingly Code of Ordinances

~~ARTICLE IV. PLANNING COMMISSION~~^{11, 12}

~~Section 2-69 Alternate members~~¹³

- ~~(a) There shall be named to the planning commission of the town three (3) alternate members.~~
- ~~(b) Such alternates shall be appointed by the town council and shall serve for terms of three (3) years.~~
- ~~(c) Such alternates shall be eligible to act if a regular member of the planning commission is absent or disqualified in accordance with sections 8-19a and 8-21 of the general statutes, 1958 Revision, as amended.~~
- ~~(d) Should any vacancy occur among the alternate members of the planning commission, the town council shall fill such vacancy. (Ord. of 7-12-73, §§ 1-IV)~~

Sections 2-95–2-99 Reserved

ARTICLE ~~IV.5~~ XI. PUBLIC SAFETY COMMISSION

Section ~~2-78~~ 2-100 Established; composition

- (a) There shall be a commission on public safety, composed of five (5) residents of the town to serve as an advisory commission to the town council on matters relating to public safety. Said five (5) members shall be persons who have expressed a concern and interest for and/or demonstrated expertise in public safety and issues related thereto. They shall be appointed by majority vote of the council subject to the rules of minority representation as set forth in the General Statutes of the State of Connecticut.
- (b) In addition to the five (5) regular members of the commission, the chairman of the town council, or designated representative, and the town manager, or a designated representative, shall be ex officio members of the commission. (Ord. No. 96-004, 4-9-96)

Section ~~2-79~~ 2-101 Terms of members; filling of vacancies; removal

- (a) Within forty-five (45) days after adoption of this article, three (3) members shall be appointed to serve until April 30, 2000, and two (2) members to serve until April 30, 1998. Thereafter, all members shall be appointed for a term of four (4) years.
- (b) In the event of any vacancy, the council shall appoint, by majority vote, a successor to fill the unexpired portion of the vacant term.
- (c) Members of the commission may be removed or suspended by the town council in accordance with the provisions of the town charter.
- (d) There shall be two (2) alternate members appointed for two-year terms. Said members shall be appointed within forty-five (45) days following the adoption of this Ordinance No. 96-004. (Ord. No. 96-004, 4-9-96)

Section ~~2-80~~ 2-102 Compensation

The members of the commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their duties with approval of the majority of the commission and provided for within their budget appropriation. (Ord. No. 96-004, 4-9-96)

Section ~~2-81~~ 2-103 Duties

- (a) The commission shall appoint its own chairperson and secretary and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the town clerk and the town council as defined in the Charter of the Town of Killingly.
- (b) The commission may make an annual budgetary appropriation request of the town council for the purpose of effectively carrying out its official duties.
- (c) The commission may interact as necessary with other town boards and commissions having an impact on public safety issues and may seek to coordinate the activities of and cooperate with responsible organizations concerned with promoting public safety. The commission may utilize the facilities of the Connecticut Safety Commission and the National Safety Council in promoting the objective of a community safety program.

¹¹ Cross references -- Subdivision regulations, App. B; zoning regulations, App. C.

¹² Charter reference -- Planning commission, § 804.

¹³ State law reference -- Authority to provide for alternate members, G.S. § 8-19a

Killingly Code of Ordinances

- (d) The commission shall be responsible to the council on matters relating to public safety and, as such, shall:
 - (1) Research and evaluate all public safety issues referred to them from the town council, the town manager or from other such municipal officials such as the police chief and the fire marshal;
 - (2) Research and evaluate current and future public safety needs;
 - (3) Define and report on policies which establish a standard to be used in addressing and remediating public safety hazards;
 - (4) Make recommendations to the town council regarding measures to be taken to address identified hazards within the community;
 - (5) Support, supplement and conduct public safety education programs, support, stimulate and assist citizen groups in understanding and cooperating with municipal programs for public safety and stimulate public interest and support for official programs of safety and accident prevention.
- (e) Neither the commission nor any of its members shall give directives to the town manager or any of his administrative staff either publicly or privately.
- (f) The commission shall provide the council with an annual written report on or before September first of each fiscal year concerning commission activities and shall present short- and long-range recommendations for action to the town council and other appropriate officials of the town.
- (g) The commission shall assume any other matters relating to public safety as may be assigned to it by the council in such areas, but not limited to, vehicular safety, pedestrian safety, fire safety, water safety, and safety within public buildings. (Ord. No. 96-004, 4-9-96)

Section 2-104 – 2-119 Reserved

~~ARTICLE V. — PLANNING AND ZONING COMMISSION¹⁴~~

~~Section 2-86 — Created~~

~~Chapter 124 of the General Statutes of the state, 1958 Revision as amended, is hereby adopted and a combined planning and zoning commission is hereby created in and for the town. — (Ord. of 9-13-73, § 1)~~

~~Section 2-87 — Powers~~

~~The commission created by this article, in addition to those powers granted to the town planning commission in section 804 of the town charter shall exercise the powers of chapter 124 of the general statutes of the state and shall have jurisdiction over all areas of the town. — (Ord. of 9-13-73, § 2; Ord. of 7-14-87)~~

~~Section 2-88 — Composition; terms; officers; rules; record of proceedings~~

~~The planning and zoning commission shall consist of five (5) members whose appointments shall be made pursuant to the provisions of chapter 124 of the general statutes of the state and the town charter. Three (3) alternates shall be designated in accordance with chapter 124 of the general statutes of the state and each shall serve for a three (3) year term. The commission shall elect a chairman, vice chairman and secretary from its members, shall adopt rules for the transaction of business and shall keep a public record of its activities. (Ord. of 9-13-73, § 3)~~

~~Section 2-89 — Vacancies~~

~~Vacancies on the planning and zoning commission arising from resignation or dismissal shall be filled by the town council for the unexpired portion of the term. — (Ord. of 9-13-73, § 4)~~

~~Sections 2-90 — 2-104 — Reserved~~

ARTICLE XII. BOARD OF RECREATION

Section 2-120 Created

There shall be a Board of Recreation. (Referendums of 11-6-73 and 11-3-81)

¹⁴ Cross references -- Subdivision regulations, App. B; zoning regulations, App. C.

Killingly Code of Ordinances

Section 2-121 Powers

The Board shall have all the powers and duties conferred or implied by the Town Council on recreation commissions and park commissions

Section 2-122 Composition; terms; officers; rules; record of proceedings

The Board of Recreation shall consist of five (5) members the town charter and shall serve for terms of two (2) years. Thereafter, the Council shall appoint, alternately, members to such Board. In addition to those members appointed by the Council, one member of the Council and one member of the Board of Education shall be appointed by such respective bodies to the Board of Recreation. Said appointees to serve indefinite terms at the pleasure of the Council and Board of Education respectively and to have voting powers. The Town Manager shall also serve but shall have no power to vote under any circumstances.

ARTICLE ~~VI~~ XIII. REGIONAL PLANNING.¹⁵

DIVISION 1 GENERALLY

Section 2-105 2-130 Regional Council of Governments

The town hereby adopts sections 4-124i through 4-124p of the Connecticut General Statutes as amended, providing for the formation of a regional council of governments, and does hereby join such regional council of governments when and as such council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty (60) per cent of all municipalities within the Northeastern Connecticut Planning Region as defined by the secretary of the office of policy and management or his designee and upon certification by the secretary of the office of policy and management or his designee that a regional council of governments has been duly established.

In the absence of the chairman of the town council as the town's representative to the regional council of governments, the town council shall by majority vote designate one of its members as the chairman's alternate.¹⁶ (Ord. of 4-14-87; Ord. of 1-12-88)

Section 2-106 2-131 Adoption of State Law

Pursuant to the provisions of chapter 127 of the general statutes, the town hereby adopts the provisions of such chapter and elects to participate in the regional planning agency now or henceforth existing under authority of such chapter in the Northeast Regional Planning Agency as defined by the Connecticut Development Commission pursuant to the provisions of such chapter.¹⁷ (Ord. of 4-23-68, § 1)

Section 2-107 2-132 Appointment of representatives

- (a) The Town of Killingly, having a population of sixteen thousand one hundred twenty-seven (16,127), according to the federal census of 2000, shall have two (2) representatives of the agency.
- (b) The town council shall appoint to the agency one elector of the town who shall serve for a term of two (2) years. The planning commission of the town, duly constituted, shall appoint one elector to the agency for a term of two (2) years.
- (c) Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made or from the first organization meeting of the agency, whichever is later.¹⁸ (Ord. of 4-23-68, § 2; Ord. of 6-26-74)

¹⁵ State law reference -- Regional planning, G.S. § 8-31a et seq.

¹⁶ Editor's note -- Inclusion of certain substantive provisions of an ordinance adopted April 14, 1987, as § 2-105 was at the editor's discretion. Said ordinance further provided that: "When the regional council of governments is duly established and the transition period called for in section 4-124-1c of the Connecticut General Statutes as amended has been completed, then the town does hereby rescind sections 2-106 thru 2-108 of the Killingly Code of Ordinances which created the town's participation in the Northeastern Connecticut Regional Planning Agency."

¹⁷ Note -- See the editor's note following § 2-105.

¹⁸ Note -- See the editor's note following § 2-105.

Killingly Code of Ordinances

Section ~~2-108~~ 2-133 Vacancies

Vacancies created by resignation or inability to serve shall be filled by the town council for the remainder of the unexpired term, any representative who is absent from three (3) consecutive regular meetings of the regional planning agency and any intervening duly called special meetings thereof shall be considered to have resigned from such body, except that the requirements of this section may be waived by the town council for good cause.¹⁹ (Ord. of 4-23-68, § 3; Ord. of 6-26-74)

Sections 2-134 - 2-139 Reserved

DIVISION 2 REGIONAL RESOURCE RECOVERY AUTHORITY²⁰

Section ~~2-111~~ 2-140 Created

There is hereby created a regional resources recovery authority pursuant to section 7-273aa of the Connecticut General Statutes, to be known as the Northeastern Connecticut Regional Resource Recovery Authority, principal office address being P.O. Box 198, Brooklyn, Connecticut 06234, subject to the modifications and limitations set forth in this division. The Northeastern Connecticut Regional Resource Recovery Authority shall have all the powers and duties of a municipal authority and of a regional authority pursuant to chapters 103b, 446d (formerly 361a) and 446e (formerly 351b) of the Connecticut General Statutes. The first members of the authority are: The Town of Canterbury, Canterbury Town Hall, P.O. Box 26, Canterbury, Connecticut 06331, whose initial representative's term of office shall be one (1) year; the Town of Killingly, Killingly Town Hall, 127 Main Street, Danielson, Connecticut 06239, whose initial representative's term of office shall be two (2) years; the Town of Plainfield,

Plainfield Town Hall, 8 Community Avenue, Plainfield, Connecticut 06374, whose initial representative's term of office shall be three (3) years; the Town of Pomfret, Pomfret Town Office Building, R.F.D. #1, Pomfret Center, Connecticut 06259, whose initial representative's term of office shall be one (1) year; the Town of Putnam, Putnam Town Hall, 126 Church Street, whose initial representative's term of office shall be two (2) years; and the Town of Thompson, Thompson Municipal Building, North Grosvenordale, Connecticut 06255, whose initial Representative's term of office shall be three (3) years. In the event that any of the above named municipalities do not adopt this ordinance [this division], the terms of office of the initial representatives as shown above shall be redefined according to section 2-113 of this division for any of the above named municipalities which adopt this ordinance [this division]. (Ord. of 10-14-86, § 1; Ord. of 2-10-87, §§ 1, 2)

Section ~~2-112~~ 2-141 Appointment of representatives

Membership in the authority shall consist of those municipalities that adopt this joint ordinance [this division] as set forth in section 2-116. The representative to the authority from each member town shall be appointed by the board of selectmen of each municipality except for the representative of the Town of Killingly which shall be appointed by the town council. The board of selectmen or town council of each member town shall be authorized to appoint an alternate representative who shall be authorized to attend meetings and vote in the place of an absent representative. Representatives shall serve without compensation but may be reimbursed by the authority for necessary expenses incurred in conducting authority business. Any representative may be removed with or without cause by a majority vote of the board of selectmen or town council of the town which appointed the representative. (Ord. of 10-14-86, § 2; Ord. of 2-10-87, § 3)

Section ~~2-113~~ 2-142 Number of representatives

Each member municipality shall be entitled to one (1) representative on the authority and to one (1) alternate, who may vote only in the absence of the regular representative. Representatives and alternates shall serve for three-year terms, except that the initial appointments shall be for one-, two- or three-year terms based on alphabetical assignment of those municipalities comprising the authority. Thereafter, initial terms for representatives of new municipal members shall rotate among one (1), two (2) and three (3) years in the order of adoption of the joint ordinance. All initial terms shall be deemed to begin on the day the authority is created. (Ord. of 10-14-86, § 3)

¹⁹ Note -- See the editor's note following § 2-105.

²⁰ Editor's note -- A nonamendatory ordinance of Oct. 14, 1986, §§ 1 -- 7, has been codified as division 2, §§ 2-111 -- 2-117, at the discretion of the editor.

Killingly Code of Ordinances

Section 2-114 2-143 Voting and quorum

The Northeastern Connecticut Resource Recovery Authority shall operate with one hundred (100) voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the authority as determined by the votes. Each municipality shall have a minimum of one (1) vote. The distribution of voting units among members shall be recomputed following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of a new member. Action by the authority shall require the affirmative action of at least sixty (60) per cent of the total voting units present and voting at a duly called meeting of the authority at which a quorum is present. The presence, at a meeting, of representatives from a majority of the member municipalities shall be necessary for a quorum. (Ord. of 10-14-86, § 4)

Section 2-115 2-144 Liabilities of member towns

A member municipality shall not assume any liabilities or responsibilities of the Northeastern Connecticut Regional Resource Recovery Authority or created by the action of said authority, or be responsible for payment of any expenses of said authority unless an appropriation for the municipality's proportionate share of such expenses has been approved by the municipality or a contract setting forth such liabilities and responsibilities for expenses has been approved by the municipality. (Ord. of 10-14-86, §5)

Section 2-116 2-145 Effective date

This ordinance [this division] shall take effect when it has been adopted by five (5) or more towns in the Northeastern Connecticut Planning Region. (Ord. of 10-14-86, § 6)

Section 2-117 2-146 Withdrawal from Authority

No municipality may withdraw its membership in the authority without a vote of its legislative body to withdraw from the authority and giving at least six (6) month's notice to each of the other participating municipalities and to the Northeastern Connecticut Regional Resource Recovery Authority. Such withdrawal of membership will not in any manner relieve the municipality of liabilities or responsibilities assumed prior to withdrawal, including, without limitation, contracts and agreements to supply municipal solid waste, to pay tipping fees or other charges, and to make landfill space available. (Ord. of 10-14-86, § 7; Ord. of 2-10-87, § 4)

Sections 2-147 – 2-149 Reserved

ARTICLE XIV. WATER POLLUTION CONTROL AUTHORITY

Section 2-150 Created

Pursuant to the general statutes of the state, chapter 103, section 7-246, as amended, and the Killingly Town Charter, Section 810, there is created an authority, to be known as the Water Pollution Control Authority of the Town of Killingly. Said Water Pollution Control Authority shall be an operating department of the Town, and the Superintendent of the Water Pollution Control Authority shall be appointed by the Town Manager with the advice and consent of the Water Pollution Control Authority and shall report to the Town Manager or his/her designee as to the day to day operation of the department. For purposes of employment and personnel policies, the employees of the Water Pollution Control Authority shall be employees of the Town of Killingly.

Section 2-151 Composition; terms; vacancies

The Authority created by this section shall consist of five (5) regular members to be appointed by the town council for terms of three (3) years and two (2) alternate members to be appointed by the town council for terms of two (2) years. Any vacancy shall be filled for the unexpired portion of the term by appointment by the town council.

Section 2-152 Officers; Compensation; Quorum

The Authority created by this section shall elect from its membership a chairman and secretary and shall appoint legal counsel, and other necessary personnel. The members of the authority shall serve without compensation but shall be reimbursed for necessary expenses. The presence of three (3) members of the authority will constitute a quorum to conduct business and not action of such authority shall be valid unless authorized by a vote of the majority of the members of the authority.

Killingly Code of Ordinances

Section 2-153 Powers

The Authority created by this section shall conform to and have such powers, purposes and objectives as set forth in chapter 103 of the general statutes, as amend, except as specifically otherwise set forth herein.

Section 2-154 Records; annual report

The Authority shall maintain accurate accounting and financial records and shall make an annual report to the Town Manager and Council. Provided further that all functions regarding the issuance of bills and collection of revenues shall be performed by the Town Manager or his/her designee, and all funds shall be accounted for separately to the Authority in accordance with generally accepted municipal accounting principles.

Section 2-155 Annual Budget

- (a) The Authority shall file its budget with the Town Manager for submission to the Town Council no later than the first day of April, which budget shall include a detailed estimate of the expenditures to be made by the Authority and the revenue to be collected thereby in the ensuing fiscal year and such other information as may be required by the Council or the Manager.
- (b) The Council shall by resolution approve or reject such budget within fifty (50) days of receipt of the same. Should the budget be rejected by the Council, it shall be returned to the Authority together with a statement of the reason for the rejection. The Authority shall review the budget in light of the comments of the Council and shall resubmit the budget to the Council no later than five (5) days prior to the June meeting of the Council. The Council shall then approve the Authority's budget or amend and approve said budget. Should the Council fail to approve or amend and approve the last submitted budget by the close of the fiscal year, the last submitted budget shall be deemed to be approved by the Council.

Section 2-156 Removal of Members

A member of the authority may be removed in accordance with the provisions of Section 811 of the Killingly Town Charter.

ARTICLE ~~VII~~ XV. ZONING BOARD OF APPEALS²¹

Section 2-125 2-160 Created

The provisions of chapter 124 of the general statutes of the state, 1958 Revision as amended, are hereby adopted and a zoning board of appeals is hereby created in and for the town. (Ord. of 9-13-73, § I; Ord. of 7-14-87)

Section 2-126 2-161 Composition

The board created by this article shall consist of five (5) regular members and three (3) alternates who shall be electors of the town and shall not be members of any other board or commission. (Ord. of 9-13-73, § II)

Section 2-127 2-162 Terms—Regular members

Regular members of the board created by this article shall be appointed to serve by the town council for terms of five (5) years. Annually the council shall appoint one member to such board. (Ord. of 9-13-73, § III)

Section 2-128 2-163 Same—Alternate members

Alternate members of the board created by this article shall be appointed to terms of three (3) years. (Ord. of 9-13-73, § IV)

Section 2-129 2-164 Vacancies

Any vacancy on the board created by this article shall be filled by the town council. (Ord. of 9-13-73, § V)

Section 2-130 2-165 Power and duties

The board created by this article shall have all powers and duties of chapter 124 of the general statutes of the state, as amended, and all of its actions and proceedings, all appeals there from shall be subject to and in accordance with the provisions of such chapter 124 as amended. (Ord. of 9-13-73, § 6)

²¹ Cross reference -- Zoning regulations, App. C.

Killingly Code of Ordinances

~~Article VII.1 — KILLINGLY AGRICULTURE COMMISSION AND RIGHT TO FARM ORDINANCE~~

~~Section 2-131 — Agriculture Commission; Established; Composition~~

- ~~d) There shall be an Agriculture Commission composed of five (5) regular members and up to three (3) alternate members who shall be residents of the Town. Insofar as practical, members shall be appointed in accordance with the Connecticut General Statutes by majority vote of the Town Council and shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes 1-1(q), particularly those directly involved in agriculture. Members of the Commission may be removed in accordance with Section 8-11 of the Killingly Town Charter. In addition to the five (5) regular members and three (3) alternate members, the Town Manager, or a designated representative, shall be an ex-officio member of the Commission.~~
- ~~e) To establish the commission, the Town Council shall initially appoint two (2) regular members to serve for three (3) years; two (2) regular members to serve for two (2) year terms; one (1) regular member to serve for one (1) year. Thereafter, members will be appointed for three (3) year terms or to fill an unexpired term in case of a vacancy. The alternate members shall be appointed for three (3) year terms.~~
- ~~f) Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall elect from its membership a chairperson, vice-chairperson and secretary.~~

~~Section 2-132 — Agriculture Commission Duties~~

- ~~e) The Agriculture Commission shall be an advisory commission to the Town Council and other Town officials on matters related to farming.~~
- ~~f) The general duties of the Commission shall be to:~~
 - ~~7. Foster agricultural viability and preservation of agricultural land in Killingly.~~
 - ~~8. Serve as a conduit between local farmers and non-profit agencies, civic organizations, municipal boards, commissions and committees, elected officials, and non-farm residents.~~
 - ~~9. Advocate for agriculture before land use and other relevant boards, commissions and/or committees.~~
 - ~~10. Act as a resource for agricultural information.~~
 - ~~11. Promote keeping Town-owned farmland in agricultural production.~~
 - ~~12. Serve as a resource for information and non-binding advice for residents, established town committees and departments concerning the resolution of agriculture-related issues.~~
- ~~g) The Commission shall provide for education and outreach services as follows:~~
 - ~~9. To increase awareness of agricultural enterprises in the community.~~
 - ~~10. To promote the value of viable agriculture to the Town in the areas of employment, property taxes, environment and farmland preservation.~~
 - ~~11. To provide information and guidance on agriculture-related issues such as zoning, inland wetlands, public works and others to town departments and other boards, committees and residents as necessary.~~
 - ~~12. To support young farmers by supporting local, regional, and state vocational agricultural education and 4-H programs.~~
 - ~~13. To recognize and support new farming operations.~~
 - ~~14. To act as a sounding board and provide review to Town departments, boards and committees concerning the impact of proposed Town policies on agricultural activities.~~
 - ~~15. To promote opportunities for Killingly's agricultural products and service providers to collaborate and coordinate activities with each other and with other product and service providers in the region.~~
 - ~~16. To encourage and promote generally accepted management practices for farming and celebrate successful ones.~~
- ~~h) The Commission shall investigate educational opportunities as follows:~~
 - ~~4. To identify opportunities to preserve and expand agriculture in Killingly.~~
 - ~~5. To promote opportunities for residents and local businesses to support agriculture.~~
 - ~~6. To provide information regarding available financial support related to agricultural viability.~~

Killingly Code of Ordinances

Section 2-133 — Right to Farm Policy; Preamble

- e) ~~Agriculture plays a significant role in Killingly's character and way of life. Killingly's Right to Farm ordinance has been adopted to encourage preservation of agriculture, promote agriculture-based economic opportunities, and seek to protect prime farmland within Killingly by allowing agricultural uses and related activities to function with minimal conflict from abutters and Town agencies.~~
- f) ~~Killingly recognizes the importance of farming to its historical, cultural, social, scenic, and ecological value. It also recognizes the value it brings to its tax base, and economic development through food security and other agricultural products.~~
- g) ~~Pursuant to the powers conferred by Connecticut General Statutes (CGS), Section 7-148 (c) (7) (e), (8), and (10) (A), and in furtherance of the goals of CGS Section 19a-341, the Town of Killingly adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.~~
- h) ~~The definitions applicable to this policy are defined by the Connecticut State Definition of Agriculture CGS 1-1 (g)~~

Section 2-134 — Right to Farm Policy

- e) ~~Notwithstanding, any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable:
 - 6. ~~Odor from livestock, manure, fertilizer or feed.~~
 - 7. ~~Noise from livestock, or farm equipment used in normal, generally acceptable farming procedures.~~
 - 8. ~~Dust created during plowing or cultivation operations.~~
 - 9. ~~Use of herbicides and pesticides, provided such use and the method of their application conform to practices approved by the Commissioner of Energy and Environmental Protection, or, where applicable, Commissioner of Health Services or~~
 - 10. ~~Water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more, and has not been substantially changed and such operation follows generally accepted agricultural practices.~~~~
- f) ~~Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.~~
- g) ~~The provisions of this ordinance shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.~~
- h) ~~Nothing contained in this ordinance shall restrict the power of the Killingly Planning and Zoning Commission under Chapter 124 of the General Statutes. The Commission is urged to adopt regulations consistent with this ordinance and to make the permanent preservation of farmland within this municipality, a criterion in its planning and policy decisions. (Ord. of 10-9-12; Effective: 10-26-12)~~

Section 2-135-2-140 Reserved

Killingly Code of Ordinances

~~ARTICLE VIII. — ECONOMIC DEVELOPMENT COMMISSION²²~~

~~Section 2-141 — Statutory authority~~

~~This article, establishing an economic development commission (hereinafter called the commission) for the Town of Killingly, is enacted pursuant to the provisions of section 7-136 of the General Statutes of Connecticut, and amendments thereto. — (Ord. of 7-23-87, § 4)~~

~~Section 2-142 — Purpose~~

~~The purpose of this article is to promote and develop the economic resources of the town and other such purposes and objectives as set forth by state statute and this article. — (Ord. of 7-23-87, § 2)~~

~~Section 2-143 — Conformance to Statute~~

~~The commission shall conform to and have such powers, purposes and objectives as set forth in chapter 97, section 7-136 of the general statutes and as provided in this article. — (Ord. of 7-23-87, § 3)~~

~~Section 2-144 — Terms of office; compensation; vacancies~~

~~The commission created by this article shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of the Town of Killingly holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manger for five-year terms, except that the alternate members shall be appointed for three-year terms. The initial terms of appointment, except for the two (2) alternate member positions, shall be fixed so that the terms of one-fifth of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager. (Ord. of 7-23-87, § 7; Ord. of 4-9-91, §§ 1 — 3)~~

~~Section 2-145 — Appointment~~

~~The members shall be appointed within thirty (30) days of the effective date of this article. (Ord. of 7-23-87, § 8)~~

~~Section 2-146 — Quorum~~

~~The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting. (Ord. of 7-23-87, § 9)~~

~~Section 2-147 — Election of officers~~

~~Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers. (Ord. of 7-23-87, § 10)~~

~~Section 2-148 — Powers and duties~~

~~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 adopt rules of procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct research into the economic conditions and trends of the town, shall make recommendations to appropriate officials and agencies of the town regarding action to improve the economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further official purposes. — (Ord. of 7-23-87, § 4)~~

~~Section 2-149 — Annual Report~~

~~The commission shall make an annual report to the town manager and the town council summarizing the commission's activities and recommendations for improving economic conditions and development of the town. (Ord. of 7-23-87, § 5)~~

²² Editor's note -- Codification of §§ 1–11 of a nonamendatory ordinance adopted July 23, 1987, as Article VIII, §§ 2-141 – 2-151, has been at the editor's discretion.

Killingly Code of Ordinances

~~Section 2-150—Appropriations~~

~~Acting through the town manager and pursuant to the town's personnel policies and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article. The council may appropriate a sum to the commission not to exceed one twentieth of one per cent of the last completed grand list of taxable property. (Ord. of 7-23-87, § 6)~~

~~Section 2-151—Removal of members~~

~~A member of the commission may be removed for cause by the town manager. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk. (Ord. of 7-23-87, § 11)~~

~~ARTICLE IX. PERMANENT COMMISSION ON PUBLIC BUILDINGS~~^{23*}

~~Section 2-152—Purpose~~

~~There is hereby established a Killingly Permanent Commission on Public Buildings for the purpose of consolidating the design and construction of all public buildings and building projects with a projected total cost of twenty-five thousand dollars (\$25,000.00) or more under one commission in order to provide the town with the best possible buildings and facilities at the lowest possible cost through the increased cooperation of all town officers, boards, commissions, and agencies. (Ord. of 8-8-95)~~

~~Section 2-153—Membership~~

~~The Commission shall be composed of five (5) permanent members who are electors of the town to be appointed by majority vote of the town council, not more than three (3) of whom shall be members of the same political party. All of said permanent members of the Commission shall hold office as follows:~~

- ~~(1) Within thirty (30) days from the effective date of this article, three (3) members shall be appointed to serve until December 15, 1997; and two (2) members shall be appointed to serve a term until December 15, 1999. The terms of each member shall commence on the day following their appointment, and each existing member of said Commission shall hold office until a successor is appointed and duly qualified.~~
- ~~(2) As each term shall expire, the Town Council, by majority vote, shall appoint an elector of the Town to serve a four-year term running from December 16th of the odd number year until December 15th four (4) years later.~~
- ~~(3) Any vacancy shall be filled by a majority vote of the Council to complete the unexpired term of the vacating member.~~
- ~~(4) The then Chairman of the Town Council or a Council member designated in writing by the Chairman, the Town Manager or his written designee on the Town staff, and the Superintendent of Schools or his designee shall be ex-officio members of the Commission without the power to vote.~~
- ~~(5) a. The Council may, by majority vote, appoint up to four (4) temporary members to the Commission to represent the "user's interest" and/or general citizens' interest in the project. Such temporary members shall serve until final completion and approval of the project by the Council and shall serve with vote only on matters relating to the specific assignment for which they were appointed. No more than two (2) members of such temporary members shall be of the same political party.
b. The Council may, upon the same terms and conditions as aforesaid, appoint such additional temporary members in multiples of two (2) to the Commission as it deems expedient and proper. All such temporary members shall be electors of the Town.~~
- ~~(6) Each permanent member appointed by the Council shall be qualified by experience or training to contribute to the overall knowledge and ability of the Commission to carry out its mission.~~
- ~~(7) The Council shall also appoint two (2) alternate members, no more than one (1) of whom shall be of the same political party, who shall serve for a term of four (4) years from the effective date of this Article to December 15, 1999. The alternates shall have the same qualifications as the permanent members, and whenever a~~

²³ Cross reference – Buildings and building regulations, Ch. 4; regulations for the protection and preservation of inland wetlands and watercourses, App. A.

Killingly Code of Ordinances

~~permanent or temporary member is absent, the Chairman of the Commission shall designate an alternate to act. Vacancies and appointment of successor alternates shall be as set forth for the permanent members.~~

- ~~(8) Avoidance of conflicts of interest. The provisions of section 1203 of the Town Charter regarding conflicts of interest shall apply to all members, whether permanent or temporary, of the Commission on Public Buildings. It is expressly found by the Town Council that for the purposes of this Article, participation by an employee of a contractor or subcontractor who has no direct financial interest in the business shall not be a violation of said Section, provided no such individual shall have participated or have voted, or shall participate or vote on any aspect of the contract which directly affects his or her employer, but shall be free to participate and vote on contractual or general matters even if he or she is employed by a contractor or subcontractor, who is working on a Town project, provided that the contract on said project was awarded as part of a public bid. (Ord. of 8-8-95)~~

Section 2-154 — Powers and duties

- ~~(a) Officers; rules and regulations. The Commission shall appoint its own Chairman and Secretary and establish its own rules and regulations for the conduct of its meetings. A copy of said rules and regulations shall be filed with the Town Clerk.~~
- ~~(b) Responsibility; limitation. The Commission shall be responsible for the design and construction of only such public buildings or building projects as may be specifically authorized by resolution of the Council. A building project shall be defined as a project that involves the construction or renovation of a building requiring an architectural design and construction by the building trades. Building projects shall not include maintenance work such as the routine upkeep of plant or equipment; repair or replacement of equipment based on technical specifications such as boilers, chillers, other HVAC equipment, security and other similar equipment or repair or replacement of roofs except when required by Connecticut General Statutes. Building projects proposed in the capital improvement program and approved with an appropriation in the annual Capital Budget shall be presented to the Town Council prior to any expenditure of the appropriation for consideration of a resolution to specifically authorize responsibility for the design and construction of such public building or building projects to the Commission. The Commission may decline jurisdiction over any project if it feels that its assistance and oversight is unnecessary as to that particular project. It shall not decline jurisdiction over any project which requires as a matter of law a building commission to oversee it, and it shall give ten (10) days' prior notice to the Council of any proposed declination of jurisdiction.~~

Additional Duties — The commission will assume the following additional duties:

- ~~(1) The commission shall assure that the provisions of Section 2-206 of the Code of Ordinances are complied with. Prior to commencement of performance, and at any time after commencement of performance of the contract by the contractor, the commission may require submission of relevant documents and other relevant information related to the employment of tradesmen and laborers in performance of any specific contract with the town. The commission shall submit to the Town Manager its requests for documents and other information and the Town Manager shall obtain such documents and other information from the contractor and transmit the same to the commission. If the commission determines that a contractor is not in compliance with Section 2-206-O of the Code of Ordinances, it shall make a report of its findings to the Town Manager for transmittal to the Town Council with its recommendations as to whether corrective action should be required of the contractor, or whether the contract should be terminated.~~
- ~~(2) If called by the commission, there will be a pre-bid conference with the Purchasing Agent, the architect of the project and/or, if applicable, the project engineer, to ensure that the procurement regulations of the Town are included in the bid document.~~
- ~~(3) Prior to the monthly meeting of the commission, each contractor shall submit a copy of his monthly payroll and list of work force composition to the Town Manager or his designee for transmittal to the commission for the purpose of checking that the payroll is in compliance with area prevailing wages or rates and that residents of the Town are employed as tradesmen and laborers.~~
- ~~(4) If the commission so decides, the apparent successful bidder and his major subcontractors shall attend a pre-award conference and submit a list of key personnel prior to award of the contract.~~
- ~~(5) The commission shall hold a pre-construction conference with the designated contractor or subcontractor, at which time any contractor or subcontractor claiming to have key personnel must present a list of those key personnel.~~

Killingly Code of Ordinances

~~(6) If during construction, there is a dispute between the commission and the contractor or the subcontractor as to key personnel, there shall be a meeting to resolve said dispute with the commission and the contractor or subcontractor.~~

~~(7) It shall be the duty of the Purchasing Agent to report to the commission all contracts pertaining to tradesmen and laborers. (Ord. of 12-11-07)~~

~~(c) Feasibility studies.~~

~~(1) Upon the request of any other Town board, officer, agency, or Commission, the Commission may assist, without prior Council approval, such other town officer, board, agency, or commission in the development of feasibility studies of buildings or building projects which are a part of the Town's Capital Improvement Program. Any cost to be incurred, in excess of monies previously allocated by the Council for such studies, must be approved by the Council prior to making the study. All contracts for such studies must be in writing and approved by the Council prior to execution by the Town Manager.~~

~~(2) Reserved.~~

~~(d) Design phase.~~

~~(1) The Commission shall study sites and building locations for such public buildings or building projects as may be assigned by the Council. In considering such sites and locations, the Commission shall coordinate and review its study with the Planning and Zoning Commission, the Inland Wetlands Commission, and other appropriate municipal land use agencies.~~

~~(2) Any appropriation needed for architectural or other professional services shall be requested of the Council and no expenditure shall be made unless and until said appropriation has been approved.~~

~~(3) The Commission shall select an architect, where necessary, for each public building or building project and for such other professional service as may be required. Except as may otherwise be provided by State statutes, comparative selection shall be made by inviting firms or individuals through adequate public notice of interviews for determination of their qualifications for the specific building or building project. The comparative selection process may be altered or waived by the Public Building Commission with the approval of the Town Council. The Commission shall recommend any proposed contract with architects or other third parties to the Town Council. All such contracts shall be subject to review by the Town Manager's office and the Town Attorney.~~

~~(4) The Commission shall prepare schematic design and reasonable cost estimates for each building or building project. The Commission shall also obtain the written approval of the schematic design from State and Federal agencies, commissions, boards, etc. where they are required by law. Written site plan review comments of the Planning and Zoning Commission, Inland Wetlands Commission, Water Pollution Control Authority and other applicable Town boards, commissions, agencies, officers, and committees shall also be obtained. The schematic design with reasonable cost estimates, together with the written approvals where required and written comments of the various town boards, commissions, and committees, shall be submitted to the council for its approval before proceeding with the design development phase of the building or building project.~~

~~(5) "Schematic design" is defined as the phase at which drawings graphically describe the scale and relationship of project components of the building or building project. It also shall represent the point at which no greater than fifteen (15) per cent of the estimated total fee for professional services for the building or building project shall be incurred.~~

~~(6) The Commission shall consider the necessary appropriations required for each public building or building project in whole or in part and make recommendations to the Council so that the necessary appropriations may be made by the Council. The Commission shall also advise the Council of any and all possibilities of available reimbursement of monies to the Town for the building or building project.~~

~~(7) Design development is defined as the point at which the documents fix and illustrate the size, arrangement and character of the project, stipulate the kinds of materials to be used, the type of structural system, mechanical and electrical systems and equipment, site development, and other information essential to a more detailed description of the building or building project. It also shall represent the point at which no greater than thirty five (35) per cent of the estimated total fee for professional services for the building or building project shall be incurred.~~

~~(9) Upon completion of the design development phase of any building or building project, the Commission shall review it with the Council before proceeding with the construction phase.~~

~~(e) Construction phase:~~

Killingly Code of Ordinances

- ~~(1) The Commission (subject to the applicable provisions of the Charter) shall prepare construction documents and seek competitive bids for construction of each building project. All bids obtained shall be referred to the Council with recommendations for its acceptance or rejection.~~
- ~~(2) The Commission shall arrange for supervision of each project during construction. Such supervision shall include, but is not necessarily limited to, observing the work and materials as often as may be necessary with respect to the quality, suitability and adherence to the contract drawings, specifications and other contract documents so as to protect the Town against defects and deficiencies in the work of the contractor and materials supplied by the contractor.~~
- ~~(3) The Commission shall make application for State or Federal funds for each project that may be eligible for such funds. In those cases where another agency, officer, board, or commission of the Town government is required by law to or in good practice should make such application, the commission shall request such action be taken and said appropriate agency, officer, board or commission shall make such application. All applications for State or Federal funds shall be coordinated through the Town Manager.~~
- ~~(4) During the construction of each building project, the Commission shall make, in coordination with the Town Manager's office, a quarterly accounting to the Council of the financial receipts, commitments, and expenditures to date. The Commission shall notify the Council in writing during the initial 95% of construction of any building project when the remaining contingency on said project shall be reduced to less than one percent (1%) of the balance of construction and shall recommend procedures to address use of the remaining contingency.~~
- ~~(5) Subsequent to substantial completion of each building project, the commission shall render to the council a written report concerning said project and an accounting to date of all income and expenses made under the related appropriation.~~
- ~~(6) Upon approval of the commission's final accounting by the council at the final completion of each building project, the commission shall turn the project over to the appropriate town body and shall notify such body and the council of such acts in writing.~~
- ~~(7) This article shall take effect on August 25, 1995, but shall not affect the continuing existence or validity of any previously established building committees. (Ord. of 8-8-95, Amending Ord. 2-9-2010)~~

~~Sections 2-155—2-163—Reserved~~

ARTICLE XVI. SPECIAL COMMISSION ON CONSOLIDATION OF SERVICES

Section ~~2-164~~ 2-170 Established; composition

- (a) There shall be a seven (7) member Special Commission on Consolidation of Services to serve as an advisory commission to the Town Council and Board of Education on matters relating to the consolidation of operations.
- (b) Said Commission shall sunset on June 30, 2016 unless otherwise extended by action of the Town Council and shall not be designated as a regular town commission.
- (c) In addition to the seven (7) regular members of the commission, the Town Manager, or a designated representative, and the Superintendent of Schools, or a designated representative, shall be ex-officio members of the commission.

Section ~~2-165~~ 2-171 Terms of members; filling of vacancies

- (a) Within sixty (60) days after adoption of this article, the Town Council shall appoint the initial Commission members as follows:
 - (1) Two (2) members who shall be current members of the Town Council.
 - (2) Two (2) members who shall be current members of the Board of Education who shall have been recommended by the Board of Education.
 - (3) Three (3) members who shall be citizens of the Town of Killingly and who shall have been jointly recommended by the Town Council and the Board of Education.
 - (4) Each initial member shall serve until December 5, 2011.
- (b) As each term shall expire, the Town Council shall reappoint or appoint new members maintaining the same apportionment among constituencies for terms of two (2) years commencing December 5, 2011.
- (c) The Town Council shall appoint, from its membership, one (1) alternate member, and the Board of Education shall recommend for appointment, from its membership, one (1) alternate member; said alternate members

Killingly Code of Ordinances

shall serve from the effective date of this article until December 5, 2011; thereafter each term shall be for two (2) years.

- (d) The Town Council shall fill any vacancy for the balance of the vacant term with an individual representing the constituency of the person who shall have created the vacancy.

Section ~~2-166~~ 2-172 Duties

- (a) The Commission shall appoint its own chairperson and vice-chairperson and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the Town Clerk.
- (b) The Commission shall be responsible to both the Town Council and the Board of Education, in an advisory capacity, on matters relating to the consolidating of operations, including, but not limited to the following areas: facilities maintenance; central services; vehicle and equipment maintenance; energy conservation and library services.
- (c) Neither the Commission nor any of its members shall give directives to the Town Manager, Superintendent of Schools or their administrative staff either publicly or privately.
- (d) The Commission shall provide the Town Council and Board of Education with an annual written report on or before September first of each fiscal year concerning Commission activities and shall present short- and long-range recommendations. (Ord. No. C11-09; 4-12-11)

Renumber all sections below

Article XI. SPECIAL COMMISSION ON THE MAINTENANCE OF BUILDINGS

Section 2-167 Established; composition

- a) There shall be a seven (7) member Special Commission to establish and oversee schedules for the maintenance of all Town of Killingly buildings, to advise the Town Council and Board of Education on the capital costs for such structural maintenance and to perform such other related matters for Town-owned buildings as may be requested by either the Town Council or Board of Education. Structural maintenance shall be defined as the routine upkeep of plant or building equipment; repair or replacement of equipment based on technical specifications such as boilers, chillers, other HVAC equipment, security and other similar equipment or the replacement of roofs except when a Building Commission is required by Connecticut General Statutes.
- b) Said Committee shall sunset on December 31, 2013 unless otherwise extended by action of the Town Council and shall not be designated as a regular Town Committee.
- c) In addition to the seven (7) regular members of the Commission, the Town Manager, or a designated representative, and the Superintendent of Schools, or a designated representative, shall be ex-officio members of the Committee.

Section 2-168 Terms of Members; filling of vacancies

- a) Within forty-five (45) days after the effective date of this Article, the Town Council shall appoint the initial Committee members as follows:
 - 1. Two (2) members who shall be current members of the Town Council to be designated by the Town Council Chairperson in accordance with the Town Council's Rules of Procedure regarding appointment of liaisons to Boards and Commissions.
 - 2. Two (2) members who shall be current members of the Board of Education who shall be recommended by the Board of Education.
 - 3. One (1) member who shall be a current member of the Permanent Building Commission to be designated by the Permanent Building Commission Chairperson.
 - 4. Two (2) members who shall be citizens of the Town of Killingly to be appointed and who shall have been jointly recommended by the Town Council and the Board of Education.
- b) Each initial member shall serve until November 11, 2011. As each term shall expire, the Town Council shall reappoint or appoint new members maintaining the same apportionment among constituencies for terms of two (2) years commencing December 1, 2012.

Killingly Code of Ordinances

- c) The Town Council shall appoint, from its membership, one alternate member, and the Board of Education shall recommend for appointment, from its membership, one alternate member; said alternate members shall serve from the effective date of this Article until December 31, 2011; thereafter each term shall be for two (2) years.
- d) Vacancies - The Town Council shall fill any vacancy for the balance of the vacant term with an individual representing the constituency of the person who shall have created the vacancy.

Section 2-169 Duties

- a) The Commission shall appoint its own chairperson, vice-chairperson and secretary, and establish its own rules and procedures for the conduct of its meetings. A copy of said rules and procedures shall be filed annually with the Town Clerk.
- b) The Commission shall be responsible to both the Town Council and the Board of Education, in an advisory capacity, on matters relating to the structural maintenance, schedule of capital funding for said maintenance and the review of schedules and contracts related to the structural maintenance of all Town-owned buildings. Neither the Commission nor any of its members shall give directions to the Town Manager, Superintendent of Schools or their administrative staff either publicly or privately. The administration of contracts to perform structural maintenance projects as herein defined shall be the responsibility of the Town Manager for buildings directly under the jurisdiction of the Town Council and shall be the responsibility of the Superintendent of Schools for buildings directly under the jurisdiction of the Board of Education.
- c) The Commission shall provide the Town Council and Board of Education with an annual written report on or before September 1st of each fiscal year concerning Commission activities and shall present short- and long-range recommendations. (Ord. No. C10-02; 10-12-10)

ARTICLE XII. FUNDS

Section 2-170 Open Space Land Acquisition Fund

Pursuant to the authority of Connecticut General Statute § 7-131r, there is hereby established the Killingly Open Space Land Acquisition Fund to be used solely for the purposes of the preservation of open space, the acquisition of land (or any interest in land, including but not limited to easements and development rights, associated surveying and legal fees) to be used for open space, natural resource protection, recreational or agricultural purposes. This fund is continuous and shall not lapse at the close of the municipal fiscal year.

Section 2-171

There shall be deposited into the Open Space Land Acquisition Fund such sums as the town may from time to time appropriate for that purpose. There shall also be deposited into the fund all payments in lieu of the provision of open space made pursuant to any regulations adopted by the Planning and Zoning Commission under the authority of Connecticut General Statutes §§ 8-25a and 8-25b and any other funds acquired by the town, whether by gift, bequest, grant or otherwise, for the purposes to be served by the fund. By separate action annually, Council may also transfer unexpended funds from any Conservation, Inland Wetlands and Watercourses Commission and Agriculture Commissions budgeted funds remaining at the end of the fiscal year. (Ord. No. C14-05; 5-13-14; Effec. 5-28-14)

Section 2-172

The Town Manager shall appoint an Open Space Land Acquisition Committee to consist of two citizens at large and one member of each of the following: Inland Wetlands and Watercourses Commission, Planning and Zoning Commission, Economic Development Commission, Board of Recreation, Conservation Commission, and Agriculture Commission. The persons appointed shall serve at the pleasure of the Town Council. The Open Space Land Acquisition Committee shall elect its chairperson and a secretary and shall meet periodically, but not less frequently than bi-annually. Its charge shall be to identify and/or review potential acquisitions of land or interests in land for open space, natural resource protection, recreational or agricultural purposes, to make recommendations to the Town Council regarding acquisition of such land and other proper uses of the Open Space Land Acquisition fund and to perform such other tasks relating to the use and administration of the fund as the Town Council may direct. (Ord. No. C14-05; 5-13-14; Effec. 5-28-14)

Killingly Code of Ordinances

Section 2-173

Appropriations from the fund for the purposes for which it is created shall be made upon the recommendation of the Conservation Commission, the Open Space Land Acquisition Committee and the approval of the Town Council, and, where the proposed appropriation is for the purpose of acquiring land (or any interest in land, including but not limited to easements and development rights) upon review by the Planning and Zoning Commission pursuant to Connecticut General Statute § 8-24, by any Annual or Special Town Meeting after due warning. (Ord. No. C00-023; 8-8-00)

Section 2-174–2-180 Reserved

Article XIII CAPITAL RESERVE FUNDS

DIVISION 1 GENERAL CONDITIONS OF USE

Section 2-181

1. Expenditures

- a. Capital Projects - Expenditures may be made from said Fund to fund, in whole or in part, Town capital projects. Uses may include but shall not be limited to: municipal infrastructure construction and improvements, municipal, school, parks and recreation facilities construction and improvements and the acquisition of land. Funds may be expended for contractual services, materials, supplies, equipment and professional services; however, said Fund shall not be expended for normal, routine operating expenses of the Town.
 - b. Information Technology - Expenditures may be made from said Fund to fund, in whole or in part, technology equipment, computer software or hardware and any other expenditures related to utilizing information technology in support of Town functions. Said expenditures shall be segregated from other expenditures described herein and shall be supported by revenues derived from fees, charges and inter-fund transfers associated with information technology.
 - c. Geographic Information System - Expenditures may be made from said Fund to fund, in whole or in part, technology equipment, computer software or hardware and other expenditures related to utilizing the town's geographic information system in support of Town functions. Said expenditure shall be segregated from other expenditures described herein and shall be supported by revenues derived from fees, charges and inter-fund transfers associated with geographic information technology.
2. The sources of revenue of the Capital Revenue Fund may be any of the following as the Town Council shall, from time to time, determine: General Fund appropriations and contributions from other Town funds, as may be authorized by the Town Council.
 3. The Town Finance Department will maintain an accounting of the activity of the Fund.
 4. In the event of the dissolution of the Fund, any balance remaining in the Fund shall be transferred to the Fund Balance of the General Fund.

DIVISION 2 DISBURSEMENTS

Section 2-182

1. All disbursements for Capital Projects and the Geographic Information System from this Fund shall be authorized by the Town Council upon a recommendation by the Town Manager.
2. All disbursements for information technology from this Fund shall be authorized by the Town Manager.
(Ord. No. C00-025, 9-12-00) (Ord. 8-12-03; Amending Ord. of 8-9-05)

Section 2-183 - 2-200 Reserved

Article XIV PROCUREMENT CODE OF THE TOWN OF KILLINGLY

Section 2-201 Purpose

The purpose of this Procurement Code is to:

- A. Provide for the fair and equitable treatment of all persons involved in public procurement by the Town of Killingly.

Killingly Code of Ordinances

- B. Maximize the value of public funds in procurement.
- C. Provide safeguards for maintaining procurement procedures of quality and integrity.

Section 2-202 Application

- A. This Procurement Code applies to the procurement of supplies, services and construction for the Town, except for items or services specifically certified by the Board of Education as exempt from the Code as educational items not amenable to bid. It shall apply to every expenditure of public funds by any general government department of the Town irrespective of the source of funding except when any purchase involves the expenditure of federal or state assistance or contract funds, where said purchases shall be conducted in accordance with any applicable laws and/or any federal, state or local regulations approved for the expenditure by the appropriate federal or state agency. Nothing in this Procurement Code, hereafter referred to as this code, shall prevent any department of the Town from complying with the terms and conditions of any grant, gift or request that is otherwise consistent with law. The use of any open bid rendered to the State of Connecticut, the Council of Governments, other governmental body or public procurement association with which Killingly is associated shall be considered in compliance with this code. (Amending Ord of 10-8-19)
- B. In order to promote contracts with vendors having responsible employment practices, preference should be given to goods or services produced in the United States and to vendors known for their responsible labor practices. (Amending Ord of 10-8-19)
- C. All specifications shall be drafted to promote overall economy for the purposes intended and encourage competition in satisfying the Town's needs and shall not be unduly restrictive. The policy enunciated in this sub-section applies to all specifications including but not limited to those prepared for the Town by architects, engineer, designers, draftsmen and other professionals. (Amending Ord of 10-8-19)

Section 2-203 Definitions

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

Brand name or equal specification: A specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet Town requirements, and which provides for the submission of equivalent products.

Brand name specification: A specification limited to one or more items by manufacturers' names or catalogue numbers.

Contract: All types of agreements including purchase orders, regardless of what they may be called, for the purchasing of supplies or services.

Contractor: Any person having a contract with the Town or any of its departments. The term "contractor" shall include the general or prime contractor and shall include subcontractors performing work under the contract.

Construction: The process of building, altering, repairing, improving or demolishing any public structure or building or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

Local Bidder: Any bidder having its registered principal place of business within the confines of the Town of Killingly.

Services: The furnishing of labor, time or efforts by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements or the appointment of the Town Attorney which shall be governed by Section 902 of the Town Charter.

Specification: Any description of the physical or functional characteristics or the nature of a supply or service item. It may include a description of any requirement for inspecting, testing or preparing a supply or service item for delivery.

Supplies: All consumables or property, including but not limited to equipment, materials, printing and leases for real property, excluding land or a permanent interest in land.

Section 2-204 Appointment, authority and duties of Purchasing Agent

Killingly Code of Ordinances

- A. In accordance with Section 903 of the Town Charter, the appointment by the Town Manager of the Finance Director to be Purchasing Agent is herein confirmed.
- B. The authority and duties of the Purchasing Agent shall be as follows:
 - 1. Except as may be otherwise provided, the Purchasing Agent shall serve as the principal purchasing official for the Town and shall be responsible for the purchasing of supplies or services in accordance with this code.
 - 2. In accordance with this policy and subject to the supervision of the Town Manager, the Purchasing Agent shall:
 - a. Procure or supervise the purchasing of all supplies and services needed by the Town;
 - b. Exercise direct supervision over the Town's central stores and general supervision over all other storeroom inventories belonging to the Town;
 - c. Assist the departments of the Town with the establishment and maintenance of programs for specification development, contract administration and product inspection and acceptance and coordination of supplies and service purchases.

Section 2-205 Department responsibilities

- A. The responsibility of department heads regarding purchasing shall be as follows:
 - 1. Development of specifications for supplies or services shall be the responsibility of department heads. Any specifications to be included in an invitation for competitive sealed bids or proposals shall be submitted to the Purchasing Agent.
 - 2. When requesting for a purchase, the highest quality item(s) for a specified use at the lowest possible expense is required by all department heads, or their delegates.
 - 3. Department heads are required to control, supervise and maintain any necessary inventories in a storeroom. Such storerooms shall serve as the receiving and distribution points for materials purchased by a using department.
 - 4. With the exception of public works parts and fuel inventories, departments will be charged for items at the time of purchase. The Highway Division of Public Works will conduct a physical inventory count of all supplies at such time as there is a change in personnel directly responsible for those storerooms and as otherwise may be required throughout the year. (Amending Ord of 10-8-19)
 - 5. Local purchasing is encouraged where competitive market prices exist except when subsection 7 of this section or Section 2-206 applies. Local purchasing shall be considered unless non-local purchasing is more cost effective. The following factors shall be considered to determine cost effectiveness: (Amending Ord of 10-8-19)
 - a. Price;
 - b. Comparable quality;
 - c. Cost/ability to secure prices;
 - d. Shipping and handling cost;
 - e. Convenience of follow-up service;
 - f. Time to secure the supply, item or service.
 - 6. Inspection of incoming materials or services shall be performed for compliance with specifications. These inspections are to be maintained under rigorous review by department heads and their authorized designees. The receiving report copy of the purchase order and any packing slips are to be completed and returned to the Finance Department upon acceptance and payment of an order.
 - 7. Unless otherwise provided, the single purchase of a supply item in an amount estimated at \$10,000 or above shall be made only by written contract award through a formal bidding procedure. No supply or service generally purchased in the whole shall be purchased as a sum of the parts for the purpose of avoiding the requirement to solicit bids. A single purchase of services in an amount estimated at \$10,000 shall be made only by written contract award through the appropriate proposal procedure. Sole source purchases and emergency purchases as provided for respectively in Sections 2-209 and 2-210 shall be exceptions to these rules. (Amending Ord of 10-8-19)
- B. Consistent with this code and with the approval of the Town Manager, the Purchasing Agent may adopt operational procedures relating to the execution of his or her duties.

Section 2-206 Competitive sealed bidding

All contracts of the Town for procurement at or in excess of \$10,000 shall be awarded by competitive sealed bidding except as otherwise provided in this code and in accordance with the following:

Killingly Code of Ordinances

- A. Public notices for inviting bids. (Amending Ord of 10-8-19)
 - 1. Newspapers. Notices inviting bids shall be published once in at least one official newspaper having a circulation in the Town and such other newspapers as may be necessary to ensure competition in the area and at least ten (10) calendar days preceding the last day set for the receipt of proposals.
 - 2. Town of Killingly website. Notice inviting bids shall be posted on the Town of Killingly website.
- B. Scope of notices shall:
 - 1. The notice shall State where bid blanks and specifications may be secured and the time and place for opening bids. (Amending Ord of 10-8-19)
- C. Bid security:
 - 1. Construction contracts exceeding \$50,000. Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the designated official for construction contracting management to exceed \$50,000. Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the Finance Director. Nothing herein shall prevent the requirement of such bonds on construction contracts under \$50,000 when the circumstances warrant.
 - 2. Bid security shall be in an amount equal to at least ten percent (10%) of the amount of the bid.
 - 3. When the invitation for bids requires security, noncompliance requires that the bid be rejected.
 - 4. If a bidder is permitted to withdraw a bid before award as provided in Section 2-206, Subsection H.a. of this code, no action shall be taken against the bidder or the bid security.
 - 5. Refund of deposit. The Purchasing Agent shall return the security deposit of any unsuccessful bidder.
 - 6. Forfeit of deposit. The deposit of a successful bidder shall be forfeited if he fails to enter into a contract within ten (10) days after the award.
- D. Contract Performance and Payment Bond:
 - 1. When a construction contract is awarded in excess of \$50,000, the following bonds or security shall be delivered to the Town and shall become binding on the parties upon the execution of the contract:
 - a. A performance bond satisfactory to the Finance Director executed by a surety company authorized to do business in Connecticut; and
 - b. A payment bond satisfactory to the Finance Director executed by a surety company authorized to do business in the state. The bond shall be in the amount equal to 100 percent of the price specified in the contract.
 - 2. Nothing in this section shall be construed to limit the authority of the Town to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in subsection A of this section. Nor shall this section be construed to limit the authority of the Town to require warranties or guarantees against defects where circumstances recommend them.
- E. Sealed bids.

All bids submitted pursuant to the terms of this section shall be sealed and identified on the envelope as bids.
- F. Bid opening procedures.
 - 1. Opening. Bids shall be opened in public at the time and place announced in the public notices required in this article. The amount of each bid, and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each bidder shall be publicly read for the benefit of any bidders and each bid shall be open to public inspection.
 - 2. Postponement due to closing. If Town Hall shall be closed for weather or any other conditions, bid opening date shall be postponed until the same hour on the next day that Town Hall is officially open for business.
- G. Evaluation:

Bids shall be unconditionally accepted without alteration or correction, except as authorized in this code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in a bid evaluation that is not set forth in the invitation for bids.
- H. Corrections, Withdrawals

Correction or withdrawal of inadvertently erroneous bids before or after bid opening or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate. Mistakes discovered before bid opening may be withdrawn. After bid opening, no changes in bid prices or other provisions of bids

Killingly Code of Ordinances

prejudicial to the interest of the Town or fair competition shall be permitted. In lieu of a bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

- a. The mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident; or
- b. The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent and approved by the Town Manager.
 - I. Tie bids.
 1. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.
 2. Where all tie bidders or none of them are local bidders, the Purchasing Agent shall award the contract by drawing lots.

J. Rejection of bids when in public interest.

The Purchasing Agent shall have the authority to reject all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The reasons therefore shall be made part of the contract file. Each solicitation issued by the Town shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interest of the Town. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future purchases(s) of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or proposers.

K. Rejection of bid where bidder is in default to the Town.

1. The Purchasing Agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the Town, or of a contractor, a principal of which is in default on the payment of taxes, licenses or other monies due the Town. The Purchasing Agent shall include in the bid document a form to be executed by a bidder, certifying that said bidder is not in default on the payment of taxes, licenses or other monies due the Town.
2. As used in this section:
 - a. a "principal" of a contractor shall mean an individual who is a director, an officer, an owner, a limited partner or a general partner; and,
 - b. "default in the payment of taxes" shall mean the failure to pay taxes by the date such taxes are due and payable or the failure to be current with respect to a delinquent taxes payment schedule as set forth in a written agreement with the Revenue Collector.

L. Award of contract.

The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

M. Award to other than lowest bidder; reasons must be stated.

When the award is not given to the lowest responsive bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Purchasing Agent and filed in the records with the other documents relating to the award. (Amending Ord of 10-8-19)

N. Considerations used in determining lowest responsible bidder.

The Purchasing Agent shall consider the following in the determination of who is the lowest responsible bidder:

- a. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- c. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- d. The quality of performance of previous contracts or services.
- e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service, including, but not limited to, the provisions of subsection O of this section.
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services.
- g. The quality, availability, and adaptability of the supplies, or contractual services to the particular use required.

Killingly Code of Ordinances

- h. The ability of the bidder to provide future maintenance and service for the subject of the contract.
- O. Contractual provisions concerning fair wages and employment of residents. (Amending Ord of 10-8-19)
 - 1. All contracts entered into between the Town and contractors which utilize trades persons or laborers by the contractor in the performance of the contract shall incorporate the following provisions:
 - a. The contractor and all subcontractors will not employ any illegal aliens to work on any projects in the Town of Killingly;
 - b. Violations of this section will result in permanent disbarment from future work for the Town of Killingly.
 - c. Preference shall be given to residents of the Town of Killingly in the hiring of labor necessary to the construction, remodeling or repairing of public buildings of the Town.
 - d. In the event the contractor is restricted by labor contracts, or the required specific skills that are not available in the Town of Killingly, the contractor may hire tradesmen and/or laborers who reside outside the Town.
 - 2. Where applicable, construction of any public works project shall be performed in accordance with Connecticut General Statutes, Section 31-53 as it may be amended from time to time.
 - 3. All workers furnishing the goods and services in connection with the construction shall be properly classified as employees rather than independent contractors, causing them to be treated accordingly for the purposes of pay, benefits, worker's compensation, insurance coverage, unemployment compensation coverage, social security taxes and income tax withholding.
 - 4. In contracts where the total cost of all work to be performed exceeds one hundred thousand dollars (\$100,000.00) and in all cases wherein one or more apprentices are employed, the employer shall be affiliated with a state-certified apprenticeship program and must register all apprentices with the division and abide by the apprentice to journeyman ratio for each trade prescribed therein.
 - 5. If a contractor signing a contract required under this subsection is found to have violated the provisions of said contract, it shall, if already paid by the Town, reimburse to the Town one percent (1%) of the payment that would have otherwise been owed by the Town for every count of violation found.

If a contractor signing a contract required under this subsection is found to have violated the provisions of the contract and it has not already been paid by the Town, the Town shall withhold from payment one percent (1%) of the payment that would have otherwise been owed by the Town for every count of violation found. For these purposes, each day of violation and each worker affected shall be deemed a separate count. If a contractor signing a contract required under this subsection is found to have violated the provisions of said contract, they will be barred from performing any work on future projects for six months for a first violation, three years for a second violation, and permanently for a third violation. Each construction contract entered into by the Town shall recite that the contractor understands and agrees to the terms of this section.

- 6. As used herein, the term "contractor" shall include the general or prime contractor and shall include subcontractors performing work under the contract.
- 7. This bid procedure may be waived by the Town Manager when State Contracts are available for participation by local communities.
- P. Responsibility for selection of methods, of construction contract management.

The Town Manager shall designate the official(s) to be responsible for any construction project in excess of \$35,000 that is not under the jurisdiction of the Permanent Building Commission as provided in Article IX of the Killingly Code of Ordinances. The designated official shall have discretion to select the appropriate method of construction contracting management for a particular project. In determining which method to use, the designated official shall consider the Town's requirements, its resources and the potential contractor's capabilities. The designated official shall include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project. This contract provision will be executed with the advice and consent of the Town Council or designee. (Amending Ord of 10-8-19)
- Q. Subdivision of contract prohibited.

No contract or purchase shall be subdivided by the Purchasing Agent or any department head in order to circumvent or avoid the requirements of this division.
- R. Nondiscrimination provisions.

Invitations to bid issued by the Town, on behalf of boards and commissions seeking contractual services for the construction of capital improvements shall include provisions concerning the payment of prevailing wages

Killingly Code of Ordinances

when called for pursuant to the provisions of 31-53a, proper classification as employees rather than as independent contractors, participation in a state-certified apprenticeship program, non-discrimination, anti-kickback, and conflict of interest similar to the type found in federal invitations to bid.

S. Legal review and approval of contracts.

No contract for goods or services to which the Town or any of its boards, commissions, departments, agencies or officials is a party shall be executed until the same has been reviewed and approved by corporation counsel with respect to form and legal substance. The Town shall not be bound by any contract unless such contract has been reviewed and approved by corporation counsel prior to its execution.

Section 2-207 Contracting for professional services

- A. For the purpose of procuring professional services such as auditing, accounting, banking, computer or information processing, architect, engineering, land surveying, clergy, medical, veterinary or dental; the department of the Town requiring such services may procure them on its own behalf following notification to the Purchasing Agent and in accordance with the selection procedures specified in this section.
- B. Except as provided under the provisions for sole source purchasing and emergency purchasing, professional services as described in subsection A. of this section shall be procured as follows:
 - 1. Persons engaged in providing the described professional services may submit statements of qualifications and expressions of interest in providing such professional services. The department of the Town using such professional services may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.
 - 2. Adequate notice of the need for such services shall be given by the Town department requiring the services through a request for proposals. The request for proposals shall describe the service required, list the types of information and data required of each proposer, and state the relative importance of particular qualifications.
- C. Sealed proposals shall be preferred but for purposes of expanding competition, proposals may be received by electronic format in accordance with procedures that ensure the security of the proposals to be developed by the Purchasing Agent and telephone bids may be authorized by the Town Manager where such bids constitute an industry standard.
- D. Discussions may be conducted with any proposer who has submitted a proposal to determine such proposer's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other proposers.
- E. Award shall be made to the proposer determined in writing by the Purchasing Agent and the head of the Town department procuring the required professional services to be best qualified based on evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified proposer, then negotiations will be formally terminated with the selected proposer. If proposals were submitted by one or more other proposers determined to be qualified, negotiations may be conducted with such other proposers, in the order of their respected qualification ranking, and the contract may be awarded to the proposer then ranked best qualified if the amount of compensation is determined to be fair and reasonable.

Section 2-208 Small purchases

- A. Any contract not exceeding \$10,000 may be made in accordance with the small purchase procedures authorized in this section.
- B. Insofar as it is practical for small purchases in excess of \$1,000, no less than three businesses shall be solicited to submit quotations. Quotations may be accepted by telephone and electronically. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded with purchase orders and maintained as a public record.

Section 2-209 Sole source purchasing

A contract may be awarded without competition when the Purchasing Agent with the approval of the Town Manager determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply or service item. The Purchasing Agent with the appropriate department head or designee shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source purchases shall be maintained as a public record and shall list each vendor's or contractor's name, the amount

Killingly Code of Ordinances

and type of each contract, a listing of the item(s) procured under each contract and the identification number of each contract file.

Section 2-210 Emergency purchasing

Notwithstanding any other provision of this policy, the Town Manager may make or authorize others to make emergency purchases of supplies or services when there exists a threat to public health, welfare or safety; provided that such emergency purchases shall be made with such competition as is practicable under the circumstances.

Section 2-211 Brand name or equal specification

- A. Brand name or equal specification may be used when the Purchasing Agent determines in writing that:
 - 1. No other design or performance specification or qualified products list is available;
 - 2. Time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - 3. The nature of the product or the nature of the Town's requirements makes use of a brand name or equal specification suitable for purchasing; or
 - 4. Use of a brand name or equal specification is in the Town's best interest.
- B. Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.
- C. Where brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition.

Section 2-212 Brand name specification

- A. Since use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Agent makes a written determination that only the identified brand name item or items will satisfy the Town's needs.
- B. The Purchasing Agent shall seek to identify sources from which the designated brand name item(s) can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the purchases shall be made under Section 2-209 of this code.
(Ord. of 12-11-07)

Killingly Code of Ordinances

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.

Killingly Code of Ordinances

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;

Killingly Code of Ordinances

- (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)

Killingly Code of Ordinances

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)

Killingly Code of Ordinances

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 of 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

Killingly Code of Ordinances

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 repealed 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 Section 22a-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.

Killingly Code of Ordinances

- (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

Killingly Code of Ordinances

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.

Killingly Code of Ordinances

Chapter 8.1

HISTORIC DISTRICTS AND PROPERTIES⁴

Art. I. In General

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

ARTICLE I. IN GENERAL⁵

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 PROPERTIES⁶

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)

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.

Killingly Code of Ordinances

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 filed 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,~~

Killingly Code of Ordinances

~~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)

Killingly Code of Ordinances

Chapter 12

HAWKERS, PEDDLERS AND VENDORS¹

Art. I. Peddlers

Art. II. Hawkers, Peddlers, and Vendors on Town Property

ARTICLE I. IN GENERAL

Section 12-1 Definitions

The following definitions shall apply to the interpretation and enforcement of this chapter:

- (a) **Charitable** means patriotic, philanthropic, social service, benevolent, educational, civic or fraternal.
- (b) **Contributions** mean alms, food, clothing, money, subscription, property or donation.
- (c) **Hawker, peddler or vendor** as used in this chapter means any person, whether principal or agent, who goes from town to town or from place to place or from house to house in the same town selling or bartering or carrying for sale or barter or exposing therefore any food, goods, wares or merchandise either on foot or from any vehicle.
- (d) **Person** means any individual, partnership, corporation or association.
- (e) **Religions and religion** shall not mean and include the word "charitable" as herein defined but shall be given their commonly accepted definitions.
- (f) **Solicit and solicitation** means the request directly of money, credit, property, financial assistance or other items of value on the plea or representation that such money, credit, property, financial assistance or other items of value will be used for a charitable or religious purpose.

(Ord. No. 99-014, 8-10-99)

Section 12-2 Registration, license required, application; identification: investigation

- (a) Except as provided in section 12-8, no person shall sell or expose or offer for sale or solicit orders for any articles of food or any goods, wares, merchandise, materials or services or solicit for any contracts within the town unless he shall have registered with the town clerk or some persons designated by him, made application for a license, and obtained identifying credentials as hereinafter provided.
- (b) The applicant for the license shall complete an application form provided by the town clerk which shall contain the following information:
 - (1) The full name, home address and business address of the registrant, along with the telephone numbers at each address.
 - (2) A physical description of the registrant including sex, age, height, weight, physical build, color of hair and eyes, complexion and identifying scars, marks and characteristics, if any.
 - (3) The name, address and telephone number of his employer, principal or contract associates.
 - (4) The purpose for which the applicant desires to obtain credentials and particularly the type of food, goods, wares, merchandise, materials, services or contracts with or in which he intends to deal.
 - (5) Whether, when, where and on what charges he has ever been arrested, together with the disposition of such charges.
 - (6) Whether, when, where, in what court and by whom he or any present or former employer, principal or contract associate has ever been sued in a civil action alleging fraud or misrepresentation in connection with or as a result of the registrant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or service.
- (c) The applicant, at the time of executing such application form, shall also submit identification satisfactory to the town clerk. Each application shall be signed by the applicant and sworn to before a justice of the peace or other person authorized by the laws of the State of Connecticut to administer oaths.

¹ Editor's note—Ord. No. 99-014, adopted Aug. 10, 1999, amended Ch. 12 in its entirety to read as herein set out. Prior to amendment, Ch. 12 pertained to peddlers and vendors and derived from ordinances of Sept. 9, 1980, §§ 1—X; May 11, 1982, §§ 1—4; and March 16, 1994, §§ 1—5.

Killingly Code of Ordinances

- (d) The town clerk may defer the issuance of a license pending investigation for a period not to exceed seven (7) days.
 - (e) Pursuant to the provisions of section 21-37 of the Connecticut General Statutes, no permit shall be issued to any for-profit person or entity under this section unless such person or entity has obtained a permit to engage in or transact business as a seller within this state in accordance with section 12-409 of the Connecticut General Statutes.
- (Ord. No. 99-014, 8-10-99)

Section 12-3 Registration fee

The fee for such registration and credentials, charged solely for the purpose of defraying the cost of administering this chapter shall be one hundred fifty dollars (\$150.00) per person and shall be payable upon the filing of the registration form.

(Ord. No. 99-014, 8-10-99)

Section 12-4 Registration expiration

Such registration and credentials shall expire on the thirty-first day of December, subsequent to the date on which they are filed and issued, unless sooner revoked as hereinafter provided. Except as provided in section 12-8, no person whose registration and credentials have expired shall engage in any of the activities named in section 12-2 until he shall again have registered with the town clerk, obtained current identifying credentials and paid a fee of one hundred fifty dollars (\$150.00) per person as in the original registration.

(Ord. No. 99-014, 8-10-99)

Section 12-5 Identifying credentials

The town clerk shall issue identifying credentials to each person filing a registration form in accordance with the provisions of section 12-2. Said credentials shall bear the same identifying number appearing on the holder's registration form and shall set forth the name, home address and business address of the registrant, the name and address of his employer, principal or contract associates, the type of contracts, food, goods, wares, merchandise, materials or services with or in which he has registered to sell, and the date of issuance and date of expiration of said credentials. Each person to whom credentials have been issued pursuant to this section shall carry them upon his person at all times while engaged in the activities in connection with which he has registered and shall exhibit them forthwith to any person who shall ask to see them.

(Ord. No. 99-014, 8-10-99)

Section 12-6 Refusal or revocation of credentials

Such credentials shall be refused or, after issuance, revoked by the town clerk and immediately returned to him if the registrant has made any false statement or representation in any registration form filed by him pursuant of this chapter, has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter, or in the case of the sale of food items, if the registrant has failed to obtain the necessary certification from the Northeast District Department of Health. In the event credentials are refused, no fee shall be charged. There shall be no refund when credentials, after being issued, are revoked.

(Ord. No. 99-014, 8-10-99)

Section 12-7 Records of registration

It shall be the duty of the town clerk to keep a record of all licenses granted under the provisions of this chapter giving the number and date of all licenses, the name, age and residence of the person licensed the amount of licensee fee paid and also the dates of revocation of any licenses revoked. A record shall be kept of each complaint concerning the activities of the registrant.

(Ord. No. 99-014, 8-10-99)

Section 12-8 Persons exempted

Sections 12-2 through 12-7 shall not apply to:

- (a) Persons less than eighteen (18) years of age;
- (b) Persons exempted under Connecticut General Statutes;
- (c) Persons licensed by the State of Connecticut;
- (d) Persons selling only to stores or other business establishments for resale;
- (e) Charitable or religious organizations or their representatives;
- (f) Persons acting pursuant to a license granted in accordance with Chapter 11, Article II, sections 11-39 and 11-40 of this Code of Ordinances shall be exempt from the provisions of this article during the time the outdoor event is being held.

(Ord. No. 99-014, 8-10-99)

Killingly Code of Ordinances

Section 12-9 Hours of operation

- (a) The town manager or his designee shall have the right to suspend the rights of all persons licensed or permitted pursuant to this chapter [article] to engage in permitted or licensed activities on public sidewalks or roadways for specific limited periods of time during which an actual special event may be conducted. Such actions by the town manager shall be posted on the town sign post at least forty-eight (48) hours prior to the conducting of any such event. The suspension shall be limited to such times and places as the town manager shall determine are necessary to provide for free access on the public roads and sidewalks and to avoid nuisances and congestion dangerous to either pedestrians, onlookers, or motor vehicle traffic during the actual event. No persons shall be guilty of violation of this section unless and until they have refused to relocate after being informed that they are in a restricted area at a restricted time by an appropriate municipal officer.
- (b) No person, whether exempt or not from the provisions of this chapter under any circumstance, may sell, barter or carry for sale or barter or expose any food, wares or merchandise either on foot or from any vehicle, or solicit contributions for any charitable or religious cause before the hours of 8:00 a.m. or after 9:00 p.m.
- (c) No vendor's license or other conveyance or stand shall stop or be set up at a location that is not in the public interest or that constitutes a hazard or compromise of public safety. No vendor shall operate on a public highway and within twenty-five (25) feet of any intersecting driveway, bus stop or crosswalk, or within fifty (50) feet of any intersection.
- (d) No vendor's vehicle or other conveyance or stand is permitted to locate on private property without written consent from the owner thereof, which consent must state the specified time of permission. Vending from a fixed location is prohibited in all residential zoning districts. (Ord. No. 989-014, 8-10-99)

Section 12-10 Violations and penalties

Any person who shall violate any provision of this chapter or shall make any false statement or misrepresentation on an application form filed pursuant to this chapter shall be subject to a fine of not more than one hundred dollars (\$100.00) for each offense and the license of such person shall be revoked immediately for the balance of the year. No new license shall be issued to that person during said license year. Each day of selling, offering for sale or soliciting without credentials as required by the chapter shall be considered a separate offense.

(Ord. No. 99-014, 8-10-99)

Sections 12-11 - 12-20. Reserved.

ARTICLE II. HAWKERS, PEDDLERS, AND VENDORS ON TOWN PROPERTY

Section 12-21 Purpose

It is the intention of this article to provide for the protection of the health, welfare, property and safety of the public in general through the registration and licensing of vendors on municipally.

Section 12-22 Registration

- (a) No person on municipally-owned property shall expose or offer for sale any article of food, nor shall cause to station or place any stand, cart or vehicle for the transportation, sale or display of any such article or food unless registered with the town with necessary health department permits.
- (b) The town manager or his designee is hereby empowered to adopt and establish such regulations concerning the manner of registration, number of vendors, schedule of fees, hours of operation, duration of permit and all other requirements to protect the public welfare. (Ord. No. 99-014, 8-10-99)

Section 12-23 Liability of permittee

Any person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person or property by reason of negligence on the part of the person engaged in the activity being sponsored under the permit, and shall agree to hold the town and any of its agents and employees harmless from any and all losses caused by the permittee or any person engaged in activity being sponsored under the permit.

(Ord. No. 99-014, 8-10-99)

Killingly Code of Ordinances

Section 12-24 Permit revocation

- (a) Responsibility for the proper regulation and licensing of vendors on municipally-owned property shall be vested in the director of parks and recreation under the direction of the town manager.
- (b) The vendor's permit issued under this article may be revoked by the town manager at any time during the life of such permit for any violation by the permittee, or of any violation of the Code of the town or any other applicable state law.

(Ord. No. 99-014, 8-10-99)

Killingly Code of Ordinances

Chapter 12.5

PLANNING AND DEVELOPMENT²

Art. I	In General
Art. II.	Conservation Commissions
Art. III.	Housing Partnership,
Art. IV.	Scenic Roads, Division 1 Generally Division 2 Alterations or Improvements to a Designated Scenic Road
Art. V.	Land Use Application Processing Fees
Art. VI.	Noise Ordinance

ARTICLE I. IN GENERAL

Sections 12.5-1 - 112.5-20 Reserved

~~ARTICLE II.—CONSERVATION COMMISSION³~~

~~Section 12.5-21—Statutory Authority~~

~~This article, establishing a conservation commission (hereinafter called “the commission”) for the town is enacted pursuant to the provisions of Section 7-131A of the General Statutes of Connecticut, and amendments thereto. (Ord. of 2-13-90)~~

~~Section 12.5-22—Purpose~~

~~The purpose of this article is to promote the development, conservation, supervision and regulation of natural resources, including water resources within the town, and other such purposes and objectives as set forth by the state statute and this article. (Ord. of 2-13-90)~~

~~Section 12.5-23—Conformance to Statute~~

~~The commission shall conform to and have such powers, purposes and objectives as set forth in Chapter 97, Section 7-131A of the general statutes and as provided in this article. (Ord. of 2-13-90)~~

~~Section 12.5-24—Terms of office; compensation; vacancies~~

~~The commission created by this article shall consist of five (5) regular members, all of whom shall be electors of the town holding no salaried town office. All members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of official duties. The members are to be appointed by the town manager with the advice and consent of the town council for five year terms. The initial terms of appointment shall be fixed so that the terms of one-fifth (1/5) of the members shall expire each year. Any vacancy shall be filled for the unexpired portion of the term by appointment of the town manager with the advice and consent of the town council. There shall be two (2) alternate members appointed for three year terms. (Ord. of 2-13-90)~~

~~Section 12.5-25—Appointment; election of officers; removal of members~~

~~The members shall be appointed within thirty (30) days of the effective date, March 1, 1990, of this article.~~

~~(a) Appointment.~~

² Cross references—Administration, Ch. 2; buildings and building regulations, Ch. 4; streets and sidewalks, Ch. 13; water generally, § 15-128 et seq.; inland wetlands and watercourses regulations, App. A; subdivisions, App. B.

³ Editor's note—An ordinance adopted Feb. 13, 1990, did not specifically amend this Code; hence, inclusion of said ordinance as §§ 12.5-21—12.5-30 was at the editor's discretion.

Killingly Code of Ordinances

~~(b) **Election of officers.** Within thirty (30) days after appointment of the original members, and annually thereafter, the regular members shall meet and elect from its membership a chairman, secretary and other necessary officers.~~

~~(c) **Removal of members.** A member of the commission may be removed for cause by the town manager with advice and consent of the town council. If the member requests a public hearing, that member shall be removed only after a public hearing is held. The public hearing will give the member an opportunity to be heard in person or by counsel before the town manager. At least ten (10) days prior to the public hearing, the member shall have been given a copy of the charges against him/her. In the event of removal, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the town clerk.~~

~~(Ord. of 2-13-90)~~

Section 12.5-26 — Quorum

~~The presence of three (3) members of the commission shall constitute a quorum to conduct business and no action shall become valid unless authorized by a vote of the majority of the total membership present and voting.~~

~~(Ord. of 2-13-90)~~

Section 12.5-27 — Powers and Duties

~~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 adopt rules and procedure not inconsistent with the provisions of said statutes and this article. The commission shall be empowered to conduct researches into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning and zoning commission, the inland wetlands and watercourses commission, the board of recreation and the town council plans and programs for the development and use of such areas.~~

~~(Ord. of 2-13-90)~~

Section 12.5-28 — Annual Report

~~The commission shall make an annual report to the town council summarizing the commission's activities.~~

~~(Ord. of 2-13-90)~~

Section 12.5-29 — Appropriations

~~Acting through the town manager and pursuant to the town's personnel rules and procedures and subject to town council appropriation, the commission may utilize staff and clerical assistance and employ consultants, and may accept money gifts or expend the same for the purposes provided for under state statute and this article.~~

~~(Ord. of 2-13-90)~~

Section 12.5-30 — Meeting Attendance

~~Three (3) consecutive unexcused absences shall require notification to the member that he shall be recommended to the town manager for removal unless a proper explanation acceptable to the commission is received within twenty-one (21) days from notification.~~

Sections 12.5-31 - 12.5-40 — Reserved

ARTICLE III. HOUSING PARTNERSHIP⁴

Section 12.5-41 Created

There is hereby created the town housing partnership; appointment to such shall be made by the chief elected official of the municipality. The partnership shall consist of the following members:

(1) The chief elected official of the town or his designee.

⁴ Editor's note—An ordinance adopted May 18, 1990, did not specifically amend this Code; hence, inclusion of §§ 1—6 as §§ 12.5-41—12.5-46 herein was at the discretion of the editor.

Killingly Code of Ordinances

- (2) Representatives of the planning commission, zoning commission, inland wetlands commission, housing authority and any local community development agency, not to exceed two (2) in number.
 - (3) Representatives of the local business community, such as local bankers, realtors and developers, not to exceed three (3) in number.
 - (4) Representatives of public interest groups, such as housing advocates, members of the clergy, members of local civic groups and representatives of local nonprofit corporations, not to exceed three (3) in number.
 - (5) Local urban planning, land use and housing professionals, not to exceed two (2) in number.
- (Ord. of 5-18-90, § 1)

Section 12.5-42 Initial Designation

The responsibilities of the municipality of the Town of Killingly, in order to receive initial designation under the Connecticut Housing Partnership Program, shall include the following:

- (1) Submit evidence to the commissioner of housing that the town housing partnership has been formed in accordance with P.A. 88-305.
 - (2) Submit evidence to the commissioner of housing that sufficient local resources have been committed to the town housing partnership.
- (Ord. of 5-18-90, § 2)

Section 12.5-43 Development Designation

The duties of the town housing partnership, in order to receive development designation under the Connecticut Housing Partnership Program shall include the following:

- (1) To examine and identify housing needs and opportunities in the community.
 - (2) To explore the availability of any state, municipal or other land that is suitable for the development of affordable housing.
 - (3) To review applicable zoning regulations to determine whether such regulations restrict the development of affordable housing in the community.
 - (4) To identify any necessary changes to such regulations.
 - (5) To establish priorities and develop a long-range plan to meet identified housing needs in the community consistent with regional housing needs.
 - (6) To establish procedures for the development of a written proposal to achieve such priorities in accordance with said plan.
 - (7) To start an activity, development or project designed to create additional affordable housing in the town.
- (Ord. of 5-18-90, § 3)

Section 12.5-44 Conflicting resolutions, orders, rules, and regulations suspended

At all times when any orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing resolutions, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. of 5-18-90, § 4)

Section 12.5-45 Conflicting State or Federal Statutes

This article shall not be construed so as to conflict with state or federal statute, rule or regulation.

(Ord. of 5-18-90)

Section 12.5-46 Expenses

No person shall have the right to expend any public funds of the municipality in carrying out any partnership activities authorized by this article without prior approval by the legislative body, nor shall any person have any right to bind the municipality by contract, agreement, or otherwise without prior and specific approval of the legislative body.

(Ord. of 5-18-90, § 6)

Sections 12.5-47 - 12.5-60 Reserved

Killingly Code of Ordinances

ARTICLE IV. SCENIC ROADS⁵

DIVISION 1 GENERALLY

Section 12.5-61 Short title

This ordinance shall be known and may be cited as the "Town of Killingly Scenic Road Ordinance."
(Ord. of 9-1-90)

Section 12.5-62 Authority

Pursuant to the provisions of Section 7-149(a) of the Connecticut General Statutes, the Town of Killingly is providing for the designation of town roads ("highways") or portions thereof as scenic roads, so as to preserve the scenic characteristics of the road. (Ord. of 9-1-90)

Section 12.5-63 Purpose

The purpose of this article is that upon designation of a road or a portion of a road as scenic, the town, through the planning and zoning commission, shall regulate future alterations and improvements on such designated roads, including, but not limited to, widening of the right-of-way or of the traveled portion of the road, paving, changes of grade, straightening, removal of stone walls and removal of mature trees. (Ord. of 9-1-90)

Section 12.5-64 Designation of roads

To be designated as a scenic road, the road or portion of road shall be free of existing or potential intensive commercial development, shall be free of intensive vehicular traffic and shall meet at least one (1) of the following criteria:

- (1) It is unpaved.
- (2) It is bordered immediately by stone walls, or by trees in excess of sixteen (16) inches DBH along a majority of the road lengths considered for designation.
- (3) The traveled portion is no more than twenty (20) feet wide along the lengths considered for designation.
- (4) It offers vistas or scenic views of unique land forms or natural landscapes.
- (5) It blends naturally into the surrounding terrain.
- (6) It parallels or crosses over brooks, streams, lakes or ponds.
- (7) It is bordered by historic farmhouses or land uses. (Ord. of 9-1-90)

Section 12.5-65 Delegation of authority

The authority to designate a town road or any portion of any town road as a scenic road and regulate alterations and improvements pursuant to Section 7-149(a) of the Connecticut General Statutes is hereby delegated to the planning and zoning commission of the town. (Ord. of 9-1-90)

Section 12.5-66 Designation procedure

- (a) **Application.** To be considered for scenic road designation, one (1) or more resident(s) owning or occupying land abutting the proposed length of a scenic road shall submit to the commission a written request and a map including: Key map at one (1) inch equals one thousand (1,000) feet, sketch map at one (1) inch equals two hundred (200) feet (approximately), showing: Limits of proposed designation, structures, driveways, stone walls, utility poles, width of driving surfaces, drainage structures, abutting property owners and properties and trees less than sixteen (16) inches DBH. Such a request shall describe the road or portions of the road requested for designation and any characteristics which may be worthy of preserving through the designation of the road as a scenic road.
 - (1) All requests to conduct regulated work on a scenic road shall be in writing to the planning and zoning commission, and shall be accompanied by a map, specifying the section of the scenic road to be improved or altered, a description of the proposed regulated activity, and a projection of the time period in which the work will be completed.
 - (2) The planning and zoning commission shall receive such requests at a regularly scheduled meeting, and shall schedule a public hearing to occur within thirty-five (35) days of the date of receipt.

⁵ Editor's note—An ordinance adopted Sept. 1, 1990, did not specifically amend this Code; hence, designation of the substantive provisions of such ordinance as §§12.5-61—12.5-68 and 12.5-81—12.5-85 was at the editors discretion.

Killingly Code of Ordinances

- (3) Hearing notices and time lines shall be in accordance with Section 8-7(a) of the Connecticut General Statutes, as amended.
- (4) Written notice of a scheduled public hearing on a scenic road request and a copy of the plan shall be provided by the planning and zoning commission to the town council and the owners of lot frontage abutting the portion of the road proposed for designation.
- (b) **Review of testimony.** At such public hearing, the commission shall receive testimony and evidence relating to the road or portions of the road, and why it should or should not be designated as a scenic road. At or prior to the public hearing the director of public works shall submit a report describing highway engineering concerns for public safety and maintenance liability. The commission shall give due consideration to all testimony and evidence presented before and during the public hearing and shall consider the report of the town director of public works. The commission shall also give consideration to the plan of development.
- (c) **Decision.** No road shall be designated as scenic until such time as the commission has provided proper notice and held a public hearing on the proposed road designations. Further, no road or portion thereof may be designated as a scenic road unless the owners of majority of lot frontage abutting the road or portions of the road agree to the designation by filing a written statement of approval with the town clerk prior to the close of the public hearing.
- (d) **Effective date.** Designation of a road as a scenic road shall become effective upon such date as the commission shall determine. (Ord. of 9-1-90)

Section 12.5-67 Appeals

Any person aggrieved by a designation of a road as "scenic" pursuant to this article may appeal such designation in the manner and utilizing the same standards of review provided in Section 8-28 of the Connecticut General Statutes. (Ord. of 9-1-90)

Section 12.5-68 Rescindment

The scenic road designation may be rescinded by the planning and zoning commission using the same procedures contained herein, and provided the written concurrence of the owners of a majority of the road frontage abutting the portion of the road so designated is obtained and placed on file in the office of the Town Clerk prior to the close of the public hearing. (Ord. of 9-1-90)

Sections 12.5-69 - 12.5-80 Reserved

DIVISION 2 ALTERATIONS OR IMPROVEMENTS TO A DESIGNATED SCENIC ROAD

Section 12.5-81 Authorized work

- (a) Emergency repairs and routine maintenance shall be performed by the public works department on scenic roads, as necessary, provided such procedures are intended only to maintain the safe and passable condition of the road and do not violate the spirit or purpose of this article as stated herein.
- (b) Emergency repairs and routine maintenance include correction of drainage problems, graveling, filling, retreatment and repair of existing roadway surfaces, grading, snowplowing, sanding, installation, replacement or repairs of traffic control signs and guardrails as necessary. (Ord. of 9-1-90)

Section 12.5-82 Regulated work

- (a) Any road or portion of a road which has been designated as a scenic road under the provisions of this article may be altered or improved, including, but not limited to, installation of guardrails, widening of the right-of-way or traveled portion of the road, paving, changes of grade, straightening, removal or breaching of stone walls, and removal of mature trees, provided the planning and zoning commission finds that such proposed alterations or improvements are necessary to protect and promote public safety.
- (b) No commission action shall be required for the development of a pre-existing lot having frontage on a scenic road.
- (c) The commission shall issue no findings until after a public hearing is properly noticed and held on the request in accordance with the requirements of Section 8-7(d) of the Connecticut General Statutes to alter or improve, and due consideration has been given to the following:
 - (1) A thorough review of alternative solutions to minimize impacts of the scenic road criteria.

Killingly Code of Ordinances

- (2) Scenic values often are correlated with the existence of curves which allow a constant unfolding of new and changing views. Curves shall not be eliminated unless necessary for traffic safety.
- (3) Hills and valleys often are correlated with scenic values. They shall not be destroyed by cuts and fills unless necessary for traffic safety.
- (4) A narrow road often is correlated with scenic beauty. Designated highways shall not be widened unless necessary for traffic safety.
- (5) Existing steepness of side-slopes often is preferable to reduction of gradient by extensive removal of soil and rock. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.
- (6) Vistas of distant landscapes shall be preserved by suitable vegetation management techniques.
- (7) Where possible, utility lines should be put underground. Where they are overhead, the utility corporations should be encouraged to cooperate by implementing suitable vegetation management techniques which preserve the wildflowers and the shrubs.
- (8) Vegetation on the side of the road shall be considered so as to preserve wildflowers, shrubs of ornamental wildlife values, and trees. Overarching isolated trees and the canopy of a closed forest can have extremely high scenic value.
- (9) Where possible, scenic and preservation easements should be acquired from adjacent owners to ensure the continuance of natural relief, desirable features, and scenic and historic values in the public interest.
- (10) Anticipated traffic volumes, use and patterns.
- (d) Scenic road improvement or alterations to be conducted in conjunction with an application for the subdivision of land or new roads or other land-use development shall be regulated in accordance with the above provisions, except that no commission action shall be required for the development of a pre-existing lot having frontage on a scenic road.
- (e) All requests to conduct regulated work on a scenic road shall be in writing to the planning and zoning commission and shall be accompanied by a map, specifying the section of the scenic road to be improved or altered, a description of the proposed regulated activity, and a projection of the time period in which the work will be completed.
- (f) Applications for the subdivision of land fronting on a scenic road shall notice such frontage, and provide a description of proposed alterations or improvements that may affect the scenic road. (Ord. of 9-1-90)

Section 12.5-83 Waiver of subdivision requirement

To further the purpose of this article, the commission may waive the requirements of sections 310.41, 310.42 and 310.43 of the subdivision regulations. (Ord. of 9-1-90)

Section 12.5-84 Municipal improvements

Nothing in this scenic road article shall abrogate the need for 8-24 municipal improvement or the procedures established therein. (Ord. of 9-1-90)

Section 12.5-85 Enforcement

This article shall be administered and enforced by the planning and zoning commission. (Ord. of 9-1-90)

Sections 12.5-86 - 12.5-100 Reserved

ARTICLE V. LAND USE APPLICATION PROCESSING FEES

Section 12.5-101 Established

Pursuant to Section 8-1c of the Connecticut General Statutes, there is hereby established a schedule of fees for services provided by the Department of Planning and Development and the processing of land use applications received by the Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands and Watercourses Commission. The schedule of fees established shall supersede those fees presently charged by the land use commissions and board as previously established pursuant to a provision of the General Statutes or any Special (Ord. of 7-11-89; Amending Ord. of 6-13-06)

Killingly Code of Ordinances

Section 12.5-102 Definitions

For the purposes of this article, the following definitions shall apply:

Commission(s): One of all of the land use regulatory agencies of the Town of Killingly known as the planning and zoning commission, zoning board of appeals and inland wetlands commission.

Processing of a land use application(s): The act of a commission in receiving, reviewing and acting on an application to conduct an activity regulated by said commission and including the control of work and inspection of activities permitted. (Ord. of 7-11-89)

Section 12.5-103 Fee schedule

The Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands and Watercourses Commission are hereby authorized to collect fees for the processing of land use applications in accordance with the following schedule:

- (1) Subdivision: Three hundred dollars (\$300.00) plus three hundred fifty dollars (\$350.00) per lot, with any lot proposed to contain an existing house or labeled "remaining land", to be considered a lot for fee purposes; plus \$200 and \$1 per linear foot of new road construction review; plus 5% estimated cost of work (road, storm drainage) to be computed by the Town Engineer.
- (2) Resubdivision: Five hundred and twenty-five dollars (\$525.00) per application plus three hundred fifty dollars (\$350.00) per newly created lot (Required public hearing costs are included)
- (3) Zone district change (Map): Five hundred and twenty-five dollars (\$525) (Required public hearing costs are included)
- (4) Zone or subdivision regulation change: Five hundred and twenty-five dollars (\$525) (Required public hearing costs are included)
- (5) a. Special permit: Five hundred and twenty-five dollars (\$525.00) per application (Required public hearing costs are included).
b. Amendments, modifications or additions to an approved special permit if property boundaries remain unchanged: Four hundred twenty-five dollars per application (Required public hearing costs are included)
- (6) a. Site plan review and/or review of site plans submitted as part of a special permit:
\$200 base fee plus:
Commercial, Industrial and multi residential use plus:
\$400 up to 15,000sf of new impervious coverage;
15,001 – 50,000sf of new impervious coverage:
\$400 and \$5/thousand sf (or any part there of) of new impervious coverage in excess of 15,000 sf;
over 50,000sf: \$600 and \$2/thousand sf (or any part there of) of new impervious coverage in excess of 50,000sf;
Site plan review associated with single- or two-family residential use: \$200 base fee only;
Site plan review associated with earth filling/excavation/regrading: \$200 base fee up to five acres; plus \$50 each additional five acres (or part there of) in excess of five acres
b. Amendments, modifications or additions to an approved site plan if property boundaries remain unchanged: Two hundred dollars (\$200.00).
- (7) Variance: Three hundred seventy-five dollars (\$375.00) (Required public hearing costs are included)
- (8) Inland wetlands: One hundred dollars (\$100.00) base application fee, plus one hundred (\$100.00) per subdivision lot, with any lot proposed to contain an existing house or labeled "remaining land", to be considered a lot for fee purposes
- (9) Authorized wetlands agent action: One hundred fifty dollars (\$150.00) (Includes the decision legal publication fee)
- (10) Public hearing fee: \$225.00 required in addition to the above fees if a public hearing is required by the commission(s) and not already included
- (11) Notification certified mailing costs: to be borne by the applicant
- (12) Letter of zoning compliance: \$75.00
- (13) Zoning permit for new principle use construction: \$100

The above application fees do not include the mandated State of Connecticut land use fee which is also required to be submitted at the time of application.

Killingly Code of Ordinances

In addition to the fixed fees set forth, the commissions may collect payment for direct costs of materials and services performed by other than town employees including, but not limited to, specialized inspection, third party professional certifications, legal, stenographic, and transcription services associated with a type of land use application, or require an applicant to provide certifications, inspections or professional consultant reports at the applicant's expense. The payment of fees shall not prohibit commissions from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations. (Ord. of 7-11-89; Ord. No. 99-007, 5-11-99; Amending Ord. of 6-13-06)

Section 12.5-104 Exemptions

All boards and agencies of the Town of Killingly, including the use of fire company properties for fire protection purposes and ambulance corps shall be exempt from the payment of fees established pursuant to this article.

Each board may in whole or in part exempt an application from the payment of any or all fees if said application is for low or moderate income housing or special needs housing. Each board exempting an application from payment of a fee shall state in the minutes of the meeting at which the plan was received the fee type exempted, the percentage exempt, and reason for granting the exemption. This exemption shall not prohibit a commission from requiring consultant reports, professional certifications, or conducting inspections to ensure conformance with land use regulations. (Ord. of 7-11-89; Amending Ord. of 6-13-06)

Section 12.5-105 Payment of fees

- (a) The payment of a fee established in accordance with the provisions of this article shall not relieve the applicant, owner, or their agent from the payment of other fees that may be prescribed for a different type of land-use application, or by another ordinance of the Town of Killingly.
- (b) All fees received by a commission or board as part of a formal land use application submission shall be non-refundable.
- (c) All fixed fees shall be paid by cash, check or money order made payable to the Town of Killingly. Fees shall be paid at the time of application submission. All direct costs shall be similarly paid prior to the release of the final plans and permits for filing or the initiation of work except for payments for services to be rendered during construction which shall be paid prior to the issuance of a final certificate of zoning compliance on the project. (Ord. of 7-11-89; Amending Ord. of 6-13-06)

Section 12.5-106-119 RESERVED

ARTICLE VI. NOISE ORDINANCE

Section 12.5-120 Declaration of policy

It is recognized that people have a right to and should be ensured an environment free from excessive noise or sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

Section 12.5-121 Definitions

As used in this chapter, the following words and terms shall have the meanings hereinafter set forth:

ANSI. The American National Standards Institute or its successor body. Any ANSI standard referred to in this ordinance shall be deemed to incorporate further revisions by reference.

Background noise shall mean noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded ninety per cent (90%) of the time (L_{90}) in which the measurement is taken.

Business zone. Those areas so designated for commercial use under the zoning regulations of the town, including the Business Park District.

Construction means any, and all, physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling and paving.

Killingly Code of Ordinances

Day-time hours shall mean the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel shall mean a unit of measurement of the sound level, the symbol for which is dB.

Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Excessive noise shall mean any sound, the intensity of which exceeds the standards set forth in section 12.5-125 of this chapter.

Impulse noise shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, the level of which is measured with a sound-level meter, which shall conform with ANSI S2.7-1986 (R1993).

Intrusion alarm shall mean a device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

Industrial zone shall mean those areas so designated under the zoning regulations of the town, including the Mixed Use Interchange district

L₉₀ shall mean the A-weighted sound pressure level exceeded ninety per cent (90%) of the time period during which measurement was made.

Motor vehicle shall mean a vehicle as defined in Connecticut General Statutes §14-1(47), Revision of 1958, as amended.

Nighttime hours shall mean the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level shall mean a frequency weighted sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA.

Person shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

Premises shall mean any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.

Property maintenance equipment shall mean all engine or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, leaf blowers.

Public emergency sound signal shall mean a device either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action.

Public facility maintenance shall mean all activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

Residential zone shall mean those areas so designated under the zoning regulations of the town.

Sound shall mean a transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

Sound level meter shall mean an instrument used to measure sound pressure levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for sound level meters ANSI S1.4-1983 (R 1997) (Type 1).

Sound pressure level shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of 0.00002 Newtons per square meter (N/M²) or twenty (20) microPascals, expressed in decibel (dB) units.

Town manager shall mean the duly appointed town manager of the town or his or her designee.

Section 12.5-122 Exclusions

This chapter shall not apply to noise emitted by or related to:

- (a) Natural phenomena.
- (b) The unamplified sound made by any wild or domestic animal.
- (c) A bell or chime from any building clock, school or church.
- (d) A public emergency sound signal.
- (e) Warning devices required by OSHA or other state or federal safety regulations.
- (f) Farming equipment or farming activity.
- (g) An emergency.

Killingly Code of Ordinances

Section 12.5-123 Exemptions

The following shall be exempt from this chapter subject to the special conditions noted:

- (a) Noise generated by the operation of engine-powered or motor-driven lawn care or maintenance equipment during daytime hours provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises there from.
- (b) Noise generated by any construction equipment operated during day-time hours.
- (c) Noise created by any recreational activities which are sanctioned by the town, including, but not limited to, parades, sporting events, concerts and firework displays. Any equipment related to such recreational activities shall be properly maintained and properly functioning.
- (d) Noise created by blasting provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time and provided that a permit for such blasting has been obtained from state or local authorities.
- (e) Noise created by refuse and solid waste collection, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.
- (f) Noise created by a properly maintained and properly functioning fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.
- (g) Noise created by public facility maintenance during day-time hours.
- (h) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.
- (i) Noise created by snow removal equipment at any time provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

Section 12.5-124 Noise level measurement procedures

For the purpose of determining noise levels as set forth in this chapter, and as set forth in Connecticut Regulations §22a-69-4, the following procedures shall be applicable:

- (a) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- (b) Instruments used to determine sound level measurements shall be sound level meters as defined in this chapter.
- (c) The following steps shall be taken when preparing to take sound level measurements:
 - (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - (2) Measurements to determine compliance with Section 12.5-125 of this chapter, in those cases where a receptor is an abutter to the emitter, shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises and at a point within the receptor's premise. In those cases where the receptor is not an abutter to the emitter, measurements to determine compliance with Section 12.5-125 of this chapter shall be taken at a point that is located about one foot within the boundary of the receptor's premises.
 - (3) The person conducting the testing shall prepare a written report to include, but not necessarily be limited to, such information as date, time, location, observation of conditions of the environment such as identification of noise source, weather, traffic and other pertinent data.
- (d) The Zoning Enforcement Officer is charged with assisting in training efforts and with assisting emitters in their efforts to comply with the standards set forth herein.
- (e) The Director of Planning and Development and the Zoning Enforcement Officer are charged with the review of development proposals during the administrative review process to determine the potential for violation of this chapter and to assist potential emitters in their efforts to comply with the standards set forth herein.

Section 12.5-125 Noise levels

- (a) **Noise levels.** It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this chapter.
- (b) **Noise level standards.** No person shall emit or cause to be emitted noise exceeding the levels stated herein. Levels emitted in excess of the values listed below shall be considered excessive noise.

Killingly Code of Ordinances

ZONE IN WHICH RECEPTOR IS LOCATED

Zone in Which Emitter is located:	Industrial (dBA)	Business (Commercial) (dBA)	Residential Day-time hours (dBA)	Residential night-time hours (dBA)
Industrial	70	66	61	51
Business (Commercial)	62	62	55	45
Residential	62	55	55	45

Where multiple uses exist within a given Zone District, the least restrictive land use category for the Emitter and Receptor shall apply regarding the noise standards specified in Section 12.5-125 of this chapter unless provided for elsewhere in this ordinance.

(c) **Background noise and impulse noise.**

- (1) In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to this chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this chapter.
- (2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during night-time hours.
- (3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure level at any time.

(d) **Short Term Noise.** In measuring compliance with the Noise Level Standards, the following short term noise level excursions over the noise level standards established by this chapter shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith:

Allowable levels above standards (dBA)	Time period of such levels (minutes)
3	15
6	7
8	5

(e) **Existing Noise Sources.** Existing noise sources constructed between January 1, 1960 and the effective date of this ordinance shall be provided a permanent five (5) dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source. Existing noise sources constructed prior to 1960 shall be provided a permanent ten (10) dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source.

(f) **Motor vehicle noise.**

- (1) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, Section 14-80a-4a entitled "Maximum Permissible Noise Levels For Vehicles."
- (2) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in this chapter.

Killingly Code of Ordinances

- (g) **Existing state law.** Nothing in this chapter shall be construed to limit the powers of the police to enforce applicable state laws, including, but not limited to, breach of the peace, motor vehicle noise, or recreational vehicle noise.

Section 12.5-126 Enforcement

Violations of this chapter shall be enforced by the Town Manager or his or her designee. The Town Manager may develop procedures consistent with this chapter, including, but not limited to: metering, training, and issuance of violation notices.

Section 12.5-127 Violations and penalties

- (a) Any person found to be in violation of any sections of this chapter for the first time, who is willing to correct the violation, shall be given a two-week grace period in which to correct the violation. The Town Manager or his or her designee shall, where appropriate, refer the person found to be in violation to the Director of Planning and Development and the Zoning Enforcement Officer to receive direction for corrective action. Provided all necessary applications related to the corrective action are filed with the relevant land use agency within the two-week grace period, the Town Manager may extend the grace period pending the review of the applications.
- (b) Enforcement of the provisions of this ordinance shall be by the town's citation and hearing procedure as contained in Section 1-10 of Killingly Code of Ordinances. The citation hearing procedure will serve as the appeals procedure.

Section 12.5-128 Variance

- (a) Any person residing or doing business in Killingly may apply to the town manager for a variance from one or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the town manager at least twenty (20) days prior to the start of said activity:
- (1) The location and nature of activity.
 - (2) The time period and hours of operation of said activity.
 - (3) The nature and intensity of the noise that will be generated.
 - (4) The reasons for which the variance is requested, including the economic and technical justifications
 - (5) A description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring there from.
 - (6) Any other information required by the town manager.
- (b) No variance from this ordinance shall be issued unless it has been demonstrated that:
- (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health.
 - (3) Compliance with this chapter constitutes an unreasonable hardship on the applicant.
- (c) The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

Section 12.5-129 Compliance with regulations no defense to nuisance claim

Nothing in any portion of this ordinance shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with this ordinance is not a bar to a claim of nuisance by any person. A violation of any portion of this ordinance shall not be deemed to create a nuisance per se.

Section 12.5-130 Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions or application; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

Section 12.5-131 Effective date

Killingly Code of Ordinances

This ordinance shall take effect on publication according to law provided that publication shall not occur unless the Connecticut Department of Environmental Protection has approved the ordinance as required under C.G.S. 22a-73.
(Ord. of 9-13-05)

Killingly Code of Ordinances

Chapter 15

WATER, SEWERS AND SEWAGE DISPOSAL¹

Art. I. In General

Art. II. Sewers and Sewage Disposal

Division 1. Generally

Division 2. Use of Public Sewers

Division 3. Building Sewers and Connections

Division 4. Drain Layers

Division 5. Private Sewage Disposal

Division 6. Rates and Charges

Art. III. Water

ARTICLE I. IN GENERAL

Sections 15-1 - 15.15 Reserved

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

DIVISION 1 GENERALLY

Section 15-16 Purpose

In order to assure the proper disposal of sewage and waste waters and the proper operation and maintenance of the public sewers, sewage treatment plant and other sewage works within the town and to provide an adequate record of sewers, drains, appurtenances and connections thereto, the following regulations are enacted by the town under the authority of Chapter 103, Section 7-247, Connecticut General Statutes, Revision of 1958, as amended, and Public Act 57, January Session 1967. (Ord. of 3-13-75, § I)

Section 15-17 Definitions²

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Attorney shall mean the duly appointed attorney of the water pollution control authority.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in mg/l (milligrams per liter) by weight.

Chlorine demand shall mean the amount of chlorine which must be added to water or waste to produce a residual chlorine content of at least one-tenth (0.1) mg/l after a minimum contact time of ten (10) minutes.

Drain layer or **licensed drain layer** shall mean either an individual, partnership or corporation to whom the state has issued a license to install building sewers during the period when such license is valid.

Hearing board shall mean that board appointed according to the provisions of section 15-23.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Person shall mean any individual, firm, company, association, society, corporation or group.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sewage shall mean waste water or water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage shall be further classified as follows:

- (1) **Domestic or sanitary sewage** which shall mean the solid and liquid wastes from toilet and lavatory fixtures, kitchens, laundries, bath tubs, shower baths, or equivalent plumbing fixtures as discharged from dwellings, business and industrial buildings.

¹ Cross references—Buildings and building regulations, Ch. 4; garbage, trash and refuse, Ch. 8; inland wetlands regulations, App. A; subdivision regulation, App. B; zoning regulations, App. C.

² Cross reference—Rules of construction and definitions generally, § 1-2.

Killingly Code of Ordinances

- (2) **Industrial sewage or wastes** which shall include the water-carried wastes of any industrial process as distinct from domestic or sanitary sewage. All substances carried in industrial wastes, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.
- (3) **Storm water** which shall include the run-off or discharge of rain and melted snow or other water from roofs, surfaces of public or private lands, or elsewhere. Storm water also shall include subsoil drainage as defined in subparagraph (4).
- (4) **Subsoil drainage** which shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes.
- (5) **Cooling water** which shall include the waste water from air conditioning, industrial cooling, condensing and hydraulically-powered equipment or similar equipment.
- (6) **Garbage** which shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce. "Properly shredded garbage" shall mean garbage which has been shredded so that no garbage particles will be greater than one-half (1/2) inch in any dimension.

Sewer or drain shall mean the pipe or conduit, together with manholes and other structures or equipment appurtenant thereto, provided to carry sewage, waste liquids, storm water or other waters. Sewers shall be further classified as follows:

- (1) **Public sewer** which shall mean a trunk, main or lateral sewer up to and including the "Y" branch or tee provided for connection thereto, and to which all owners of abutting properties have equal rights, and which is controlled by public authority. The public sewer shall include the building connection lateral but does not include the building or house sewer.
- (2) **Sanitary sewer** which shall mean a sewer which carries only sanitary sewage and to which storm water, subsoil drainage and cooling water are not intentionally admitted.
- (3) **Combined sewer** which shall mean a sewer receiving both storm water and domestic sewage, including acceptable discharge of industrial wastes, subsoil drainage and cooling water.
- (4) **Storm sewer or storm drain** shall mean a pipeline carrying storm water, subsoil drainage, acceptable cooling water or other reasonably clean waters, but excluding domestic and polluted industrial waste.
- (5) **Building or house sewer** which shall mean the extension from the building drain to the building connection lateral.
- (6) **Building drain** shall mean that part of the lowest horizontal piping of a building drainage system that receives the discharge from the soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (7) **Building connection lateral** shall mean the pipe laid incidental to the original construction of a public sewer from such public sewer up to some point at the side of the street, highway, or similar location, and there capped, having been provided and intended for extension and for use at sometime thereafter as part of a building or house sewer connection.

Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.

Sewage works shall mean all facilities for collecting, pumping, treating, and disposing of sewage or waste water.

Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen

(15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Superintendent shall mean the superintendent of the sewage works, town engineer, director or superintendent of public works, or other designated official of the water pollution control authority, or his authorized deputy, agent or representative.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by filtering as prescribed in Standard Methods for the Examination of Water, Sewage and Industrial Waste, American Public Health Association.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Water pollution control authority shall mean the water pollution control authority of the town.

(Ord. of 3-13-75, § II; Ord. of 4-10-79)

Killingly Code of Ordinances

~~Section 15-18 — Water Pollution Control Authority – Generally³~~

- ~~(a) **Created.** Pursuant to the general statutes of the state, chapter 103, section 7-246, as amended, and the Killingly Town Charter, Section 810, there is created an authority, to be known as the Water Pollution Control Authority of the Town of Killingly.~~
- ~~(b) **Powers.** The Authority created by this section shall conform to and have such powers, purposes and objectives as set forth in chapter 103 of the general statutes, revision of 1958, and amendments thereto.~~
- ~~(c) **Composition; terms; vacancies.** The Authority created by this section shall consist of five (5) regular members to be appointed by the town council for terms of three (3) years and two (2) alternate members to be appointed by the town council for terms of two (2) years. Any vacancy shall be filled for the unexpired portion of the term by appointment by the town council.~~
- ~~(d) **Officers.** The authority created by this section shall elect from its membership a chairman and secretary and shall appoint legal counsel, and other necessary personnel.~~
- ~~(e) **Compensation.** The members of the authority created by this section shall serve without compensation but shall be reimbursed for necessary expenses.~~
- ~~(f) **Quorum.** The presence of three (3) members of the authority created by this section will constitute a quorum to conduct business and no action of such authority shall be valid unless authorized by a vote of the majority of the members of the authority.~~
- ~~(g) **Records; annual report.** The authority created by this section shall maintain accurate accounting and financial records and shall make an annual report to the town manager and council.~~
- ~~(h) **Removal of members.** A member of the authority created by this section may be removed in accordance with the provisions of Section 811 of the Killingly Town Charter.~~
- ~~(i) The Water Pollution Control Authority shall submit an annual operating budget in accordance with the provisions of Section 810 of the Killingly Town Charter.~~
- ~~(Ord. of 8-25-70, §§ 1–8; Ord. of 6-26-74; Ord. of 4-10-79; Ord. of 9-14-82, §§ 1, 2; Ord. of 10-12-82, § 1; Amending Ord. of 5-10-05)~~

Section 15-18.1 Same - Right of entry⁴

The superintendent and any other duly authorized employee of the Killingly Water Pollution Control Authority, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. (Ord. of 3-9-82, § 1)

Section 15-18.2. Same - Observation of safety rules established by user; user held harmless⁵

While performing the necessary work in private properties, the superintendent or duly authorized employees of the Killingly Water Pollution Control Authority shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the employees of the authority and the authority shall indemnify the user against loss or damage to its property by authority employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required in Section 15-66.1. (Ord. of 3-9-82, § 2)

Section 15-19 When connection to sanitary sewers required.

Connections must be made to sanitary sewers within one hundred fifty (150) days of availability of sewers. The obligation to promptly connect to sanitary sewers may be waived by the Water Pollution Control Authority for those on-site septic systems which were installed or substantially rebuilt. Waivers shall be granted only when the following criteria have been met:

- a. The property owner or its duly authorized agent shall request the waiver in writing in a form acceptable to the Water Pollution Control Authority.
- b. The application for waiver must be accompanied by satisfactory documentation from the Northeast District Department of Health regarding the nature and date of any such installation or repair, invoices and/or cancelled checks evidencing the cost of installation or repair and a certification from a licensed septic system

³ Cross reference—Administration generally, Ch. 2.

⁴ Editor's note—Sections 1 and 2 of an ordinance adopted March 9, 1982, did not specifically amend this Code, hence their inclusion as §§ 15-18 and 15-18.2 was at the discretion of the editor.

⁵ Note—See the editor's note to § 15-18.1.

Killingly Code of Ordinances

installer that the system is presently in working condition according to the standards of the Northeast District Department of Health.

- c. Waivers shall not exceed ten (10) years and shall be prorated at the rate of \$500.00 per year from the cost of previous repairs or installation. Waivers shall not apply if the septic system is over ten (10) years old. Waivers shall not apply if the repairs (upgrade) to the septic system are more than ten (10) years old.
- d. Any such waiver shall expire upon the failure of any waived septic systems or upon conveyance of the property, which ever shall first occur. (Ord. of 3-13-75, § I; Ord. of 4-11-00)

Section 15-20 Unauthorized persons not to open, enter or alter

No unauthorized person shall open the cover of, enter or alter any manhole or other appurtenance of any public sewer; place or insert in any public sewer or its appurtenances any foreign materials which such sewer or its appurtenances was not intended to receive; nor shall any person damage, destroy, uncover, deface or tamper in any way with any structure, appurtenance or equipment which is a part of the sewage works.

(Ord. of 3-13-75, § VII (b))

Section 15-21 Disposal of ground drainage and sewage from subdivision developments

- (a) The developer of a proposed property subdivision or future subdivisions within the town shall submit to the town and to any other local or state agency or officer having jurisdiction the proposed method of providing for ground drainage and sewage disposal in the development. The method proposed shall be indicated on a plot plan or separate plan showing gradient and datum lines, together with specifications or descriptive information so as to clearly indicate the functioning and construction of the layout. A performance bond in the amount of one hundred (100) per cent of the cost of the project shall be posted by the developer with the town, guaranteeing satisfactory performance of such developer's work, where such work is or will become a part of the town sewage system. No building permits shall be issued to any developer of subdivisions until the ground drainage and sewage disposal layout have been approved by the water pollution control authority and by any other local or state agency or officer having jurisdiction.
- (b) In cases where a developer of a property subdivision plans the construction of sewer laterals in the streets of the development, such developer shall furnish at the time the plans for laterals are submitted for approval, a maintenance bond, issued by a bonding company acceptable to the town manager, and of a value of five (5) per cent of the estimated cost of the proposed sewers, but in no case for less than one thousand dollars (\$1,000.00) guaranteeing for a term of one year, the correction of any defects in the sewer system, sewers, manholes and building sewers, upon written notice of such defects from the superintendent.
- (c) In cases where a developer of a property subdivision plans the construction of a sewage pumping station in conjunction with a system of street sewers, the plans and specifications for such pumping stations shall be submitted to and approved by the water pollution control authority and by any state agency having jurisdiction, prior to the construction of such pumping station.
- (d) The installation of all sewer lines and their appurtenances shall not be backfilled with unapproved material. Sand materials shall be used after approval for same is obtained and after written certification of approval for installation of the sewer line and their appurtenances by the superintendent. (Ord. of 3-13-75, § XI; Ord. of 4-10-79)

Section 15-22 Compact Sewage Treatment Plants

- (a) Whenever the Water Pollution Control Authority shall require the installation of a compact sewage treatment plant to serve more than one owner or tenant, such compact sewage treatment plant shall be constructed according to specifications to be established and supplied by the Water Pollution Control Authority.
- (b) All applications to the State Department of Environmental Protection for the approval of such compact sewage treatment plants shall be made in the name of, and shall be processed by the Water Pollution Control Authority and such approval of the State Department of Environmental Protection shall be obtained by the Water Pollution Control Authority.
- (c) At or before the time of filing by the Water Pollution Control Authority for such approval by the State Department of Environmental Protection, the applicant for site plan approval or tentative subdivision approval (referred to as "applicant" hereinafter) shall enter into a contract with the Water Pollution Control Authority requiring such applicant to construct the compact sewage treatment plant in accordance with the plans and specifications therefore, and requiring the applicant to file a performance bond or guaranty in an amount equivalent to the reasonable cost of the proposed compact sewage treatment plant and all of its necessary appurtenances. The reasonable cost is to be determined by the Water Pollution Control Authority. The form

Killingly Code of Ordinances

and sufficiency of the bond shall be subject to the approval of the attorney and the term of the bond shall be for the life of the contract, or any extension thereof, between the sewer authority and the applicant and shall be conditioned upon the applicant's full compliance with the Water Pollution Control Authority ordinances and regulations governing the installation of the same and of the faithful performance of the terms of the agreement with the Water Pollution Control Authority.

- (d) The contract hereinbefore referred to in paragraph (c) of this section shall also require the applicant to file with the Water Pollution Control Authority a maintenance bond in an amount equivalent to twenty-five (25) per cent of the actual cost of the compact sewage treatment plant and all of its necessary appurtenances. This bond shall be approved as to form and sufficiency by the town attorney, and shall be filed with the sewer authority at the time that certification is made by the superintendent that the compact sewage treatment plant and all of its necessary appurtenances have been completely installed in accordance with the plans and specifications and is ready for operation. This maintenance bond shall be expressly conditioned upon the maintenance by the applicant of the compact sewage treatment plant and all of its necessary appurtenances for a period of one year from the date that title to the compact sewage treatment plant is transferred to the town, as hereinafter provided, and shall guarantee the remedying of any defects in the compact sewage treatment plant which shall occur during the one-year period. The applicant shall also secure a warranty from the manufacturer of said compact sewage treatment plant for the sole benefit of the town to protect the town against defective parts and operation, said warranty to be in effect for a period of five years from the date that title to the compact sewage treatment plant is transferred to the town as hereinafter provided.
- (e) The installation of the compact sewage treatment plant and all of its necessary appurtenances shall be inspected by the superintendent and he may require appropriate field changes to be made during installation and prior to the transfer of title to the town, as hereinafter provided.
- (f) The contract hereinbefore referred to in paragraph © of this section shall also require the applicant to transfer title to the town of the compact sewage treatment plant and all of its necessary appurtenances including a conveyance of the real property upon which such plant is constructed, by a duly executed instrument of conveyance in proper form, as approved by the attorney, upon the certification, in writing, by the superintendent to the town that the compact sewage treatment plant and all of its necessary appurtenances have been constructed in accordance with the plans and specifications therefore, and is operating in a manner satisfactory to the superintendent. Such conveyance shall include an easement of right-of-way required by the town to operate such compact sewage treatment plant.
- (g) The following minimum criteria for design standards is established for compact sewage treatment plants: One hundred (100) gallons per person per day (in garden apartments as well as individual homes). The number of persons to be used in computations shall be as follows:
 - (1) **Garden apartments.** Two and five-tenths (2.5) persons for one bedroom apartment, three and five-tenths (3.5) persons for two (2) bedroom apartments, four and seventy-five hundredths (4.75) persons for three (3) bedroom apartment.
 - (2) **Single-family residential dwelling.** Two (2) persons per bedroom plus one hundred (100) gallons per dwelling for automatic equipment per home. (Ord. of 3-13-75, § XIII; Ord. of 4-10-79)

Section 15-23 Hearing Board⁶

A hearing board consisting of five (5) persons shall be appointed by the town council. Such board shall interpret the intent of this article and arbitrate any differences, whenever a difference of interpretation and execution of the provisions of this article cannot be resolved by the superintendent and/or water pollution control authority. Such board shall consist of five (5) members and two (2) alternates who shall be appointed to serve three (3) year terms. Those provisions of the town charter governing minority representation on town boards and commissions shall govern the appointment of members of such hearing board. (Ord. of 3-13-75, § XVII; Ord. of 6-28-77; Ord. of 4-10-79)

Section 15-24 Violations; penalties

- (a) Any person found to be violating any provision of this article shall be served by the Water Pollution Control Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall violate any provision of this article shall be subject to punishment as provided in section 1-9 of this Code. Each day that any violation of this article continues and each day that any person continues

⁶ Cross reference – Administration, Ch. 2.

Killingly Code of Ordinances

to discharge prohibited wastes or substances into any public sewer shall be deemed to be a separate offense for the purpose of applying the penalty provided in this section.

- (c) Any person violating any of the provisions of this article shall be liable to the town for any expense, loss or damage occasioned the municipality by reason of such violations. (Ord. of 3-13-75, § XV; Ord. of 4-10-79)

Section 15-25 Effective date

This article shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law. However, in the case of the Borough of Danielson, this article shall take effect at such time as the Borough of Danielson executes a contract for sewage services with the town. (Ord. of 3-13-75, § XVIII)

Sections 15-26 - 15-41 Reserved

DIVISION 2 USE OF PUBLIC SEWERS

Section 15-42 Required

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the town or in any area under the jurisdiction of the town, any human or non-agricultural animal excrement, garbage, or other objectionable waste. It shall be lawful to deposit in a sanitary manner upon public or private property agricultural animal excrement in the town.
- (b) It shall be unlawful to discharge to any natural outlet or storm sewer within the town or in any area under the jurisdiction of the town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the property public sewer in accordance with the provisions of this article, within one hundred fifty (150) days after date of official notice to do so. However, in the case of a single family home, owners shall not be required to connect within one hundred fifty (150) days unless a line or connection stub is available within two hundred (200) feet of any building line.
- (d) It shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sludge if public sewers are available.

(Ord. of 3-13-75, § 3, Ord. of 12-14-76; Ord. of 3-9-82, § 7)

Section 15-43 Public sewer connections, repairs and use; permit required

No unauthorized person shall uncover, make any connections with or opening into, repair, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Water Pollution Control Authority. (Ord. of 3-13-75, §§ VII (a), XII (a); Ord. of 4-10-79)

Section 15-44 Application for service

Application for public sewer service must be made on forms prescribed by the Water Pollution Control Authority and signed by the owner of the property or his authorized agent. Signing of such application signifies assent to all of the rules, regulations and schedule of public sewer fees, rentals and charges of the water pollution control authority. The Water Pollution Control Authority shall, from time to time as circumstances warrant, fix all public sewer fees, rentals and charges. The owner of each building connected to the public sewer system shall be responsible for the payment of bills rendered by the Water Pollution Control Authority for sewer service. All sewer rentals, fees and other charges incurred in the installation of the laterals are a lien against the property until paid. All bills for sewer service will be rendered as it is deemed feasible. The amount charged shall be due on the date of the rendering of the bill. If bills are not paid within thirty (30) days from that date, they shall thereupon be delinquent and shall bear interest from the due date at the rate and in the manner provided for by the general statutes for delinquent property taxes. (Ord. of 3-13-75, § XII (b); Ord. of 4-10-79)

Section 15-45 Building connection laterals

- (a) Any building connection lateral made after the original installation of the public sewer, including the making of the tap to the public sewer and the excavation, backfilling and resurfacing of the trench from the public sewer

Killingly Code of Ordinances

to two (2) feet inside the curb line or edge of pavement will be done by the Water Pollution Control Authority at the expense of the applicant. The charges for installing the building connection lateral will be based on time and materials and any fees required by others.

- (b) A separate and independent building connection lateral shall be provided for:
- (1) Each building under one roof owned by one party and occupied as one business or residence, or
 - (2) A combination of buildings owned by one party in one common enclosure occupied by one family or business; or,
 - (3) The one side of a building having a solid vertical partition wall, making it capable of divided ownership. A building owned by one party containing more than one store, apartment or office may be supplied by one or more house connections at the discretion of the superintendent. (Ord. of 3-13-75, § XII©, (d); Ord. of 4-10-79)

Section 15-46 Assessment of installation costs⁷

The cost of installing a public sewer system in any existing street, lane, road, etc., may be assessed in whole or part against property owners (including real estate developers) benefiting by such installation except that where a sewer in excess of ten (10) inches in diameter is installed to provide for future extension, such assessment shall be made by special agreement with the Water Pollution Control Authority, and shall be constructed in accordance with the Water Pollution Control Authority specification.

Any property owner who is eligible for tax relief for elderly taxpayers under the provisions of (1) Section 12-129b of the Connecticut General Statutes, (2) Section 12-170a of the Connecticut General Statutes, or (3) a plan of tax relief for elderly taxpayers provided by the Town in accordance with Section 12-129n of the Connecticut General Statutes, may apply to the Water Pollution Control Authority for approval of a plan of payment of such property owner's sewer assessment in a manner other than as provided under Section 7-253 of the Connecticut General Statutes. An eligible property owner may be allowed by the Water Pollution Control Authority to pay only the annual interest charge, as provided in Section 7-253 of the Connecticut General Statutes, on any deferred payments or outstanding balance of the principal deferred. Any deferred payment or outstanding balance of any principal deferred and any interest due thereon under such option shall become payable in full upon any transfer of the title to the property subject to such assessment or upon the death of such property owner. Any such optional method of payment shall be subject to annual review by the Water Pollution Control Authority.

(Ord. of 3-13-75, § XII; Ord. of 4-10-79; Ord. of 4-11-00)

Section 15-47 Permitted and prohibited discharges

- (a) No person shall discharge into any public sewer of the town any waste, substance or waters other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular public sewer is intended, designed or provided.
- (b) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, air conditioning and refrigerating waste waters, or unpolluted industrial process waters to any sanitary sewer.
- (c) Storm water and all other unpolluted drainage, or uncontaminated process water in excessive quantities, may be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to a natural outlet. Such waters shall be discharged only after approval of any local or state regulatory agency having jurisdiction.
- (d) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
 - (2) Any water or waste which may contain more than one hundred (100) mg/l by weight, of fat, oil, wax or grease, or containing other substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit.
 - (3) Any gasoline, benzene, naphtha, alcohol, tar, fuel oil, or other flammable or explosive liquid, solid, gas, or vapor.
 - (4) Any garbage except "properly shredded garbage." The installation and operation of any garbage grinder equipped with a motor of three-quarter (3/4) horsepower or greater shall be subject to the review and approval of the superintendent.

⁷ Cross reference—Taxation, Ch. 14.

Killingly Code of Ordinances

- (5) Any ashes, cinders, stones, sand, mud, straw, shavings or sawdust, metal, sticks, coarse, rubbish, glass, rags, tar, feathers, plastics, waste rubber, animal guts or tissues, entrails, blood, hair, hides, wood, paunch manure or any other substance likely to damage, destroy or cause an obstruction to the flow in any sewer or which may interfere with the proper operation of the sewage works.
- (6) Any water, sewage or wastes having a pH lower than 6.0 or higher than 10.0, unless otherwise previously permitted by the state and approved by the authority, or having any other corrosive or detrimental property capable of causing damage or hazard to the sewage works or personnel. (Ord. No. X01-028, 11-13-01) (Ord. 4-8-03)
- (7) Any waters or wastes containing a toxic, poisonous or radioactive substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans, animals or marine life, or create any hazard in the receiving waters.

The following toxic or poisonous substances shall not be present in any appreciable quantity of industrial or commercial process discharges in excess of the following limits in mg/l (milligrams per liter) by weight:

<i>Pollutant</i>	<i>Concentration parts/million, mg/l</i>
Arsenic as AS	0.05
Barium as Ba	5.0
Boron as BO	5.0
Cyanides as CN (amenable)	0.1
Fluoride as F	20.0
Chromium (Total)	1.0
Chromium (Cr + 6)	0.1
Magnesium as Mg	100.0
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.1
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01
Nickel	1.0

Note: All metals are to be measured as total metals.

Radioactive wastes or materials may be discharged into a public sewer if conditions a. and b. below are met and if either condition c. or d. is also met; provided that, such discharges are in compliance with applicable state or federal regulations:

- a. Such wastes must be readily soluble or dispersible in water;
 - b. The gross quantity of all radioactive materials so discharged must not exceed one curie per year;
 - c. The daily quantity of any radioactive material if diluted by the average daily volume of sewage discharged into the system from the installation must not exceed the maximum concentrations allowed by regulations of the United States Nuclear Regulatory Commission;
 - d. Daily quantities of radioactive materials up to the maximum permitted by the United States Atomic Energy Commission may be so discharged provided that the total monthly quantities if diluted by the average monthly volume of sewage discharged from the installation, do not exceed the concentrations permissible under c. above.
- (8) Any noxious, malodorous or taste-producing gas, vapor or substance, such as phenols, capable of creating a public or private nuisance or which may prove toxic to sewage treatment processes or which may exceed acceptable limits for discharge to receiving waters.
 - (9) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

Killingly Code of Ordinances

- c. Unusual BOD, suspended solids, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- e. No person shall discharge any substance into any public sewer system which will cause the Water Pollution Control Authority to violate its NPDES permit or the receiving water quality standards.

(Ord. of 3-13-75, § IV (a)—(d); Ord. of 3-9-82, § 8)

Section 15-47.2 New discharges⁸

Any person proposing a new discharge into the public sewer system or a substantial change in volume or character of pollutants that are being discharged into the public sewer system, shall notify the Water Pollution Control Authority at least forty-five (45) days prior to the proposed change or connection. (Ord. of 3-9-82, § 3)

Section 15-47.4 Permit required for discharge of certain wastewaters⁹

In accordance with Section 25-54i of the Connecticut General Statutes as amended, a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

- (a) Industrial wastewater of any quantity.
- (b) Domestic sewage in excess of five thousand (5,000) gallons per day through any individual building to a public sewer affecting sludge use or disposal developed pursuant to the Resource Conservation Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used. (Ord. of 3-9-82, § 4)

Section 15-47.6 Monitoring of discharges by industries¹⁰

All industries discharging into a public sewer shall perform such monitoring of their discharge as required by the commissioner in any state discharge permit issued pursuant to Section 25-54i of the Connecticut General Statutes, as amended, including, but not limited to, installation, use, and maintenance of monitoring equipment, keeping records and reporting the results to the Commissioner. Such records shall be made available on request of the commissioner or the superintendent. (Ord. of 3-9-82, § 5)

Section 15-47.8 Protection from Accidental Discharge Required¹¹

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The commissioner may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities. (Ord. of 3-9-82, § 6)

Section 15-48 Superintendent's authority re: deleterious wastes

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated under section 15-47(d) of this article, and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (3) Require control over the quantities and rates of discharge, and/or,
- (4) Recommended payment to cover the added cost of handling and treatment of wastes not covered by existing taxes or sewer charges. If the sewer authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and of any or all state regulatory agencies having jurisdiction, and no construction of such facilities shall be commenced until such approvals are obtained in writing. (Ord. of 3-13-75, § IV (e))

⁸ Editor's note—Sections 3—6 of an ordinance adopted March 9, 1982, did not specifically amend this Code; hence their inclusion as §§ 15-47.2, 15-47.4, 15-47.6 and 15-47.8 was at the discretion of the editor.

⁹ Note – See the editor's note to § 15-47.2.

¹⁰ Note – See the editor's note to § 15-47.2.

¹¹ Note – See the editor's note to § 15-47.2.

Killingly Code of Ordinances

Section 15-49 Determination of exclusion of wastes

In determining whether any waste discharged or proposed to be discharged into any public sewer is to be excluded, consideration will be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sewer into which the waste is to be discharged, the probable quantity of sewage or other wastes likely in such sewer, and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantity may be accepted if sufficiently diluted when and as discharged, or if the quantity discharged is small as compared with the flow in the receiving sewer; but any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time by the superintendent. (Ord. of 3-13-75, § IV (f))

Section 15-50 Pre-treatment Facilities

- (a) At all premises where wastes or substances specified to be excluded from public sewers by this article are present and liable to be discharged directly or indirectly into such sewers, suitable and sufficient piping layouts, oil, grease, sand and flammable waste traps or separators, screens, settling tanks, diluting devices, storage or regulating chambers, treatment, cooling or other equipment and devices shall be provided. These shall be maintained and properly operated by the owner or the premises or his agent at his expense to insure that no waste or substance is discharged in violation of the requirements of this article.
- (b) On premises where any of the wastes or substances as described in this section are present, the water pollution control authority may require the owner to provide, operate and maintain at his (the owner's) expense a sampling well or wells, flow measuring devices, manholes or other appurtenances, all readily accessible, on the building sewer or drain from such premises near the point where such sewer or drain connects to the public sewer. By means of such sampling well or wells, flow measuring devices, or other appurtenances, the owner occupants of such premises, the superintendent, or any public officer having legal jurisdiction may secure samples of, or examine the wastes being discharged into the public sewer for the purpose of determining compliance or noncompliance with the requirements of this article.
- (c) The superintendent shall have the right to enter and inspect any part of the premises served by public sewers upon which there may be reason to believe that violations of the requirements of this article have occurred or are likely to occur, for the purpose of ascertaining the facts as to such violation or suspected violation, or of obtaining samples of wastes, or of inspecting flow measuring devices or treatment facilities provided to prevent prohibited discharges.
- (d) In the case of industrial waste discharges and when directed by the Water Pollution Control Authority, the owner shall be required to furnish the appurtenant structures and devices and the superintendent shall have the right to enter upon any part of the premises served by the public sewers and sample the wastes, all as described under paragraphs (b) and (c) of this section, for the purpose of determining contributory loadings to the treatment plan. (Ord. of 3-13-75, § IV (g), (j); Ord. of 4-10-79)

Section 15-51 Measurements, tests and analyses

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage." In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Ord. of 3-13-75, § IV (h))

Section 15-52 Special Agreements

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the water pollution control authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the water pollution control authority for treatment, subject to payment therefore by the industrial concern. (Ord. of 3-13-75, § IV (i); Ord. of 4-10-79)

Sections 15-53 - 15.63 Reserved

Killingly Code of Ordinances

DIVISION 3 BUILDING SEWERS AND CONNECTIONS

Section 15-64 Permits - Required

No person, other than those working under the direction of the superintendent or the Northeast District Department of Health, as provided for in section 15-97, shall excavate, construct, install, lay, repair, alter or remove any building or house sewer, or any appurtenance thereof, within the town if such sewer is connected or discharged or is intended at some future time to be connected or discharged, directly or indirectly, into any public sewer of the town, until such person has a permit secured by the owner (or his agent) of the property in question for doing such work, and further provided that such person has been granted a license to perform such work under the stipulations and requirements of division 4 of this article. (Ord. of 3-13-75, § VIII©)

Section 15-65 Same - Classes

- (a) There shall be two (2) classes of building permits for sewers:
- (1) Class A for residential and commercial service, and
 - (2) Class B for service to establishments producing industrial wastes.
- (b) In either case, the owner or his agent shall make application on a special form furnished by the water pollution control authority. The application shall state the location and character of the work to be performed; the person granted permission to perform such work; the time limit for completion of the work; the general character of the wastes which are or may be discharged into the sewer in question; and any other pertinent information or conditions. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent. (Ord. of 3-13-75, § VIII (a); Ord. of 4-10-79)

Section 15-66 Same - Suspension or termination

Any building or house sewer permit may be suspended or terminated by the superintendent on written notice to the permittee for violation of the conditions thereof or for any violation of the requirements of this article, or for other reasons in the public interest. (Ord. of 3-13-75, § VIII(d))

Section 15-66.1 Construction within certain distance of water well¹²

No building sewer shall be constructed within twenty-five (25) feet of a water supply well. If a building sewer is constructed within twenty-five (25) to seventy-five (75) feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the Northeast District Department of Health. (Ord. of 3-9-82, § 9)

Section 15-67 Costs of installation and connection to be borne by owner

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. All building sewers shall be maintained by the owner of the property served. (Ord. of 3-13-75, § VIII (b))

Section 15-68 Persons authorized to work on building sewers

Only the following person or persons shall construct, repair, alter, or remove building sewers or make connections there from to a public sewer:

- (1) Regular forces of any public utility corporation while engaged in work incidental to the regular structures or such utility company and operating under a permit.
- (2) Any person who owns and resides in a single family dwelling may construct, repair, alter or remove a building sewer.
- (3) Any person who shall have been licensed to perform work of this type during the period provided by the license. Such persons shall be called "licensed drain layers" as defined in section 15-17 of this article; however, it is not the intent of this section to restrict the usual work of plumbers or others working in accordance with any local plumbing and building codes. Plumbers and others may work on pipes within and not more than five (5) feet outside the walls of any structure; provided that no connection to a public sewer shall be made by such persons without a permit irrespective of the distance of such public sewer to the structure in question. All drains and fixtures within structures shall be connected by plumbers and others in conformity with the requirements of this article as to what may or may not be discharged into public sewers. (Ord. of 3-13-75, § IX (a))

¹² Editor's note – Section 9 of an ordinance enacted March 9, 1982, amended the Code by adding provisions designated as § 15-64.1, which provisions have been redesignated by the editor as 15-66.1 for purposes of classification.

Killingly Code of Ordinances

Section 15-69 Materials and workmanship for building sewers, their connections and appurtenances

The following requirements of this section shall apply to any person licensed to do sewer work and who has a building or house sewer permit to do such sewer work as provided in this article:

- (a) **Use of old sewers.** Old building sewers may be used and connected to public sewer, when serving new buildings, only when they are found on examination or test by the superintendent to meet all requirements of this section. The superintendent may require, where indicated, the uncovering of old sewers for inspection.
- (b) **Building connection laterals.** Building connection laterals shall be provided as noted in Section 15-45 of this article.
- (c) **Vent pipe.** No building shall be connected to a public sewer unless the plumbing system of such building has a soil vent pipe extended to a point above the roof. The water pollution control authority may require that no running trap, main house trap or other device, which might prevent the free flow of air throughout the whole course of the building sewer, house drain and such soil vent pipe, will be allowed.
- (d) **Material.** The building sewer shall be cast iron soil pipe, vitrified clay sewer pipe, asbestos-cement pipe, or other suitable material approved by the water pollution control authority. All pipe materials shall conform with the latest standard specifications of the ASTM as approved by the Water Pollution Control Authority. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints or other approved joints as provided for under state permit regulations. Wherever possible, water service and house sewer pipes shall be laid in separate trenches. Cast iron pipe with leaded joints or approved equal may be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the superintendent. No building sewer shall be located within twenty-five (25) feet of a cellar drain or ground water drain unless pipe is of cast iron with leaded joints or approved equal.
- (e) **Size and slope.** The size and slope of the building sewer shall be subject to the conditions set forth in state and Northeast District Department of Health regulations.
- (f) **Drains.** In all buildings where the building drain is too low to permit gravity flow to the public sewer, sewage or other waste waters carried by such drain shall be lifted by approved artificial means and discharged to the building sewer through a cast-iron force main. All building drains, whether force mains or gravity lines, shall be of cast iron soil pipe from the inner face of the building wall to the point of connection with the building or house sewer, and all joints, including that with the building sewer, shall be made gastight and watertight by a method approved by the superintendent.
- (g) **Trenches, etc.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth of the building sewer shall be sufficient to afford protection from frost and in general such depth shall not be less than four (4) feet below the finished ground surface except where conditions do not permit or as directed by the superintendent. All building sewers shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall be laid on firm, undisturbed soil or a suitable foundation; they shall be located at a sufficient distance from other parallel pipes to permit alterations or repairs to any such pipes or the sewer pipe without disturbing the other; they shall be well cleaned inside after laying; and they shall conform to all reasonable requirements for good construction. Backfill placed over building sewers shall be done with hand tools to a depth of at least one foot over the pipe, using fine earth free from stones and rubbish. Backfill shall be well and carefully tamped over the sewer. The open ends of building sewers, building drains and building connection laterals shall be kept closed or protected during construction and during periods when work is suspended in order to exclude from the public sewer all water or debris which might obstruct, damage or otherwise be detrimental to the public sewer or sewage works. Abandoned building sewers or drains shall be likewise promptly closed and sealed off from any public sewer at the expense of the owner of the property.
- (h) **Joints and connections.** All joints and connections for or between building sewers, building drains and building connection laterals shall be made gastight and watertight, to wit:
 - (1) Cast iron pipe joints may be mechanical, rubber or lead. Lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one inch deep.

Killingly Code of Ordinances

Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

- (2) All joints in vitrified clay pipe, concrete pipe, asbestos cement pipe, or other approved pipe, or between such pipes and metals shall be made with rubber, or similar gaskets. Hot-poured jointing materials or cement mortar shall not be approved.
- (3) Any jointing materials, other than those described in (1) and (2) may be used only upon the approval by the superintendent.
- (4) In lieu of the requirement in section 15-45(a) of this article, whereby the sewer authority will install the building connection lateral at the owner's expense (where no building connection lateral is available), the owner may elect to connect to the public sewer as described in this and the following paragraphs. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch, is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall request the water pollution control authority to provide a tap in the public sewer and install at the owner's expense a building connection lateral at a location specified by the superintendent. Where the public sewer is greater than twelve (12) inches in diameter and no properly located "Y" branch is available, a tap may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. Where street sewers are of asbestos-cement sewer pipe, the connection may be made with a cast iron saddle secured to the pipe barrel with adjustable screw-type tightening stainless steel straps, in the event that no fitting is available on the street sewer. The invert of the building sewer at the point of connection of twelve (12) inch diameter sewers or larger shall be connected to either match the center lines of such street sewers, or be higher. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

- (i) **Notice of connection; supervision; records, order to uncover certain work.** When the building sewer trench has been excavated, and the building sewer repaired, altered or constructed and is ready for inspection and connection to the public sewer, the superintendent shall be notified during regular working hours not less than twenty-four (24) hours in advance of the time when the connection to the public sewer is planned. The connection of the building sewer to the public sewer shall be made under the supervision of the superintendent and a record of all such connection shall be kept by him. If any persons constructs, installs, alters or repairs any building sewer or drain connecting with a public sewer in the town in violation of any section of this article or fails to give adequate notice to the superintendent for an inspection of the work, the superintendent may order all or any portion of such work to be uncovered for inspection and approval.
- (j) **Inspection risers.** Sewer inspection riser openings for building sewers may be placed at the end of the building connection lateral. The riser may be of cast iron or of approved material, at least four (4) inches in diameter and shall be set on a tee opening in the building sewer ("Y" connection not permitted), said tee to be encased in concrete. The top of the riser shall be placed flush with the ground surface and shall be fitted with an approved screw cap.
- (k) **Excavation safeguards.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- (l) **Maintenance of connection laterals and risers, building sewers.** The building connection lateral and building connection riser shall be maintained by the Water Pollution Control Authority. The building sewer shall be maintained by the property owner.
- (m) **Enforcement actions.** If any person, after proper order or direction from the superintendent, fails to remedy any violation of this section or of any other section of this article, the water pollution control authority may institute such action as provided for in the regulations of state and local health departments. The cost of rectifying any violation shall be borne by a person or persons responsible for, or willfully concerned in, or who profited by such violation of the requirements of this article.

(Ord. of 3-13-75, § X; Ord. of 12-14-76; Ord. of 4-10-79)

Sections 15-70-15-80 Reserved

Killingly Code of Ordinances

DIVISION 4 DRAIN LAYERS

Section 15-81 Generally

The following regulations of this division shall apply to licensed drain layers. (Ord. of 3-13-75, § IX (b))

Section 15-82 Application for license

Any person desiring to be licensed as a drain layer in the town shall file an application in writing with the state furnishing such information as the state may require with respect to his qualifications and the qualifications of his personnel. (Ord. of 3-13-75, § IX (b) (1))

Section 15-83 Licensees to give personal attention to work and employ only competent persons

Any person licensed as a drain layer shall give personal attention to the work performed and shall employ only competent persons, who are familiar with this article. (Ord. of 3-13-75, § IX (b) (2))

Section 15-84 Performance and Guaranty Bond

Each licensed drain layer shall file with the town a performance and guaranty bond, which shall remain in full force for at least thirteen (13) months from the date of the last installation in the amount of not less than five thousand dollars (\$5,000.00) in form and with surety satisfactory to the town. Such surety shall include that the applicant shall indemnify the town for any negligence or omission of the applicant or his agents, while operating under the license applied for; that the applicant shall reimburse the town for any expense to the town arising from any injury or damage to any sewer or other property of the town or by reason of any violation by the applicant or his agents of any requirement of this article; that the applicant shall faithfully execute all work required under the license as granted; that the applicant shall restore that portion of any street or public place in which the applicant may have made an excavation incidental to his work to as good a condition as it was prior to such work and also shall maintain such street or public place in which the applicant may have made an excavation incidental to his work to as good a condition as it was prior to such work and also shall maintain such street or public place in like good condition to the satisfaction of the town for a period of six (6) months after such restoration; that the applicant shall reimburse the town or the state for the expense of repairs to any street or public place made necessary by reason of any excavation made by the applicant; and that the applicant shall comply with all rules, regulations, laws, ordinances, etc., relative to work in public streets and public places. (Ord. of 3-13-75, § IX (b) (3))

Section 15-85 Insurance—Liability and property damage

Each licensed drain layer shall file with the town a certificate or certificates of public liability and property damage insurance, which shall remain in full force for at least thirteen (13) months from the permit date, in an amount of not less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death, to any one person, and, subject to the same limit for each person, in an amount not less than one hundred thousand dollars (\$100,00.00) on account of any one accident and property damage insurance in an amount not less than fifty thousand dollars (\$50,000.00). The town shall be included as an assured or, in lieu thereof, the drain layer shall file with the town an owner's protective liability and property damage insurance policy in the same limits as aforementioned. Each insurance certificate and policy shall contain a statement by the insurance carrier not to cancel the policy or policies except upon fifteen (15) days notice to the town. (Ord. of 3-13-75, § IX (b) (4))

Section 15-86 Same - Workmen's Compensation

Each licensed drain layer shall file with the town a certificate of policy covering workmen's compensation insurance, which shall remain in full force for at least thirteen (13) months from the date of application. (Ord. of 3-13-75, § IX (b) (5))

Section 15-87–15.96 Reserved

Killingly Code of Ordinances

DIVISION 5 PRIVATE SEWAGE DISPOSAL

Section 15-97 When required; discontinuance of use and connection to public sewer

- (a) Where a public sanitary or combined sewer is not available under the provisions of section 15-42(c), the building sewer shall be connected to a private sewage disposal system complying with the provisions set forth by regulations of the Northeast District Department of Health. A copy of such regulations may be obtained from the office of the Northeast District Department of Health upon application for a permit to establish a private disposal system.
- (b) Nothing contained in this section shall be constructed to interfere with any additional requirements that may be imposed by the health officer or state department of environmental protection.
- (c) When a public sewer becomes available, as determined by the water pollution control authority, the building sewer shall be connected to such sewer within one hundred fifty (150) days as hereinbefore provided in this article. (Ord. of 3-13-75, § VI; Ord. of 4-10-79)

Section 15-98 Discharge of effluents from private systems into public sewers and of cleanings there from

- (a) No person shall discharge or cause to be discharged into any public sewer, either directly or indirectly, any overflow or effluent from a septic tank, cesspool, subsurface drainage trench, bed or filter, or other receptacle storing organic waste.
- (b) It shall be unlawful for any person, firm or corporation to remove sewage as defined by section 15-17 of this article from a septic tank, cesspool, subsurface drainage trench, bed or filter or other similar device or from any other place and to discharge or dispose of its contents within the town, unless the same shall be delivered and processed at the municipal sewerage treatment plant, which delivery and processing are subject to the following conditions:
 - (1) That such contents consist only of domestic or commercial wastes, excluding any industrial wastes or substances specified to be excluded from public sewers by this article.
 - (2) That such contents are transported in sanitary, watertight vehicles, equipped with a suitable valve outlet, and meeting such requirements as may be stipulated by local or state health agencies.
 - (3) That a permit is issued by the superintendent for the discharge of such contents. A permit fee may be set for each tank load of such wastes by the Water Pollution Control Authority.
 - (4) That delivery of such contents is made to the sewage treatment plant site on such days and hours as shall be determined by the Water Pollution Control Authority.
 - (5) Two (2) copies of the permit form for the discharge of such contents shall be retained by the sewage treatment plant operator or his agent and that such operator or his agent accepts the delivery as containing no substances or wastes known to be harmful to the sewage treatment plant or its treatment processes. A copy of all such permits shall be provided to the Water Pollution Control Authority.
- (c) Permits issued under this section shall be void after thirty (30) days from date of issuance. All permits are subject to cancellation, revocation or suspension by the superintendent when such action is deemed necessary to safeguard the sewage works. (Ord. of 3-13-75, § V; Ord. of 6-28-77; Ord. of 4-10-79)

Section 15-99—15-109 Reserved

DIVISION 6 RATES AND CHARGES

Section 15-110 Use charges

Sewer use charges shall be established by the Water Pollution Control Authority and may be adjusted periodically. (Ord. of 3-13-75, § XIV (a); Ord. of 4-10-79)

Section 15-111 Industrial users

- (a) Under this section, industrial users shall pay their share of the capital, operation and maintenance and debt service charges for additions and improvements to the sewage works.
- (b) Industrial waste discharges covered by this section are those industrial wastes discharged into the public sewer system from industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented under the category "Division D—Manufacturing" and such other wastes as the environmental protection agency may deem appropriate.

Killingly Code of Ordinances

- (c) A cost recovery system approved by the United States Environmental Protection Agency shall apply to the eligible costs of the following sewage works contracts:

Contract 1—Water Pollution Control Plant

Contract 2—Lower Main Interceptor

Contract 3—Upper Main Interceptor

Contract 4—East Killingly Interceptor and Rogers Village Interceptor.

(Ord. of 3-13-75, § XIV (b)—(d))

Sections 15-112—15-127 Reserved

ARTICLE III. WATER

Section 15-128 Establishment of system

There shall be established, pursuant to the provisions of Chapter 102 of the Connecticut General Statutes, as amended, the Town of Killingly Waterworks System. Responsibility for the proper operation and management of the water works system shall be vested in the director of public works, under the direction of the town manager. (Ord. of 2-21-80, § I)

Section 15-129 Rates

The town council shall establish just and equitable rates or charges for the use of the water company, to be paid by the owner of each lot or building which is connected with and uses such system, and may change such rates or charges from time to time. No such rate or charge shall be established until after a public hearing at which all the users of the waterworks system and the owners of property served or to be served and others interested shall have an opportunity to be heard concerning such proposed rate and charge. Notice of such hearing shall be given at least ten (10) days before the date set therefore in a newspaper having a circulation in such municipality. Such notice shall set forth a schedule of rates or charges, and a copy of the schedule of rates or charges established shall be kept on file in the office of the legislative body and in the office of the town clerk, and shall be open to inspection by the public. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charges shall bear interest at the same rate as unpaid taxes. (Ord. of 2-21-80, § II)

Section 15-130 Budget

The town manager shall annually prepare and submit to the town council for review and amendment, a budget for the waterworks system, clearly showing the projected revenues and expenditures. In adopting the budget, the council shall approve appropriation in total for the system. (Ord. of 2-21-80, § III (A))

Section 15-131 Finances

All bills for the use of the waterworks system shall be paid to the collector of revenue. Separate accounts shall be kept of the funds so derived and of the disposition thereof, which account shall be audited annually, and the report of such audits shall be open to public inspection. The treasurer of the town shall be the custodian of such funds, which shall be kept separate from other funds of the town, and shall be used only for such waterworks system. (Ord. of 2-21-80, § III (B))

Section 15-132 Creation of reserve fund for Water Department

- (a) The town council, by a majority vote, may create a reserve fund for capital and non-recurring expenditures of the town water department to be known as the water "reserve fund for capital and non-recurring expenditures."
- (b) The town council may authorize the payment into such reserve funds of all or a part of the cash surplus of the water department available at the end of any fiscal period and an appropriation in the annual water department budget.
- (c) Upon approval by the town council, any part or the whole of such fund may be used for capital and non-recurring expenditures for the water department, but such use shall be restricted to the financing of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement of the acquisition of any specific item of equipment. Upon the approval of any such expenditure, an appropriation account shall be set up plainly designated for the project or acquisition for which it has been authorized and

Killingly Code of Ordinances

any unexpended portion of such appropriation shall continue until such project or acquisition is completed. Any unexpended portion of any such appropriation remaining after such completion shall revert to such reserve fund. (Ord. of 2-21-80, § III (B) (1))

Section 15-133 Capital Improvements

No provision in this article shall be construed to prohibit the issuance of general obligation or revenue bonds in accordance with Chapter 102 of the General Statutes, as amended, or the levying of assessments, or the making of an agreement with a property owner concerning the financing of capital improvements relating to the waterworks system. All such actions concerning the financing of capital improvements as specified in this section shall be approved by the town council, and in the case of the issuance of bonds, in accordance with section 1013 of the town charter. (Ord. of 2-21-80, § IV)

Section 15-134 Extension of mains

- (a) For the purpose of this section, the phrase "extension of water mains" shall be deemed to include the extension, installation and operation of any new:
- (1) Water pipe six (6) inches in diameter and larger;
 - (2) Valves and/or hydrants;
 - (3) Pumps, wells, tanks and related controls.
- (b) Whenever, in the opinion of the town council, public necessity and welfare require the extension of water mains, and the council shall vote to make such extensions, the council may assess the cost of such extension against the land found by the council to be especially benefited thereby. In making assessments upon the property and parties to be benefited, the council shall comply with section 7-137c of the Connecticut General Statutes and be guided by an analytical report submitted by the town manager that proportions the extension costs equitably among the extension benefactors. (Ord. of 2-21-80, § V)

Section 15-135 Waterworks Personnel

Pursuant to the provisions of chapter XI and chapter VI of the town charter, the director of public works may, with the approval of the town manager, appoint such personnel as he deems necessary for the proper management and operation of the system, subject to the limitation imposed by the water department appropriation. (Ord. of 2-21-80, § VI)

Section 15-136 Rules and regulations

The town manager may adopt such reasonable rules and regulations governing the conduct of the waterworks system which would promote good public utility practices, including both the obligation of the waterworks system to the customer and the customer to the system. Such rules and regulations shall be available for public inspection. (Ord. of 2-21-80, § VII)

Section 15-137 Damage

The town shall not be liable for any damage caused by failure of the water supply, change of or lack of pressure or the shutting off the water, with or without notice, for repairs or other necessary operations. Water consumers shall so regulate their installations connected with the water supply system that damage will not occur if water is shut off without notice. (Ord. of 2-21-80, § VIII)

Killingly Code of Ordinances

Chapter 14

TAXATION¹

Art. I. In General

Art. II Tax Relief Programs

- Division 1 Property Tax Relief for Public Safety Volunteers
- Division 2 Property Tax Relief for Elderly and Totally Disabled
- Division 3 Property Tax "Freeze" Program for Certain Homeowners aged 70 and Over
- Division 4 Property Tax Exemptions for Certain Buildings used actually and exclusively in Farming

ARTICLE I. IN GENERAL

Section 14-1 Exemption for solar energy systems

The council hereby authorizes a property tax exemption for solar energy heating or cooling systems and solar energy electricity generating systems as set forth in section 12-81(56) (a), (b), (c) and 12-81 (57) of the Connecticut General Statutes. (Ord. of 2-28-78)

Section 14-2 Abolishment of filing of annual tax lists on real estate and motor vehicles ²

- (a) The town hereby adopts the provisions of section 12-41(b), General Statutes of Connecticut, Revision of 1958, as amended, concerning the eliminating of annual listing of motor vehicles which are registered in the office the state motor vehicle commissioner by persons liable to give in a list and pay taxes to the town.
- (b) The town hereby adopts the provisions of section 12-41(d), General Statutes of Connecticut, Revision of 1958, as amended, concerning the elimination of annual listing of real estate by persons liable to give in a list and pay taxes to the town, and approves the request of the board of assessors to the state tax commissioner, if and when made, to compile the abstract of real estate from data contained on owners' cards, all subject to approval by the state tax commissioner. (Ord. of 9-14-65)

Section 14-3 Installment payment of taxes³

The tax coming due on July first of each year shall be due and payable in four (4) equal quarterly installments, on the first secular days of July and October of each year and the first secular days of January and April of each year; provided that, any taxpayer, if he so desires, may pay two (2) or more such installments when the first installment is due. (Ord. of 6-1-37)

Section 14-4 Property taxes of not more than one hundred dollars due in single payment

Pursuant to the authority contained in section 12-144, General Statutes, Revision of 1958, as amended, any and all property taxes due this town, in an amount not in excess of one hundred dollars (\$100.00), shall be due and payable in a single payment. (Ord. of 5-16-60) (Ord. of 02-10-2004)

Section 14-5 Motor vehicle tax due in one installment

The tax on motor vehicles shall be due in one (1) installment on July 1 of each year, except as provided by section 12-71(b) of the Connecticut General Statutes concerning vehicles registered with the State Commissioner of Motor Vehicles after the first day of October in any assessment year. (Ord. of 1-8-85)

¹ Cross references—Administration, Ch. 2; withholding issuance of building permits for property for which taxes are delinquent, § 4-6; assessment of sewer installation costs, § 15-46.

² State law reference—Adoption by town, G.S. § 12-41(h).

³ State law reference—Authority, G.S. § 12-142.

Killingly Code of Ordinances

Section 14-6 Fixing of assessments ⁴

- (a) Pursuant to the provisions of C.G.S. § 32-70 et seq., the Enterprise Zone Act, and particularly C.G.S. § 32-71 of that Act, the Town of Killingly shall fix assessments, and defer any increase in assessments attributable to improvements to real property within that area designated as an enterprise corridor zone according to the following schedule:

Year	Percentage of Increased Deferred
First	100%
Second	100%
Third	50%
Fourth	40%
Fifth	30%
Sixth	20%
Seventh	10%

- (b) Any fixed assessment on any residential property shall cease if:
- (1) For any residential rental property, any dwelling unit in such property is rented to any person whose income exceeds two hundred (200) percent of the median family income of the municipality; or
 - (2) For any condominium conversion declared after the designation of the enterprise zone, any unit is sold to any person whose income exceeds two hundred (200) percent of the median family income of the municipality.
- (c) In the event of a general revaluation by any such municipality in the year in which such improvement is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvement shall be deferred. In the event of a general revaluation in any year after the year in which such improvement is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such revaluation.
- (d) No improvement of any real property which qualifies as a manufacturing facility under section 32-9p(d) of the Connecticut General Statutes shall be eligible for any fixed assessment pursuant to this section.
- (e) Qualifying applicants and projects (defined as those meeting the criteria set forth in subsection (e)(1), in addition to any other lawful requirements imposed by the town council) within the enterprise corridor zone may be entitled to discretionary assessment deferrals and tax abatements with respect to real and personal property pursuant to C.G.S. § 32-71 (e).
- (1) Criteria:
- a. An applicant seeking discretionary assessment deferrals and tax abatements shall submit a letter to the town manager requesting a discretionary assessment deferral and tax abatement agreement, such letter to disclose all principals of the applicant and such other information as may be required by the town.
 - b. Projects pursuant to this subsection (e) must have a minimum of twenty-five million dollars (\$25,000,000) in estimated initial costs of construction, rehabilitation, machinery and equipment, excluding the costs of real property acquisition. (Amending Ord. C15-05 of 9-1-15)
- (2) Discretionary assessment deferrals and tax abatements:
- a. The Town of Killingly may, in its discretion and by a written discretionary assessment deferral and tax abatement agreement (agreement), provide additional tax assessment deferrals and tax abatements to commence at such time or on the occurrence of such conditions as the agreement shall provide and continue, over a period not exceeding twenty-five (25) years, on any real or personal property located within the enterprise corridor zone. Such additional assessment deferrals and tax abatements may take the form of a series of specified annual real and personal property tax payments to be made by the taxpayer in lieu of calculating a tax benefit based upon mill rate and assessment.

⁴ Editor's note— Codification of nonamendatory Ord. No. 97-001, §§ 1—4, adopted Jan. 14, 1997, as § 14-6 has been at the editor's discretion.

Killingly Code of Ordinances

In order to derive a series of specified annual real and personal property tax payments described in subsection (e) (2) a. above, the town may enter into a discretionary assessment deferral and tax abatement agreement with a qualified applicant providing for the annual calculation of an assessment deferral of an amount sufficient, in conjunction with the applicable mill rate, to result in the specified tax payment for each year covered by such agreement.

In order to derive a series of specified annual real and personal property tax payments described in subsection (e)(2)a. above, the town may enter into a discretionary assessment deferral and tax abatement agreement with a qualified applicant providing for the annual calculation of a tax abatement of an amount sufficient, in conjunction with the applicable assessment (whether or not subject to deferral.), to result in the specified tax payment for each year covered by such agreement.

(3) Administration of discretionary assessment deferral and tax abatement agreements:

- a. Discretionary assessment deferral and tax abatement agreements shall not be conveyed with the real property to which they apply, nor shall they be assigned, to a successor-in interest or assignee of a successful applicant, unless expressly authorized by such agreements. This provision shall apply to changes in controlling ownership of corporations and limited partnerships. (Connecticut General Statutes Section 34-9 et seq.)
- b. Discretionary assessment deferral and tax abatement agreements may be recorded on the land records of the town, at the town's discretion. (Ord. No. 97-001, §§ 1—4, 1-14-97; Ord. No. 99-001, 1-12-99)

Section 14-7 Tax payments made in excess of amount due -

- a. Where the amount of excess payment is \$5.00 or more, the procedure for refunds outlined in C.G.S., § 12-129, as amended, shall be followed.
- b. Where the amount of excess payment is less than \$5.00:
 - 1) Unless timely application for such refund is made by the taxpayer, such amount, whether for principal, legal interest, penalty or fees, shall be retained by the tax collector, as set forth in C.G.S., § 12-129, commencing with the property tax list of October 1, 2015. Said funds shall be transferred to the Town's general fund at the end of each fiscal year.
 - 2) On or around May 15 of each year, the Revenue Collector shall post a list of all taxpayers due refunds of less than \$5.00 for that tax year; said list to be posted at Town Hall and on the Town's website.
 - 3) Eligible taxpayers shall apply for such a refund no later than June 30 of the fiscal year in which overpayment was made; said application to be made in accordance with C.G.S., § 12-129.

Section 14-8 Payment in cash for delinquent motor vehicle tax requiring a release to the Commissioner of Motor Vehicle

Pursuant to Section 12-146 of the Connecticut General Statutes, as amended by Section 58 of Public Act 03-06, any delinquent property tax payable on a motor vehicle that requires the Revenue Collector to issue a release to the Commissioner of Motor Vehicles enabling registration of a vehicle shall be paid only in cash or by certified check or by money order.

Section 14-9 Waiver of Property Taxes

Commencing with the Town's Fiscal Year of 2007-2008 and continuing thereafter, all property taxes from each annual Grand List due in the amount of \$5.00 or less shall be waived in accordance with the provisions provided for in C.G.S., Section 12-144c. (Ord. of 10-10-06)

Article II. TAX RELIEF PROGRAM

Section 14-10 Fixing of Assessment Agreements

- a) The purpose of this Ordinance is to adopt provisions in the Connecticut General Statutes that authorize municipalities to enter into agreements with owners or lessees of real or personal property or air space to fix the assessment of such property or air space.
 1. Pursuant to the provisions of Section 12-65b of the Connecticut General Statutes, the Town may, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property in such municipality, or with any party who is the lessee of, or

Killingly Code of Ordinances

proposed to be the lessee of real property in said municipality, fixing the assessment of the real property which is the subject of the agreement.

- a. Fixing the assessment of the real property which is the subject of the agreement, and all improvements thereon or therein and to be constructed thereon or therein, shall be subject to the provisions of said Section 12-65b (a)(3) such that such fixing of assessments shall be to the extent of not more than fifty percent of such increased assessment, for a period of not more than three years, provided the cost of such improvements to be constructed is not less than twenty-five thousand dollars.
 - b. The target area for fixing of assessment agreements is the Town of Killingly and the provisions of said Section 12-65b(b) shall only apply if the improvements are for at least one of the following: (1) Office use; (2) retail use; (3) manufacturing use; (4) warehouse, storage or distribution use; (5) information technology; (6) recreation facilities; or (7) transportation facilities.
2. Pursuant to the provisions of Sections 12-65b and 12-65h of the Connecticut General Statutes, the Town may, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property or personal property in such municipality fixing the assessment of the real property or personal property which is the subject of the agreement.
- a. Fixing the assessment of the real property or personal property which is the subject of the agreement, and all improvements thereon or therein and to be constructed thereon or therein, shall be subject to the provisions of said Section 12-65b(1) for real estate or Section 12-65h(1) for personal property such that such fixing of assessments shall be for a period of not more than seven years, provided the cost of such improvements to be constructed is not less than three million dollars.
 - b. The provisions of said Section 12-65b shall only apply if the improvements are in such zones as authorized by the Killingly Zoning Regulations and are for at least one of the following as provided in Section 12-65b(b): (1) Office use; (2) Manufacturing use; (3) Warehouse, storage or distribution use; (4) Information technology.
 - c. The provisions of Section 12-65h shall only apply if the improvements are in such zones as authorized by the Killingly Zoning Regulations (Ord. of 10-9-12; Effective: 10-26-12)

Section 14-11 – 14-44 Reserved

DIVISION 1 PROPERTY TAX RELIEF POLICY FOR PUBLIC SAFETY VOLUNTEERS

Sections 14-45 Purpose

The purpose of this Ordinance is to provide property tax relief for public safety volunteers pursuant to Section 12-81 (21) of the Connecticut General States, as amended, said Ordinance being effective commencing with the October 1, 2000 Grand List and subject to review after one year of implementation. This program will be granted in the form of an exemption pursuant to the aforementioned State Statutes,

Sections 14-46 Qualifications

Any volunteer member in good standing of the fire departments and ambulance services located in the Town of Killingly with one or more years of active service who owns real property located in the Town of Killingly or who is liable for the payment of taxes shall be entitled to tax relief in accordance with this Ordinance.

Annually on or before December 15, the individual fire chiefs or president of each volunteer fire department and ambulance service located in the Town of Killingly shall submit a certified eligibility list to the Town Assessor. Such list shall contain the name, address, and amount of the exemption expressed in terms of equivalent tax dollars for each member.

The program will be subject to funding authorized in the annual budget process. In the event the program is not funded or is funded at less than 100%, then the program shall be implemented proportionately to the funding allocated to the program.

Section 14-47 Member Eligibility

The following criteria would be used to determine a member's status as a "member in good standing" with Killingly area Fire Departments and Ambulance Service:

Killingly Code of Ordinances

- a⁵. Active fire department members would earn points for every call, drill, training session, meeting and work detail they attend as follows:

- 5 points per drill/training session
- 3 points per fire call
- 3 points per EMS call
- 2 points per department meeting attended
- 1 point per service call/work detail

An active volunteer fire department member will be considered to be in good standing and eligible for tax relief based upon his/her attendance at calls, drills, training, and meetings each year. Attendance requirements vary from department to department, based upon the call volume of a particular department. Attendance requirements are as follows:

- 1. Departments with 800 or more calls per year: 10% attendance is required
- 2. Departments with 600 - 799 or more calls per year: 15% attendance is required
- 3. Departments with 400 - 599 or more calls per year: 20% attendance is required
- 4. Departments with less than 400 calls per year: 25% attendance is required

- b. Active volunteer members of the KB Ambulance Corp, Inc would earn eligibility points as follows:

- 1. provide fifty (50) hours of scheduled ambulance duty coverage per quarter
- 2. attend eighty (80) percent of all ambulance corps meetings
- 3. attend eighty (80) percent of all ambulance corps training sessions
- 4. participate in one (1) public event the ambulance service provides medical coverage for, for example: Springtime Festival, July 4th, EMS week, school visits, etc.

The criteria used for KB Ambulance Corps, Inc. personnel is necessary because this facility has scheduled duty shifts during the evening for volunteer coverage. Also, paid employees provide daytime coverage. Thus, volunteer personnel are not able to respond to all dispatched ambulance calls.

- c. Eligibility also includes the following:

- 1. any volunteer member located in the Town of Killingly with one or more years of active service;
- 2. amount of exemption based on member's years of active service;
- 3. years of active service as a member in good standing may be transferred between fire departments located in the Town of Killingly;
- 4. Chief or administrative officer of the individual fire departments or ambulance service determine the criteria for member qualification as Member in Good Standing

Section 14-48 Property Eligibility

- a. exemption may only be applied to taxable property located in the Town of Killingly and in the ownership of the eligible member as of October 1 preceding the December 15 filing of the eligible list with the Assessor;
- b. an exemption under this ordinance shall be applicable to any real or personal property in common with one or more other persons. Leased vehicles or property owned by corporations including, but not limited to, LLC's and trusts are not considered the property of the eligible member;
- c. the exemption cannot exceed the total assessment of the eligible property.

Section 14-49 Tax Relief

Tax relief shall be in the form of an abatement of property taxes due for any fiscal year in accordance with CGS Section 12-81w, as amended by PA19-36. The below percentages shall be applied to the maximum allowable abatement.

1-2	Years Active Service as a Member in Good Standing	\$200 <u>20%</u> Equivalent tax dollars
3-5	Years Active Service as a Member in Good Standing	\$400 <u>40%</u> Equivalent tax dollars
6-10	Years Active Service as a Member in Good Standing	\$600 <u>60%</u> Equivalent tax dollars
11-15	Years Active Service as a Member in Good Standing	\$800 <u>80%</u> Equivalent tax dollars
16+	Years Active Service as a Member in Good Standing	\$1,000 <u>100%</u> Equivalent tax dollars

⁵ History – Ordinance C17-06 amended Section 14-47a replacing “To be considered a Member in good standing, a member of area fire department would have to obtain a total of twenty-five (25%) percent of the total points possible” approved at TCM 8-8-17.

Killingly Code of Ordinances

Section 14-50 Exemption

Calculation of the exemption is pursuant to the provisions of subdivision (21) of CGS Section 12-81.
(Ord. & Exhibit A adopted 11-8-00)

DIVISION 2 PROPERTY TAX RELIEF FOR ELDERLY AND TOTALLY DISABLED

Sections 14-51 Purpose

- A. The purpose of this Ordinance is to provide property tax relief for the elderly and totally disabled, pursuant to Section 12-129n of the Connecticut General Statutes, as amended, said Ordinance being effective commencing with the October 1, 2001 Grand List, and
- B. To provide property tax relief for residence property of the elderly and totally disabled to supplement the amount provided by the State of Connecticut in accordance with Sections 12-129b to 12-129d inclusive, Section 12-129h, and Sections 12-170aa to 12-170cc inclusive.

Section 14-52 Qualifications

Any person who owns real property located in the Town of Killingly or who is liable for the payment of taxes thereon under Connecticut General Statute 12-48 and occupies that property as his or her principal residence shall be entitled to tax relief in accordance with this Ordinance, provided:

- A.
 - 1) Such person is sixty-five (65) years of age or over; or whose spouse, living with him or her, is sixty-five (65) years of age or over; or who is sixty (60) years of age or over and the surviving spouse of a taxpayer qualified for relief under this Ordinance at the time of his or her death; or
 - 2) Such person is under sixty-five (65) years of age and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security; or has not been engaged in employment covered by Social Security and, accordingly, has not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.
- B. Such person or spouse has been a real property taxpayer of Killingly for one year immediately preceding the receipt of tax benefits.
- C.
 - 1) Have applied for and have current approval for the State of Connecticut homeowners tax credits provided through 12-129b to 12-129d inclusive, Section 12-129h, and Sections 12-170aa to 12-170cc inclusive of the Connecticut General Statutes
 - 2) Such person is single, has applied for but is not approved under State of Connecticut homeowners tax credits provided through 12-129b to 12-129d inclusive, Section 12-129h, and Sections 12-170aa to 12-170cc inclusive of the Connecticut General Statutes and income is in the same bracket as a married couple approved for a State of Connecticut property tax reduction of 10%.

Section 14-53 Form and amount of tax relief

- A. The amount of reduction in property tax provided under this ordinance shall be determined in accordance with the following schedule:

If Approved for under State of Connecticut Homeowners Program Sec. 12-170aa as:	Then Percentage of property tax reduction provided under this ordinance shall be:
Married 50%	25%
Married 40%	20%
Married 30%	15%
Married 20%	10%
Married 10%	5%
Single 40%	25%
Single 30%	20%
Single 20%	15%

Killingly Code of Ordinances

Single 10%	10%
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- B. The amount of reduction in property tax provided under this ordinance for single person noted in 14.52C(2) above is 5%.

Section 14-54 Pro rata Town of Killingly tax reduction upon transfer of property

The Town of Killingly tax reduction offered and approved under this ordinance shall be pro rated based on the same criteria and in the same manner as the State of Connecticut tax reductions are pro rated in accordance with Sec. 12-170aa (i) of the Connecticut General Statutes. (Ord. of 10-14-08)

Section 14-55 – 14-60 Reserved

DIVISION 3 PROPERTY TAX “FREEZE” PROGRAM FOR CERTAIN HOMEOWNERS AGE 70 AND OVER

Section 14-61 Purpose

To provide a property tax "freeze" program for residential property of certain homeowners age seventy or over under the provisions of Connecticut Public Act 06-176 codified as Section 12-170v of the Connecticut General Statutes.

Section 14-62 Effective date

The effective date of this Ordinance shall be the Grand List of October 1, 2008.

Section 14-63 Qualifications

Persons qualified for a benefit under this Ordinance are:

- Any person who owns real property located in the Town of Killingly, and who occupies that property as his or her principal residence or a tenant for life or for a term of years who is liable for the payment of taxes thereon under Connecticut General Statutes (General Statutes), Section 12-48.
- On December thirty-first of the calendar year preceding the year in which a claim for benefits afforded by this Ordinance is filed, such person is seventy (70) years of age or over; or whose spouse, domiciled with him or her is seventy (70) years of age or over, or who is sixty-two (62) years of age or over and the surviving spouse of a taxpayer qualified for relief under this Ordinance at the time of his or her death, provided such spouse was domiciled with such qualifying taxpayer at the time of his or her death;
- Such person or spouse has resided within the Town of Killingly for at least four (4) years before filing a claim for benefits afforded by this Ordinance;
- The taxable and nontaxable income of such taxpayer, the total of which shall hereinafter be called "qualifying income", in the tax year of such homeowner ending immediately preceding the date of application for benefits under the program in this section, was not in excess of limits set forth in section 12-170aa, as adjusted annually, evidence of which income shall be submitted to the Assessor in the municipality in which application for benefits under this section is filed in such form and manner as the Assessor may prescribe. The amount of any Medicaid payments made on behalf of such homeowner or the spouse of such homeowner shall not constitute income. The income of the spouse of such homeowner shall not be included in the qualifying income of such homeowner for purposes of determining eligibility for tax relief under this section, if such spouse is a resident of a health care or nursing home facility in this state, and such facility receives payment related to such spouse under the Title XIX Medicaid program.

Section 14-64 Requirements/Provisions

The following requirements and provisions shall apply:

- The tax on the real property for which the benefits under this Ordinance is claimed shall be the lower of: (1) the tax due with respect to the homeowner's residence for the assessment year commencing October first of the year immediately preceding the year in which the initial claim for tax relief is made, or (2) the tax due for any subsequent assessment year. A "mobile manufactured home", as defined in Section 12-63a of the General Statutes, shall be deemed to be real property for the purposes of this Ordinance.

Killingly Code of Ordinances

- b. The benefits afforded by this Ordinance shall entitle such person who qualifies to continue to pay the amount of such tax or such lesser amount as may be levied in any year during each subsequent year so long as such person meets the qualifications and until the property is sold or transferred or the qualified person dies without being survived by a qualified spouse.
- c. The benefits afforded by this Ordinance shall be limited to the principal residence of the taxpayer(s) as defined herein, and the assessed primary lot with improvements, and shall not in any case be applied to taxes owed on excess acreage or other land beyond the aforementioned assessed primary lot.
- d. The property tax benefits provided for by this Ordinance shall, in any case where title to real property is recorded in the name of the taxpayer or his/her spouse and any other person or persons, be prorated to reflect the fractional share of such taxpayer or spouse.
- e. Application for the benefit afforded by this Ordinance shall be made on a form prescribed by the Tax Assessor, which shall be filed between February 1 and May 15 of the year as to which tax benefits are sought. A taxpayer may make application to the Assessor prior to August fifteenth of the claim year for an extension of the application period. The Assessor may grant such extension in the case of extenuating circumstance due to illness or incapacitation as evidenced by a physician's certificate to that extent, or if the Assessor determines there is good cause for doing so. The application shall at a minimum include the information required by Section 12-170w and Section 12-170 aa(e) of the General Statutes, and if such an application for state relief is filed, shall whenever possible be filed simultaneously with such application. Applications shall be re-filed biennially thereafter. In the case of an original application for benefits under this Ordinance, if a property owner qualifies after having applied for the Section 12-170aa of the General Statutes benefit in the previous year, he or she may file such application in the year following the state application, but the application for a benefit under this Ordinance shall be re-filed in the following year to be then and thereafter reviewed in conjunction with the state application. An extension of time for making an application for tax relief may be granted by the Tax Assessor under the circumstances described in Public Act No. 06-176 codified as Section 12-170v of the Connecticut General Statutes. Evidence of income shall be submitted to the Tax Assessor in such form and manner as the Tax Assessor may prescribe, including such information such as copies of federal tax returns as may be necessary to substantiate such claim in accordance with requirements in such application. Upon determination by the Tax Assessor that the applying homeowner is entitled to tax relief in accordance with the provisions of this Ordinance, the Tax Assessor shall notify the homeowner and the Town Revenue Collector of the approval of such application. The Revenue Collector shall determine the maximum amount of the tax due with respect to such homeowner's residence and thereafter the property tax with respect to such homeowner's residence shall not exceed such amount.
- f. In respect to such biennially required application after the filing and approval for the first year, the Tax Assessor shall notify each such homeowner concerning application requirements. In the year immediately following any year in which such property owner has submitted application and qualified for tax benefit, such property owners shall be presumed, without filing application therefore, to be qualified for tax benefit in the subsequent year; but if any property owner has qualified and received tax benefits under this section, and in that subsequent calendar year has qualifying income in excess of the maximum provided by this Ordinance, he or she shall notify the Tax Assessor on or before the filing date for the second year, and shall be denied tax reduction under this Ordinance for such assessment year and for any subsequent year until he or she has reapplied and again qualified for the benefits of this Ordinance.
- g. To the extent permitted by applicable State and federal law, applications filed under this Ordinance shall be afforded the same confidentiality by the Tax Assessor's office as is required to be afforded to applications for tax benefits under Section 12-170aa(f) of the General Statutes. The property tax benefits afforded by this Ordinance shall not disqualify such taxpayer with respect to any benefit for which such taxpayer shall be eligible under the provisions of Sections 12-129b through 12-129d, inclusive, Section 12-129n, and Section 12-170aa of the General Statutes, and any such property tax benefits afforded by this Ordinance shall be in addition to any benefits for which such taxpayer shall be eligible under other ordinances of the Town of Killingly or provisions of the General Statutes, including, but not limited to, Sections 12-129b through 12-129d, inclusive, Section 12-129n, and Section 12-170aa.
- h. No person who receives benefits from any other town or state, based on claimed principal residency in such other town or state, shall be eligible for benefits under this Ordinance. The Tax Assessor may require proof of residency as he or she deems appropriate.
- i. In the event that the qualifying property is transferred, sold, assigned, or granted or the qualifying taxpayer otherwise transfers ownership, voluntarily or involuntarily, in whole or in part, or in the event of the death of the qualifying taxpayer in the absence of a qualifying spouse, the benefits afforded under this Ordinance shall

Killingly Code of Ordinances

be disqualified and discontinued in such assessment year or shall be pro-rated for that assessment year in accordance with the provisions of Public Act No. 06-176. The grantee shall be required within a period not exceeding ten days immediately following the date of such conveyance to notify the Tax Assessor thereof, or in the absence of such notice, upon determination by the Tax Assessor that such conveyance has occurred, the Tax Assessor shall determine the amount of tax relief benefit to which the grantor is entitled for such assessment year with respect to the interest in real property conveyed and notify the tax collector of the reduced amount of the benefit. Upon receipt of such notice from the Tax Assessor, the Revenue Collector shall, if notice is received after the tax due date, no later than ten days thereafter mail or hand a bill to the grantee stating the additional amount of tax due as determined by the Tax Assessor. Such tax shall be due and payable and collectible as other property taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment not sooner than thirty days after the date such bill is mailed or handed to the grantee and in equal amounts in any remaining installments as the same are due and payable.

- j. A change of principal residence within the Town requires reapplication for the tax benefits afforded by this Ordinance.
- k. Any person who, for the purpose of obtaining a tax benefit under this Ordinance, fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund all property tax relief improperly taken, with interest at the rate applicable to unpaid taxes. Any person knowingly making a false application for the purpose of claiming a tax benefit under this Ordinance shall be fined not more than five hundred dollars (\$500) per false application submitted.

Section 14-65 Severability

If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable. In the event of any conflict between this ordinance and the enabling statute Section 12-170v, the language of the enabling statute shall control. (Ord. of 10-14-08)

DIVISION 4 PROPERTY TAX EXEMPTIONS FOR CERTAIN BUILDINGS USED ACTUALLY AND EXCLUSIVELY IN FARMING

Section 14-71 Purpose

To provide a property tax exemption for certain buildings used actually and exclusively in farming under the provisions of Connecticut General Statutes, Section 12-91 (c).

Section 14-72 Effective date

The effective date of this Ordinance shall be the Grand List of October 1, 2008.

Section 14-73 Qualifications

Buildings qualified for an exemption under this Ordinance are:

- a. Any building used actually and exclusively in farming, as defined in Connecticut General Statutes, Section 12-91 (c), or
- b. Any building used to provide housing for seasonal employees of such farmer.
- c. Such exemption shall not apply to the residence of such farmer.

Section 14-74 Requirements/Provisions

The following requirements and provisions shall apply:

- a. In order to qualify for a property tax exemption, such farmer must apply annually within thirty days after the assessment date to the assessor on the forms prescribed by the Commissioner of Agriculture and include therewith a notarized affidavit certifying that such farmer derived at least fifteen thousand dollars in gross sales from such farming operation, or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made.

Killingly Code of Ordinances

- b. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year.

Section 14-75 Severability

If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable. (Ord. of 10-14-08)

Local Option Property Tax Relief Programs for Homeowners

By: Jessica Schaeffer-Helmecki
September 24, 2019 | 2019-R-0034

Issue

Describe the state's local option property tax relief programs for homeowners. This report updates OLR Report [2012-R-0236](#).

Summary

State law gives municipalities the option of providing limited property tax relief to homeowners based on their (1) income, (2) age or disability, or (3) veteran or emergency personnel status. The programs target specific groups of homeowners, including seniors, veterans, individuals with disabilities, firefighters and emergency personnel, and individuals whose property taxes exceed 8% of their income. These optional property tax relief programs are in addition to the tax relief municipalities are required to provide under state law.

Income-based Programs

Deferral of Taxes Exceeding 8% of Homeowner's Income

Municipalities' legislative bodies can vote to defer property taxes for any owner-occupied residence if the tax exceeds 8% of the owner's income for a given year. Deferred taxes are a lien on the property and must be paid with interest, when the homeowner dies or the property is sold ([CGS § 12-124a](#)).

Abatement of Taxes for the Poor

Town selectmen, city mayors and aldermen, borough wardens and burgesses, and other communities' committees may, with the approval of their standing abatement committees or, if

lacking one, the Office of Policy Management (OPM) secretary, abate taxes or the interest on delinquent taxes assessed on people who are poor and cannot pay ([CGS § 12-124](#)).

Programs for Seniors and Individuals with Disabilities

Tax Freeze for Seniors

Municipalities may freeze the property taxes on homes whose owner or owner's spouse is at least age 70 and has been a state resident for at least one year. The freeze continues for a surviving spouse who is at least age 62 when the homeowner dies. Homeowners must meet the Circuit Breaker Tax Relief Program income thresholds (currently \$43,900 for married couples and \$36,000 for singles). Municipalities may also impose asset limits for eligibility and put a lien on the property ([CGS §§ 12-170v & 12-170w](#)).

More information on the Circuit Breaker Tax Relief Program is available on OPM's website [here](#).

Relief for Homeowners who are Seniors or Have Permanent Disabilities

Municipalities may provide property tax relief to qualifying homeowners for real property they own and occupy as their principal residences. To qualify for the tax relief, the homeowner must have been a taxpayer in the municipality for at least a year and (1) be at least age 65, (2) have a spouse living with him or her who is at least age 65, (3) be certified by the Social Security Administration as permanently and totally disabled, or (4) be at least age 60 and the surviving spouse of an eligible taxpayer.

The tax relief may take any form, including freezing tax payments at specified levels and municipalities may establish income criteria. But the overall amount of tax relief is limited to 10% of the total value of real property in the municipality in each given year. The total value of tax relief under this and the tax freeze (see above) and mandatory Circuit Breaker Tax Relief programs cannot exceed the homeowner's annual tax.

The municipality may put a lien on the property for the amount of the tax relief, and must do so if the relief provided under all these programs combined is more than 75% of the tax owed ([CGS § 12-129n](#)).

Exemption for Homeowners with Disabilities

Municipalities must provide a \$1,000 property tax exemption to homeowners who (1) are eligible to receive permanent total disability benefits under Social Security; (2) qualify for permanent disability

benefits under a federal, state, or local government retirement plan; or (3) are 65 years or older and no longer eligible to receive benefits under the disability benefit provisions of Social Security ([CGS § 12-81\(55\)](#)).

Municipalities have the option of also providing these homeowners an additional exemption of up to \$1,000 ([CGS § 12-81i](#)).

Exemption for Special Tax Levied

Municipalities may exempt a prorated amount of any special tax levied on real property for low-income seniors and individuals with disabilities eligible for the mandatory tax freeze program for these homeowners ([CGS § 12-129o](#)).

Exemption for Individuals who are Blind

Municipalities may provide a \$2,000 exemption to qualifying homeowners who are blind ([CGS § 12-81j](#)). This local option exemption is in addition to the mandatory \$3,000 exemption municipalities provide to these homeowners ([CGS § 12-81\(17\)](#)).

Programs for Emergency Personnel

Relief for Firefighters and Emergency Personnel

Municipalities may provide, by ordinance, property tax relief to the following types of active and retired volunteers:

1. local emergency management directors;
2. firefighters and fire police officers;
3. emergency medical technicians and paramedics;
4. civil preparedness staff;
5. active members of a volunteer (a) canine search and rescue team or (b) underwater search and rescue team;
6. ambulance drivers in the municipality; and
7. retired volunteer firefighters, police officers, or emergency medical technicians who have completed at least 25 years of service in those roles.

The ordinance may also authorize interlocal agreements for providing tax relief to certain active and retired volunteers who live in one municipality but volunteer or volunteered their services in another municipality.

The tax relief may be in the form of either (1) an abatement of property taxes due for any fiscal year (up to \$1,500 in FYs 20 and 21 and up to \$2,000 for FY 22 and thereafter) or (2) an exemption applicable to the assessed value of real or personal property up to an amount equal to \$1 million divided by the mill rate, in effect at the time of assessment (effectively reducing the amount a taxpayer owes by up to \$1,000) ([CGS § 12-81w](#), as amended by [PA 19-36](#)).

Abatement for Surviving Spouses of Police Officers or Fire Fighters

Municipalities may establish a program to abate all or a portion of the property tax on the principal residence of the surviving spouse of a police officer, firefighter, or emergency medical technician who dies while in the performance of his or her duties ([CGS § 12-81x](#)).

Programs for Veterans

Additional Exemption for Wartime Veterans

Municipalities may provide qualified wartime veterans with a property tax exemption of up to \$20,000 or 10% of a property's assessed value; this exemption is in addition to the state-mandated exemption they must provide to these qualified veterans. Municipalities may set the income threshold for eligibility, with the minimum being the default amount the state annually sets for other property tax exemptions (for 2019, \$36,000 for individuals and \$43,900 for married joint filers) ([CGS § 12-81f](#)).

Additional Exemption for Disabled Veterans

State law requires municipalities to provide veterans who have a Veterans Administration (VA) disability rating of at least 10% with (1) a "base exemption" ranging from \$2,000 to \$3,500, depending on the disability rating and (2) an income-based exemption of either 50% or 200% of the base exemption amount, depending on whether their income falls below or above a statutorily-set threshold ([CGS § 12-81\(20\)](#), as amended by [PA 19-171](#); exemption amounts effective October 1, 2019).

Municipalities may, with legislative body approval, provide an additional exemption to veterans who are entitled to the larger income-based exemption (due to their incomes falling below the statutorily-set threshold). If the municipality chooses to provide the exemption, it must be at least \$3,000 and applied to the assessed value of the veteran's property ([CGS § 12-81f\(b\)](#)).

Additional Exemption for 100% Disabled Veterans

State law requires municipalities to provide veterans who have a 100% disability rating with (1) a “base exemption” of \$3,500 and (2) an income-based exemption of either 50% or 200% (\$1,750 or \$7,000) of the base exemption, depending on whether their incomes fall below or above a statutorily-set threshold.

Municipalities may, with legislative body approval (or board of selectmen approval where the legislative body is a town meeting), provide 100% disabled veterans who have incomes below a certain threshold with an income-based exemption equal to 300% (\$10,500) of the base exemption amount (\$3,500) rather than the standard 200% (\$7,000). The income eligibility threshold for this optional municipal property tax exemption is \$21,000, if single and \$24,000, if married ([CGS § 12-81g\(b\)](#) as amended by [PA 19-171](#); exemption amounts effective October 1, 2019).

Exemption for Certain Non-Disabled Veterans

The law allows a municipality, with its legislative body’s approval, to exempt up to \$5,000 or 5% of the property’s assessed value for veterans who (1) do not qualify for certain other veterans’ property tax exemptions (i.e., wartime, disabled, and severe service-related disability exemptions) and (2) have incomes below a threshold. Municipalities may increase the income threshold for eligibility, with the minimum being the amount the state annually sets (for 2019, \$36,000 for individuals and \$43,900 for married joint filers) ([CGS § 12-81j](#)).

Specially Adapted House

Municipalities may provide a total exemption to those veterans receiving financial assistance for specially adapted housing under Title 38 of the United States Code. (A specially adapted home is one outfitted to make it suitable for someone who has lost his limbs or eyesight.) ([CGS § 12-81\(21\)\(c\)](#)).

Property Tax Exemption for Gold Star Parents and Spouses

Municipalities may provide a property tax exemption to any parent or surviving spouse of a service member killed in action while performing active military duty with the U.S. Armed Forces (i.e., “Gold Star” parent or surviving spouse). A municipality may exempt up to \$20,000 or 10% of the property’s assessed value.

To be eligible for the exemption, the income of the Gold Star parent or surviving spouse cannot exceed (1) the state’s income limit for a single person for other veterans’ property tax exemptions

annually set by the Office of Policy and Management (\$36,000 for 2019) or (2) an amount the municipality sets, up to \$25,000 more than the state limit ([CGS § 12-81j](#)).

JSH:kc

