

# Killingly Code of Ordinances

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## **Chapter 13**

### **STREETS, SIDEWALKS AND PUBLIC PLACES<sup>1</sup>**

**Art. I. In General**

**Art. II. Street Construction and Alteration Standards**

**Art. III. Use of Parks and Public Places**

**Art. IV. Loitering, Littering, and Public Consumption of Alcoholic Beverages and Cannabis**

#### **ARTICLE I. IN GENERAL<sup>2</sup>**

##### **Section 13.1 Liability of Town for snow and ice removal of public sidewalks**

- (a) Pursuant to Section 7-163a of the Connecticut General Statutes the town shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the town is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided such municipality shall be liable for its affirmative acts with respect to such sidewalk.
- (b) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice and snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this section and shall be liable to persons injured in person or property where a breach of said duty is the approximate cause of said injury.  
(Ord. of 3-11-2003, § 13.1)
- (c) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.  
(Ord. of 12-17-81, §§ I, II)

##### **Section 13.2 Maintenance of sidewalks**

- (a) Generally the owner or owners of any property which abuts or is adjacent to a public sidewalk shall be responsible for maintaining as hereinafter required that portion of the sidewalk which is adjacent to his, her, or its property. (Ord. #16-01, 1-12-16)
- (b) For the purpose of snow and/or ice removal from public sidewalks not owned or maintained by the Town, the following paragraphs shall apply.
- (c) In the event of a snow storm with a total accumulation of ten (10) inches or more, or in other circumstances determined by the Town Manager, the Town Manager, in his/her sole discretion, may make use of such town forces as are reasonably available to begin to remove snow accumulations from public sidewalks. The Town assumes no duty whatsoever to clear all or any particular sidewalk and, in any such public safety activity, Town forces shall be construed to be acting as agents of the abutting property owner or other individual or entity who has legal liability and/or responsibility for clearing the particular sidewalk. It is understood that the Town Manager shall exercise his/her discretion in the public interest to benefit the public health and safety. Particular emphasis may be given to heavily traveled areas or areas that represent major routes of access, especially to the schools for students.

All decisions on how to allocate the Town's limited resources will be subject to the sole discretion of the Town Manager or his/her designee and are designed to enhance the overall public safety while recognizing the many demands on Town resources and assets during inclement weather, especially in the face of repeated or successive storms.

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<sup>1</sup> Cross reference—Motor vehicles and traffic, Ch. 10.

<sup>2</sup> Editor's note—An ordinance adopted Dec. 17, 1981, did not specifically amend this Code; hence inclusion of §§ I and II as § 13-1 was at the discretion of the editor.

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The purpose of this provision is not, in any way, to abrogate the duty of any abutting property owner, or other individual or entity who has legal liability and/or responsibility for clearing a particular sidewalk, to care for his/hers/its own property and the sidewalk abutting that property. Rather, it is meant to assist the property owner or other responsible individual or entity, by acting as the agent of such party, in situations where either the volume of material produced by a particular storm or the cumulative effect of repeated storms renders such intervention advisable, especially where the property owner or other responsible party fails to execute his/her/its duty properly. (Ord. #16-01, 1-12-16)

- (d) The snow fall accumulation amount shall be determined by a snow gauge installed at the Town's highway garage.
- (e) Removal of Snow, Ice, and Debris: In situations not covered by the paragraphs above, such owner shall remove any accumulation of ice, snow, or debris within twenty-four (24) hours after such ice and snow has ceased to accumulate or such debris have been deposited, and if such owner shall fail to remove said accumulation of snow and ice or debris as aforesaid, the Town Manager may, but shall not be required to, cause the same to be removed at the expense of the Town, which expense shall be billed to and payable by the owner of the subject premises. If the owner of the subject premises shall fail to pay such costs within thirty (30) days of receipt of a bill for the same from the Town, the Town Manager is hereby authorized, pursuant to the provisions of 7-148 (c) (6) (C) (v) of the Connecticut General Statutes, to make the cost of such removal a lien on the property of the owner. Such lien shall be enforced and collected in the same manner as provided by law for the collection and enforcement of tax liens. In any circumstances where it is not practical to remove ice and snow, the sidewalk shall be temporarily sanded by the owner thereof in order to provide as safe as possible pedestrian access across said sidewalk. (Ord. #15-06, 10-13-15, eff. 10-30-15)

## **Section 13.3 Obstructions and hazards**

Each owner of property abutting a public sidewalk shall be responsible for maintaining the public sidewalk which abuts or is adjacent to his property free from all obstructions and debris which may be hazardous to pedestrian traffic, including, without limitation, dirt, sand, leaves, branches, grass clippings, rocks, and any other materials. If such owner shall fail to maintain the sidewalk free from such materials, the Town Manager may, but is not required to, cause the same to be removed and shall lien the owner's property in the same manner as provided for in the removal of ice, snow, and debris.

## **Section 13.4 Penalty**

Any violation of any of the provisions regarding sidewalks set forth herein under 13.1 through 13.3, in addition to the other penalties proscribed herein, shall be subject to a penalty of ONE HUNDRED (\$100.00) DOLLARS per day, and each and every day the violation persists shall be considered a separate violation of this Ordinance.

(Ord. of 3-11-2003)

## **Sections 13.5–13.15 Reserved**

## **ARTICLE II. STREET CONSTRUCTION AND ALTERATION STANDARDS<sup>3 4</sup>**

### **Section 13.16 Definitions**

For purposes of this article, the following words and phrases shall have the following meaning:

**Applicant/permittee** means and is synonymous with any person, firm, corporation or public utility opening or causing to be opened, altered, improved or changed any street or proposed street in the town.

**Engineer/surveyor** means a Connecticut licensed professional civil engineer or surveyor.

**Planning commission** means the planning commission of the town.

**Primary street** means any street designated to accommodate a daily traffic flow within twenty (20) years of one thousand (1,000) or more trips per day. It shall also include streets serving industrial and commercial properties.

**Secondary street** means any street designed to accommodate a daily traffic flow of less than one thousand (1,000) trips.

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<sup>3</sup> Cross reference—Buildings and building regulations, Ch. 4.

<sup>4</sup> Cross reference—Rules of construction and definitions generally, § 1-2.

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**Street** means any street, avenue, lane, road, highway, boulevard and any other public right-of-way existing or proposed for dedication and any public right-of-way shown on a map of an approved subdivision whether or not the streets within such subdivision have yet been accepted by the town. "Street" shall mean all that part thereof from street line to street line of the premises abutting thereon.

**Subdivision regulation** means the subdivision regulations of the town adopted February 8, 1971, and taking effect May 10, 1971. (Ord. of 11-16-72, § I; Ord. of 4-13-93)

## **Section 13-17 License and permit required for work within the street<sup>5</sup>**

- (a) **License required.** Only a contractor duly licensed by the town manager or his/her designated agent as herein provided, will be allowed to do any work upon any street in the town.
- (b) **License—To whom issued; fee.** A license to perform specific work within the public streets will be issued by the town manager or his/her designated agent to any person or corporation who shall make proper application therefore, file a satisfactory bond, show evidence of liability insurance, and satisfy the town manager or his/her designated agent that he/she is competent and intends to perform his/her work in accordance with all applicable conditions, rules, regulations and specifications herein contained or hereafter adopted. A fee of fifty dollars (\$50.00) will be charged for each license issued.
- (c) **Bond prerequisite to issuance.** Before a license is granted, the applicant shall file with the town manager's office a surety bond in the amount of the estimated cost of repairs as estimated by the town engineer, but not less than twenty thousand dollars (\$20,000.00) conditioned substantially that the applicant shall indemnify and save harmless the town and all officers of the town from all suits and actions of every name and description brought against the town or any officer of the town, for any injuries or damages received or sustained by any person in consequence of, or resulting from, any work performed by such applicant, his/her servants or agents, or of, or from, any improper materials used in such work, or from any negligence in guarding such work, or of, or from any act or omission of such applicant, his/her servants or agents; that such applicant shall faithfully perform such work in all respects and shall replace and restore that portion of the street upon which such applicant, his/her servants or agents, shall do work, in accordance with the standards contained herein and any conditions required by the town manager or his/her designated agent. Such surety bond shall be written by an indemnity or surety company authorized to transact business in Connecticut and approved by the town manager or his/her agent; the town manager may request an increase in the bond amount if conditions so warrant.
- (d) **Insurance prerequisite to issuance and continued validity.** The contractor applying for a license required in this section shall furnish to the town a valid insurance certificate completed by his/her agent or insurer in the amounts described as follows: Liability, with bodily injury limits of five hundred thousand dollars (\$500,000.00) each accident. The town shall be named as an "additional insured" on the insurance certificate. The town manager may increase the limits and types of insurance if so warranted. The insurance shall cover the entire contract period as well as the maintenance period and in the event that the insurance expires during this time the contractor shall furnish the town a renewal certificate at least ten (10) days prior to its expiration of the license and any permits issued pursuant to it shall be null and void. The property damage insurance shall specifically cover damage due to underground pipes and conduits damaged while using mechanical equipment to excavate in the public street. In the event that a licensee shall fail to renew an insurance policy which expires during the maintenance period, the town manager or his/her designated agent may renew such policy after written notice to the licensee and to his/her surety company and upon their failure to furnish a renewal certificate, charge the cost thereof to the licensee.
- (e) **Transferability.** No contractor licensed pursuant to section 13-17 shall allow his/her name to be used by any other person or party for the purpose of obtaining or doing any work under his/her license.
- (f) **Revocation.** The town manager or his/her designated agent may at any time cancel or suspend any license required by section 13-17 for cause. In the event the liability insurance is cancelled, the license issued to the contractor shall automatically become suspended.
- (g) **Expiration.** All licenses required by section 13-17 shall expire on the thirty-first day of December next following their date of issue, unless sooner revoked, and a new license obtained before any work can be performed thereafter by the licensee.

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<sup>5</sup> Editor's note—An ordinance adopted April 13, 1993, amended § 13-17 to read as herein set out. Formerly, § 13-17 pertained to permit required for openings, alterations, etc. and derived from § II of an ordinance adopted Nov. 16, 1972.

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- (h) **Business address.** The applicant for a license required by section 13-17 shall file with the town manager's office his/her business address, and shall notify such office promptly of any change therein. Any orders or notices which the town manager's office or its authorized agent may have to give to such applicant, if mailed to their address filed, shall be considered as due notice delivered to him/her personally and shall relieve the town of further obligation in the matter.
- (i) **Employment of incompetent workers prohibited.** No contractor licensed pursuant to section 13-17 shall employ any person under his/her license who, in the opinion of the town manager or his/her designated agent, shall have shown himself or herself incompetent to perform such work as he/she is expected to do, after receiving notice from the manager or his/her agent of such an opinion.
- (j) **Permits.** Permits to perform any work within any street in the town must be obtained by a licensed contractor or his/her authorized agent from the town manager. Each permit shall be signed by the town manager or his/her authorized agent. No work shall be commenced or be continued unless the permit is posted by or in the possession of the permittee or his/her agent at the location of the work. A fee of fifty dollars (\$50.00) will be charged for each permit.
- (k) **Line and grade.** Before starting any work for which line and grade are required, the permittee shall mark line and grade. Should any stakes or marks be moved or lost, the permittee shall replace them prior to continuing the work. Any work which is not true to line and grade will be removed and replaced at the expense of the permittee.
- (l) **Protection of the public.** The permittee shall notify the town manager or his/her designated agent and the fire department at least twenty-four (24) hours before starting any work. No permit shall be issued unless the contractor has notified "Call Before You Dig" at 1-800-922-4455 seventy-two (72) hours before excavating. The contractor shall execute the work in such a manner as to interfere as little as possible with public travel; shall provide railings or suitable barricades to exclude persons and animals from trenches and obstructions. The contractor shall place and maintain such traffic control devices that are required to conform with the standards for work zone traffic control in the most current edition of the manual on uniform traffic control devices. If, in the opinion of the town manager or his/her designated agent, said traffic control devices are inadequate, the contractor shall supplement them as necessary.
- (m) **Correcting unsatisfactory work.** The town manager or his/her designated agent is empowered to inspect, or cause to have inspected, at any time any or all work being performed under a permit issued to work within the public rights-of-way. If, in the opinion of the inspector, the work being performed does not meet the specifications and conditions in connection with it, the permittee shall be required to correct such condition, commencing work within twenty-four (24) hours of notification to make such correction unless a longer period of time is granted by the town manager or his/her designated agent. In cases where an imminent danger exists to the public, in the opinion of the inspector, the permittee shall immediately correct the condition. If in the opinion of the inspector, the permittee cannot or does not correct a dangerous condition quickly enough or commence work to correct other conditions as set forth in this section, the town manager or his/her designated agent may cause such work to be done and the permittee shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing. The town manager may refuse to issue future permits if such bills are not paid within thirty (30) days of billing.
- (n) **Permittee's period of responsibility (maintenance).** The town manager may order for cause corrections to any work performed pursuant to a permit granted under this section for a period of not less than twelve (12) months or more than twenty-four (24) months at the discretion of the town manager or his/her designee from the date of permanent pavement restoration.
- (o) **Exemptions.** The town manager or his/her designated agent may waive all requirements concerning licensing and insurance in the case of any governmental agency or public service company. Nothing herein contained, however, shall be deemed to waive the requirement of obtaining permits. None of the provisions of this section shall apply to the erection of temporary protective warning signs or devices. Nothing in this section shall be construed to prevent the making of any necessary excavation or the performance of any work related thereto by any public service company in the event of emergency. None of the provisions of this section shall apply to the grading, improvements and utilities, and services in connection with any approved subdivision plan; provided that, the sub-divider has filed with the town manager a surety company bond or cash bond or savings account assignment securing to the town actual construction and installation of such improvements and utilities as required in the subdivision and re-subdivision regulations of the town.

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## Section 13-18 Trench and pavement restoration

- (a) **Pavement cuts.** Cuts in pavement will be made along straight, neat lines with a saw made for such purposes.
- (b) **Color-coded marking tape.** A color-coded marking tape shall be placed at least eighteen (18) inches and not greater than two and one-half (2½) feet below final grade above all underground utility installations except sewers and drains running in straight lines between surface catch basins, manholes, or posts identifying the underground installation. Tape shall be durable non-degradable plastic, not less than two (2) inches wide by four thousandths (0.004) inches thick and in the following colors for the particular underground utility:

Blue—Water  
Green—Sewer

Orange—Telephone  
Yellow—Gas

Red- Electric cable

- (c) **Backfill of trenches.** Backfill in trenches within the roadway limits and paved areas shall be placed in layers not more than twelve (12) inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the town manager or his/her designated agent. The top six (6) inches of backfill shall be processed gravel as approved by the town manager or his/her designated agent; compaction tests may be required by the town manager or his/her designated agent. The materials used for backfilling of road sub base and processed gravel shall be subject to compaction testing, and inspection and approval of the town manager or his/her agent, and if, in his/her opinion, the excavated materials are unsuitable for backfill, the permittee shall be required to dispose of the unsuitable material and substitute approved gravel or other material in the amounts and proportions specified by the town manager.
- (d) **Temporary trench patch.** Upon completion of trench backfill and temporary pavement, the permittee will be required to maintain the temporary patch for at least a twelve-month period. During this period the permittee shall inspect the trench at such regular intervals as may be necessary to maintain the trench in satisfactory condition. The temporary patch shall be a minimum of one and one-half (1½) inch thick hot mix asphalt. Cold mix asphalt may only be used when hot mix is not available and upon approval of the town manager or his/her designated agent.
- (e) **Permanent trench patch.** At the end of the twelve-month to twenty-four month maintenance period, or as soon thereafter as weather conditions permit and hot mix is available, the permittee shall be required to replace the temporary pavement unless otherwise instructed by the town manager or his/her designated agent. For perpendicular cross trenches, a neat, straight saw cut shall be made at least ten (10) feet from the center line of the trench and for lateral trenches a neat straight saw cut shall be made at the center line of the roadway and the material removed to a depth of nine (9) inches. Six (6) inches of processed gravel shall be placed and thoroughly compacted upon which two (2) courses of hot mix asphalt each one and one-half (1½) inches thick (after compaction) shall be placed. Prior to paving the saw cut joint shall be painted with an acceptable tack coat material. After the final pavement has been placed and compacted, the joints will be sealed with a hot bituminous asphalt sealer approved by the town manager.
- (f) **Other restorations.** All other items damaged by the permittee shall be restored in accordance with the requirements of the town manager. These items include, but are not limited to, curbing, lawns, driveways, pavement markings, and signs. Pavement markings shall be replaced with like material. (Ord. of 4-13-93)

## Section 13-19 Moratoria on street excavations<sup>6</sup>

- (a) **New streets.** No excavation shall be permitted in new or reconstructed streets for a period of five (5) years after the wearing surface is placed on such street. When, in the opinion of the town manager, it becomes necessary to excavate in such streets due to emergency or other reason, the entire width of the street within the limits of excavation shall be overlaid with one and one-half (1½) inches of hot mix asphalt. In addition the permittee shall comply with the other applicable requirements of section 13-18.
- (b) **Old streets.** No excavation shall be permitted in streets that have been overlaid with hot or cold mix asphalt, or treated with a seal coat for a period of two (2) years after such overlay or treatment. When, in the

<sup>6</sup> Editor's note—An ordinance adopted April 13, 1993, amended § 13-19 to read as herein set out. Formerly, § 13-19 pertained to permits for work on existing roads and derived from § VII of an ordinance adopted Nov. 16, 1972.

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opinion of the town manager, it becomes necessary to excavate in such streets due to emergency or other reason, the entire width of the street within the limits of excavation shall be resurfaced with a like treatment or other process satisfactory to the town manager. In addition the permittee shall comply with the other applicable requirements of section 13-18.

- (c) **Milling.** Where deemed necessary by the town manager, the permittee shall mill a minimum of one and one-half (1½) inches of pavement off of the street prior to paving if necessary to maintain an adequate cross slope and curb reveal. Milled areas will be tack coated with an acceptable material prior to paving.
- (d) **Notice of utility work.** It is incumbent upon utilities to keep the town manager apprised of planned permit activity so that the department of public works can coordinate its resurfacing schedule. (Ord. of 4-13-93)

## Section 13-20 Plans

- (a) Whenever any street is proposed as required by the subdivision regulations of the town, the applicant/permittee shall present to the town manager the following plans as prepared by an engineer/surveyor:
  - (1) Two (2) certified copies of the street layout plan.
  - (2) A road profile.
  - (3) A plan or plans showing proposed utility locations, test pit data, grading, paving, curbs and drainage areas including storm drainage structures and specifications.
  - (4) An application for a street permit on forms provided by the town manager.
  - (5) In those instances where planning commission approval is required, the applicant/permittee shall certify on forms provided that such approval has been obtained prior to the town manager's issuance of a permit.
- (b) Building permits shall not be issued prior to issuance of a street permit by the town manager.  
(Ord. of 11-16-72, § III)

## Section 13-21 Bonds

- (a) **Streets and improvements.** Prior to the issuance of a permit the town may require the applicant/permittee to provide a road surety to cover all construction costs as determined by the town.
- (b) **Maintenance bond.** Prior to the acceptance of such street by the town, the applicant/permittee shall provide a maintenance surety or bond which guarantees for a period of one year to indemnify the town against defective materials and/or workmanship the improvements installed as required in such permit. Such surety shall be in the amount of five (5) per cent of the road construction costs. Such surety shall be released by the town after one year if any defects arising from such improvements have been corrected.  
(Ord. of 11-16-72, § IV; Ord. of 1-13-75)

## Section 13-22 Required improvements; specifications

- (a) **General.** In addition to compliance with the subdivision regulations of the town which are hereby incorporated by reference, other improvements shall be required as follows:
- (b) **Street widths.** Street widths shall be as follows:
  - (1) *Primary.* The roadway of this design street shall be forty (40) feet minimum.
  - (2) *Secondary.* The roadway of this design street shall be thirty (30) feet minimum.
- (c) **Drainage.** Drainage shall conform to the following:
  - (1) All areas behind curbs shall be so constructed so that control of surface water is maintained.
  - (2) Catch basins and pipe of a minimum diameter of fifteen (15) inches shall be installed at all intersection corners, and catch basins constructed upon streets shall be at locations as designated by the town manager.
  - (3) All catch basins shall be connected in such manner to cause a continuous flow of controlled surface and subsurface water to an ultimate destination of natural flow, pond, brook or river.
  - (4) All drainage pipes shall be either high-density polyethylene/polypropylene, reinforced concrete or asphalt-coated corrugated metal, as approved by the Town Engineer. All pipe will be bedded and backfilled to meet engineering and industry standards.
  - (5) Depth of storm sewer pipe is to be determined by the town manager.
- (d) **Utilities.** All utilities shall be in place before final grading and compacting of street.

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- (e) **Paving.** All streets shall be paved to full roadway width with bituminous concrete and in accordance with the following:
  - (1) Prior to placement of bituminous concrete the underlying base course shall be brought to the planned proper grade and cross section and compacted with a minimum eight (8) ton wheel roller.
  - (2) The paving course shall then be applied in accordance with State Highway Department Specifications Class 2 material, and shall consist of a thickness of two (2) inches after compaction with an eight (8) ton roller.
- (f) **Curbing.** Curbing shall conform to the following:
  - (1) Bituminous concrete or equivalent curbing shall be installed where determined by the town. When curbing is required, the applicant/permittee shall show those areas on the final road drawings prior to town issuance of any permit.
  - (2) Such curbing is to be installed in conformance with the Standard Connecticut Highway Department specifications.
- (g) **Material specifications.** Unless otherwise stated, all methods and materials shall be in accordance with "State of Connecticut, State Highway Department, Standard Specifications for Roads, Bridges and Incidental Construction", 1969 edition, as amended.
- (h) **Driveway entrance.** Concrete berm-type driveway entrances shall be installed by the applicant/permittee for each developable lot or dwelling unit as determined by the town. The location of such driveway entrance shall be as determined by the town. (Ord. of 11-16-72, § V; Ord. of 12-12-74, §§ A—D)

## **Section 13.23 Inspection and notification**

- (a) The applicant/permittee agrees to notify the town manager at least twenty-four (24) hours in advance of each phase of the work.
  - (b) All written instructions and/or orders of the town manager shall be complied with.
  - (c) The town manager shall have a right of inspection of and access to all phases of the work.
- (Ord. of 11-16-72, § VI)

## **Section 13-24 Acceptance of streets**

- (a) Upon certification by the planning commission and town manager that the conditions of this article and other street regulations of the town have been complied with, the town council shall accept the street into the town street system.
- (b) Acceptance of streets shall be by resolution and shall be noted upon the permanent records of the town. (Ord. of 11-16-72, § IX)

## **Section 13-25 Enforcement and penalties**

Sections 13-16 through 13-24 of the Code of Ordinances shall be enforced pursuant to the provisions of Section 1-9 and 1-10 of the Killingly Code of Ordinances relative to general penalties and citations for violations of ordinances, and all violations of this ordinance shall, in addition to any penalties set forth herein, be subject to the provisions of Section 1-9 and 1-10 for violations of citations.

## **Sections 13-26 – 13-60 Reserved**

## **ARTICLE III. USE OF PARKS AND PUBLIC PLACES<sup>7 8</sup>**

### **Section 13-61 Intent**

The Town of Killingly is fortunate to possess within its boundaries a spacious system of open space, park land and public improvement which has been dedicated to the use and enjoyment of the citizens of Killingly. Residents are encouraged to utilize these facilities and by doing so many participate in a wide variety of both active and passive activities. The town wishes to ensure that all public places and parks are used in the most

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<sup>7</sup> Editor's note—Inclusion of §§ 1, 3—7, of a nonamendatory ordinance adopted March 10, 1987, effective April 1, 1987, as Art. III, §§ 13-61—13-66, was at the editor's discretion.

<sup>8</sup> Cross reference —Deposit of unauthorized material upon public property, § 8-1; outdoor events, § 11-18 et seq.; hours of operation for peddlers, § 12-9; vendors on town property, § 12-21 et seq.; inland wetlands and water courses regulations, App. A.

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safe and enjoyable manner possible and to ensure this optimum use, it is necessary to adopt and enforce certain rules and regulations for the good of all.

The intent of this article is to provide for the protection and promotion of the peace, safety, and welfare of the Town of Killingly and its inhabitants by regulating the use of public places owned by the town and under the management or control of the town council. (Ord. of 3-10-87, § 1)

## **Section 13-62 Prohibited Conduct**

Except when being performed by officials or employees of the town in the course of their duties, or by independent contractors engaged by the town for such purpose, or unless otherwise permitted in a public place in accordance with regulations, no person in a public place shall:

- (a) Mark, deface, damage, injure, tamper with or displace or remove any buildings, pools, bridges, tables, benches, fireplaces, railings, fences, paving, waterlines or other public utilities or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, improvements, or facilities or any appurtenances whatsoever, either real or personal.
- (b) Deface, litter or make unsanitary any restroom, washroom or shower room or prevent the proper drainage of any toilet, pipe, or drain.
- (c) Dig, for the purpose of removing from such public place, any sand, soil, stones, trees, shrubs or plants without the consent of the town manager or his designated representatives.
- (d) Erect or bring into a public place any building or structure of any kind whatsoever, whether permanent or temporary, without the consent of the town manager or his designated representative.
- (e) Damage, cut, carve, transplant or remove any tree of plant, or injure the bark of any tree, pick the flowers or seeds of any plant, or dig in or otherwise disturb lawn areas or walk upon planted areas without the consent to the town manager or his designated representative.
- (f) Throw, discharge, deposit, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in any public place any substance, matter or thing, in any form whether liquid, solid, or otherwise which will result in the pollution, discoloration or change in the chemical content of said water.
- (g) Bring into, or dump, deposit or leave in a public place any dirt, rubbish, waste, garbage, litter, refuse or other trash, except in receptacles provided for the same. Where receptacles are not so provided, all such refuse or trash shall be carried away from the public place by the person responsible for its presence, and properly disposed of elsewhere.
- (h) Announce, advertise, or call public attention in any way to any article or service or hire, except as the same may be permitted in association with a permit issued under the terms of section 13-64 hereafter.
- (i) Expose or offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing except as the same may be permitted in association with a permit issued under the terms of section 13-64 hereafter.
- (j) Paste, glue, tack or otherwise post any sign, placards, advertisement or inscription whatsoever, or erect or cause to be erected any sign whatsoever except as the same may be permitted in association with a permit issued under the terms of section 13-64 hereafter.
- (k) Bring upon, operate or permit, or cause to be operated upon any public place any vehicle except in those areas and at such times as shall be designated by the regulations for such type of vehicle for each public place or any portion of a public place.
- (l) Swim, bathe or wade in any waters or waterways, or skate or slide upon the same when frozen, or frequent any such areas for the purpose of skating, sliding, swimming or bathing, or congregate thereat, except at such times as shall be designated by the director of parks and recreation for such purposes for each public place or any portion of a public place.
- (m) Hunt, trap, poison, or pursue, annoy or disturb wildlife, or use, carry or possess firearms of any description or other forms of weapons potentially inimical to wildlife or dangerous to human safety.
- (n) Fish or seek to catch any fish in any manner except as the same may be permitted in any public place, or any portion thereof under the regulations.
- (o) Drop, throw, or otherwise scatter lighted matches or any burning matter, or make or cause to be made any fire other than in fireplaces provided by the town, or in other appropriate receptacles designated in the regulations, or fail to completely extinguish such fire before leaving the area, and dispose of ashes in receptacles provided for that purpose.



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- (p) Place, or operate upon or in any waters, any boat, raft, or other craft whether or not motor powered except at such times as may be designated under regulations for each public place or portion thereof, and if permitted to do so in accordance with said regulations, no persons shall operate such boat, raft, or other craft in a manner as to annoy, frighten, or endanger any other person.
- (q) To possess or be under the influence of any illegal drugs.
- (r) Engage in loud, boisterous, threatening, abusive, insulting or indecent language; engage in any disorderly conduct or behavior tending to a breach of the public peace; trespass in an area restricted by the direction of parks and recreation, or otherwise interfere with the orderly conduct of a park activity or operation.
- (s) Escort, induce, or permit any dog or pet to go about any public place except under the control of the owner or keeper, or take or permit any dog to go upon any portion of a public place prohibited to dogs by the regulations.
- (t) To be within any park during the period from before sunset to before sunrise except as follows:
  - 1. If the park is open by the town for any scheduled activity or special visitations.
  - 2. As may be allowed by any permit issued pursuant to section 13-64 of this article.
- (u) Take or permit any horse to go upon any portion of any public place, except such portion permitted by the regulations, and no person shall ride or control a horse in any such manner as to annoy, frighten, or endanger any other person.
- (v) Aid, abet or participate in gambling, or betting for money or other prize, unless such activity is part of a town-sponsored program.
- (w) No person shall camp in areas other than those designated for camping, and unless a special permit has been obtained from the town manager or his designated representative.
- (x) To possess, consume or be under the influence of any intoxicating liquor. (Ord. of 3-10-87, § 3)

## **Section 13-63    Operation of motor vehicles<sup>9</sup>**

Every person, in the operation of a motor vehicle in any portion of a public place where permitted under the regulations, shall:

- (a) Obey all traffic signs indicating speed, direction, caution, stopping, or parking.
- (b) Be a duly licensed driver for the operation of such motor vehicle.
- (c) Operate only such motor vehicle as complies with all the provisions of the state motor vehicle laws in regard to the equipment on such vehicle.
- (d) Not operate any such vehicle in excess of fifteen (15) miles per hour.
- (e) Obey all directions of police officers or other employees of the town authorized to direct traffic in a public place.
- (f) Not park any such vehicle in any place except those areas designated or provided for parking.
- (g) Not drive any such vehicle on any area except roads or parking areas, or such other areas as may be specifically designated as temporary parking areas. (Ord. of 3-10-87, § 4)

## **Section 13-64    Permits**

- (a) To the extent allowed by the regulations, an area in a public place together with the facilities situated in such area may be reserved for the exclusive use of any person, or may be used by a natural person for the uses prohibited under section 13-62(h), (i), (j), and (w), provided a permit therefore is obtained from the director of parks and recreation.
- (b) In addition to the permit required by this section, a person shall be required to apply for either an intermediate special event license or a special event license for any public gathering of five hundred (500) persons or more, pursuant to the provisions of Article II of Chapter 11 of this Code. Failure to receive an intermediate special event license or special event license shall void the issuance of a park permit which may be granted by the town.
- (c) Any person seeking issuance of a permit hereunder shall file an application with the town manager or his designated representative. The application shall state:
  - (1) The name and address of the applicant;
  - (2) The name and address of the person sponsoring the activity, if any;
  - (3) The day or days and hours for which the permit is desired;
  - (4) The public place or portion thereof for which such permit is desired;
  - (5) An estimate of anticipated attendance if the permit is for a group activity;

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<sup>9</sup> Cross reference – Motor vehicles and traffic generally, Ch. 10.

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- (6) The use or activity for which the permit is sought;
- (7) Any other information which the director of parks and recreation shall find reasonable and necessary to a fair determination as to whether a permit should be issued hereunder.
- (d) The director of parks and recreation may issue a permit hereunder provided he finds that the proposed activity or use:
  - (1) Will not unreasonably interfere with or detract from the general public's enjoyment of the public place;
  - (2) Will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
  - (3) Is not unreasonably anticipated to incite violence, crime, or disorderly conduct;
  - (4) Will not entail unusual, extraordinary or burdensome expense to the town or police supervision by the town;
  - (5) Will not interrupt an established schedule for town-sponsored recreational activities or that the facilities desired have not been reserved for other use at the date and hour requested in the application;
  - (6) Will not damage the natural flora or fauna.
- (e) Each application for a permit shall be accompanied by a fee, if applicable, payable to the town, in accordance with the regulations. In addition, as provided by the regulations, a service charge may be required.
- (f) Any person issued a permit shall observe all regulations and the provisions of this article as through the same were inserted in such permit.
- (g) The person to whom a permit is issued shall agree to be liable for any loss, damage or injury sustained by any person or property whatsoever by reason of negligence on the part of any person engaged in the activity being sponsored under the permit and shall agree to hold the town and any of its agents, servants, and employees harmless from any and all losses caused by the permittee or any person engaged in activity being sponsored under the permit. The director of parks and recreation, as a condition of the permit, may require a certificate of insurance from the permittee in an amount to be determined by the director.
- (h) The town manager or his designated representative may revoke or suspend the permit of any person at any time upon determining that any such person has violated the terms of the permit, the provisions of any regulation, a provision of this article or that such revocation or suspension is reasonable necessary for preserving the peace, safety, and welfare of any person or preserving the public place from damage or injury.  
(Ord. of 3-10-87, § 5)

## **Section 13-65 Appeals from denial or revocation of permit**

- (a) Any person whose permit has been denied or revoked by the director of parks and recreation may request a reconsideration of the matter by the town manager and shall be granted a hearing before the town manager provided that such person shall file in the office of the town manager within five (5) business days after receipt of the decision a written petition signed by the permittee requesting such hearing and setting forth a brief statement of the grounds therefore.

Upon receipt of such petition, the town manager shall set a time and place for such a hearing and shall give the petitioner written notice thereof.

The hearing shall take place not more than ten (10) days after such petition is filed unless the petitioner agrees in writing with the town manager to a later date for such hearing.

After such hearing, the town manager may, by order, sustain or deny the petition in accordance with findings of the hearing and shall promptly notify the petitioner in writing of the decision.

- (b) If such appeal to the town manager results in denial of the petition, then the permittee may request a reconsideration of the matter by the board of recreation and shall be granted a hearing before the board of recreation provided that such person shall file in the office of the town manager within five (5) business days after receipt of the decision a written petition signed by the permittee requesting such a hearing and setting forth a brief statement of the grounds therefore.

Upon receipt of such petition, the town manager shall notify the board of recreation, which shall set a time and place for such a hearing and shall give the petitioner written notice thereof.

The hearing shall take place not more than ten (10) days after such petition is filed unless the petitioner agrees in writing with the board of recreation to a later date for such hearing.

After such hearing, the board of recreation may, by order, sustain or deny the petition in accordance with findings of the hearing and shall promptly notify the petitioner in writing of the decision.

(Ord. of 3-10-87, § 6)

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## **Section 13-66 Violations and penalties**

- (a) Any person who shall violate any provision of this article shall be fined not more than twenty-five dollars (\$25.00) for the first such violation, and not more than one hundred dollars (\$100.00) for each subsequent violation, in accordance with the provisions of section 7-194 of the Connecticut General Statutes. Each such violation shall constitute a separate offense.
- (b) In addition to the provisions of subsection (a) of this section, the town manager or his designated representative shall have the authority to eject from any public place any person violating the terms of any permit, any regulation, or the provisions of this article. In the case of a serious consistent violation of the terms of any permit, any regulation, or the provision of this article, the town manager may bar a person from a park, permanently or temporarily. (Ord. of 3-10-87, § 7)

## **Section 13-67–13-80 Reserved**

## **ARTICLE IV. LOITERING, LITTERING, AND PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES and CANNABIS<sup>1 2</sup>**

### **Section 13-81 Purpose**

The purpose of this article is to insure the safety, good order, peace and health and to protect the property rights of the owners and residents of the town; to insure the free access and movement of the public at Town owned facilities, on sidewalks and streets.. (Ord. of 8-9-88, § 1; Ord. of 9-13-22)

### **Section 13-82 Definition**

For the purpose of this article, “street” shall mean any state highway, town highway or any other highway or road open to the general public even though said highway may not be formally accepted by the town as a town road. (Ord. of 8-9-88, § 2)

### **Section 13-83 Consumption of alcoholic beverages prohibited**

No person shall, at any time, consume alcoholic beverages upon any street located within the confines of the town nor upon any premises over which the general public has a right-of-way, including sidewalks, parking lots, Town owned facilities or any open areas where the general public may have reason to pass, or in any area where any property owner has posted his property with a clearly visible sign stating, “No trespassing or loitering.” (Ord. of 8-9-88, § 3; Ord. of 9-13-22)

### **Section 13-84 Consumption of cannabis prohibited**

No person shall, at any time, consume cannabis, in any form, upon any street located within the confines of the town nor upon any premises over which the general public has a right-of-way, including sidewalks, parking lots, Town owned facilities or any open areas where the general public may have reason to pass, or in any area where any property owner has posted his property with a clearly visible sign stating, “No trespassing or loitering.” (Ord. of 9-13-22)

### **Section 13-85 Loitering**

No person shall, at any time, congregate with other persons on or about the streets, sidewalks, parking lots or where the general public has access, or in any area where any property owner has posted his property with a clearly visible sign stating “No trespassing or loitering”; and cause inconvenience, annoyance or alarm to any person, obstruct pedestrian or vehicular traffic. (Ord. of 8-9-88, § 4; Ord. of 9-13-22)

### **Section 13-86 Littering**

No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled or placed within the streets or sidewalks or upon areas within the town, any trash, papers or offensive materials, glass, crockery, scrap metal, wire or substance of like nature. (Ord. of 8-9-88, § 5; Ord. of 9-13-22)

### **Section 13-87 Penalty for article violation**

A violation of this article shall be punishable by a fine of not more than fifty dollars (\$50.00). (Ord. of 8-9-88, § 7; Ord. of 9-13-22)

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## **Section 13-88    Exception**

This article shall not affect the consumption of alcoholic beverages within or upon any premises licensed by the State of Connecticut by authority of the state liquor control commission. (Ord. of 8-9-88, § 6; Ord. of 9-13-22)