

1986

3. Amending R.O. 1963 - Chapter 19, Article III, Sections 16-25 through 16-28
Re: -- Auctioneers - Permits, Exceptions, Requirements & Restrictions, Fees
4. Amending R.O. 1963 - Chapter 2, Section 2-18 (1)
Re: -- City Compensation
5. Amending R.O. 1963 - by adding new Chapter 30
Re: --Mobil Home Park Rent Control Board
6. Amending R.O. 1963 - by deleting Chapter 9, Section 4, and inserting in place thereof a new section 7.16.040
Re: --Mandatory Recycling
7. Adopting a new revision and codification of the Ordinances of the City of Springfield of a general and permanent nature, entitled "The Chapter and the General Ordinances of the City of Springfield, 1986".
8. Amending Chapter 9, Section 9.20.190 and section 9.20.210 of the revised ordinances of the City of Springfield, 1986, as amended
Re: --Handicapped Parking
9. Amending the revised ordinances of the City of Springfield, 1986, as amended, by adding new language covering emergencies other than fires to section 2.56.280.
Re: --Emergencies other than Fires

1. Amending Chapter 2, Sections 2.72.020, 2.72.050, 2.72.060, 2.72.070 and 2.72.080 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Director of the Department of Public Works**
2. Amending Chapter 2, Section 2.34.000 of the Revised Ordinances of the City of Springfield, 1986, as amended, by inserting new sections 2.34.040, 2.34.050, 2.34.060, 2.34.070
Re: -- **Department of Elder Affairs**
3. Amending Title 7, Chapter 7.24 of the Revised Ordinances of the City of Springfield, 1986, as amended, by inserting a new title reference and a new paragraph
Re: -- **Removal of Snow from Sidewalks and Hydrants**
4. Amending Title 2, Chapter 2.14, of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Meetings of Boards, Commissions and Committees - Monday Prohibition**
5. Amending Title 2, Chapter 2.66, of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Lead Paint Poisoning Prevention and Control Program**
6. Amending Title 2.06, Chapter 2.06 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Business Certificates**
7. Amending Title 9, Chapter 9.24 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Abandoned Motor Vehicles - Removal and Disposal**
8. Amending Section 7.16.130 of Chapter 7 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **To decrease the amount of time allowed for the open airstorage of unregistered motor vehicles on private property**
9. Amending Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986 as amended
Re: -- **Enforcement and Penalties - Litter, Motor Vehicle, Snow Alcohol**
10. Amending Title 6, Chapter 6.04 of the Revised Ordinances of the City of Springfield, 1986 as amended
Re: -- **Pit Bulls**
11. Amending Chapter 2, Section 2.62.100 of the Revised Ordinances of the City of Springfield, 1984 as amended
Re: -- **Board of Appeals - Composition - Appointments, etc.**
12. Amending Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Ordinance Enforcement & Penalties - NON CUMMULATIVE RESPONSE**
13. Amending Chapter 9, Section 9.24 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Crossing to avoid traffic signals prohibited**

1988

1. Amending Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Section 7.16.060, Placement of Containers For Ashes and Rubbish**
2. Amending Title 4, Section 4.04.120 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **To conform with changes in the Mass General Laws relative to bidding procedures pursuant to Chapter 122, Acts of 1986**
3. Amending Title 6, Chapter 6.04, Section 6.04.010 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Dangerous and Vicious Dogs, Regulation**
4. Amending Chapter 6.08 Animal Control -- Sections 6.08.020(D), 6.08.020(I) and 6.08.060(G) of the Revised Ordinances of the City of Springfield
Re: -- **Animal Control**
5. Amending Section 9.20.060, Title 9 of the Revised Ordinances of the City of Springfield, 1986
Re: -- **Parking Time Limits and Required Deposits**
6. Amending Chapter 7, Section 7.16.120 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re -- **Litter**
7. Amending Title 7, Chapter 7.16 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re -- **Shopping Carts**
8. Amending Title 7, Chapter 7.12 of the Revised Ordinance of the City of Springfield, 1986, as amended
Re -- **Emergency Notification**
9. Amending Section 11.12.110, Title 11 of the Revised Ordinances of the City of Springfield, 1986.
Re -- **Rates, Surcharges, and Service Charge**
10. Amending Title 7, Chapter 7.16 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re -- **Mandatory Leaf and Yard Waste Composting**
11. Amending Chapter 2.06.030 Enumeration of fees City Clerks Office of the Revised Ordinances of the City of Springfield, as amended
Re -- **Fees, City Clerk's Office**
12. Amending Title 10, Chapter 10.16 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re -- **Motor Vehicle Repair in Streets and on Sidewalks**

1989

1. Amending Title 2, Chapter 2.46 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Historical Commission, Membership**
- 2 Amending Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Municipal Office of Community Affairs**
- 3 Amending Section 11.12.110, Title II of the Revised Ordinances of the City of Springfield, 1986
Re: -- **User Charges, Classification and Abatement**
- 4 Amending Title 2, Chapter 2.56 Section 2.56.290 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Exclusion of persons from areas designated for use of department**
- 5 Amending Title 2, Chapter 2.20 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- **Data Processing Center**
- 6 Amending Title 5 of the Revised Ordinance of the City of Springfield, 1986 as amended
Re: --**Taxicab Licenses**
- 7 Amending Title 12, Chapter 12.08.010 through Chapter 12.08.200 of the Revised Ordinances for the City of Springfield, 1986, as amended
Re: -- **Building Permit Fees**
- 8 Amending Title 3, Chapter 3, Section 3.04.030 B.6. of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: --**Administration & Maintenance of budgets for insurance plans**
- 9 Amending Title 2, Chapter 2.20 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: --**Department of Municipal Information Systems**
- 10 Amending Title 10, Chapter 10.16 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: --**Digging in Streets, Fees, etc.**

1990

1. Amending Title 5, Chapter 5.52 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- Amusement Device License Fee

2. Amending Chapter 7, Section 7.16.120 of the Revised Ordinances of the City of Springfield, 1986, as amended
Re: -- Litter

3. Amending Title 12, Chapter 12.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new sections 12.08.080 (c), 12.08.130 VI (B), VII (B) and by changing section 12.08.130 VIII (A)(3) and by deleting section 12.08.220 (B)(2) in its entirety in the Building Permit Fees.
Re: -- Building Permit Fees

4. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding the a new chapter 2.07, Department of Finance and by deleting parts of sections 2.08.010 and 2.18.030 and adding a new section 2.08.015 and by repealing sections 2.08.060, 2.08.100, 2.08.110 and by repealing Chapter 2.18 in their entirety and adding a new section 2.08.060.
Re: -- Department of Finance

5. Amending Title 7, of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting Section 7.12.140 in its entirety and deleting the last two sentences of Section 7.12.150 and by adding the a new Chapter 7.13, Alarm Systems Regulation and Inspection Fees in the Fire Department.
Re: -- Alarm Systems Regulations and Inspection Fees

6. Amending Title 4, Chapter 4.04, Chapter 4.08 and Chapter 4.12 of the Revised Ordinances of the City of Springfield, 1986, as amended, to conform with the changes in Massachusetts General Laws, Chapter 30B relative to the Uniform Procurement Act; The Contracting For Supplies and Services By The Department of Purchase.
Re: -- Uniform Procurement Act, Chief Procurement Officer

7. Amending Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended, by reinstating Section 2.08.100 and Section 2.08.110 of Chapter 2.08 - City Auditor
Re: -- City Auditor

8. Amending Title 10, Section 10.16.280 of the Revised Ordinances of the City of Springfield, 1986, as amended, by establishing "Licenses" and "Life Cycle Pavement Fees" schedule for the Department of Public Works.
Re: -- Establish Licenses and Life Cycle Pavement Fees

1990 ORDINANCES CONTINUED

1990

9. Amending Title 7, Chapter 7.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, By deleting the words "Civil Defense" and inserting in the place the following words "Office of Emergency Preparedness" and by deleting the words "Civil Defense Advisory Council" and inserting in place the following words "Office of Emergency Preparedness Advisory Council".
Re: -- Office of Emergency Preparedness

10. Amending Title 9 of the revised ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 9.21 thereto:
Re: -- Permit Parking

11. Amending Chapter 12.04 Section 12.04.020 of the Revised Ordinances of the City of Springfield, 1986, as Amended, by changing the qualifications for the Building Commissioner.
Re: -- Qualifications for the Building Commissioner

12. Amending Chapter 4.04 Section 4.04.160 of the Revised Ordinances of the City of Springfield, 1986, as Amended
Re: -- Changing requirements for sale of surplus obsolete and scrap materials.

1991

1. Amending Title 9 of the Revised Ordinances of the City of Springfield, 1986, as Amended, by adding a new Chapter 9.26;
Re: -- Skateboards

2. Amending Title 9, Section 9.21.020 of the Revised Ordinances of the City of Springfield, 1986, as amended; PERMIT PARKING
Re: -- Permit Parking, Reduction of fee for elderly

3. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended by adding a new Chapter 2.88;
Re: -- Audit Committee

4. Amending Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended by adding a noncriminal disposition and penalties for violations of rules and regulations of the Board of Park Commissioners
RE: -- Non Criminal disposition and penalties for park rule violators

- 5.. Amending Title 12, Chapter 12.08 of the Revised Ordinances of the City of Springfield, 1986, as amended by deleting sections 12.08.010 through 12.08.200; Building Permit Fees
RE: -- Increase Building Permit Fees

6. Amending Title 11, Chapter 11.12 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting section 11.12.110 1 (h); Septage Disposal Rate
RE: -- Reducing Septage Disposal Rate

7. Amending Title 2, Chapter 2.06 of the Revised Ordinances of the City of Springfield, 1986, as amended section 2.06.030; City Clerk's Office Enumeration of Fees
RE: -- Increase Fees - City Clerk's Office

8. Amending Title 5, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new Chapter 5.34; Rooming Unit Rentals
RE: -- Rooming Unit Rentals

9. Amending Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended by adding a noncriminal disposition to Chapter 6.08 - Animal Control, Section 6.08.060
RE: -- Animal Control

10. Amending Title 2, Chapter 2.66 and Title 12, Chapter 12.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, by repealing Chapter 2.66 and Chapter 12.04 in their entirety and inserting in place thereof a new Chapter 2.66 - Department of Code Enforcement
RE: -- Department of Code Enforcement

OVER

1991 (Cont)

11. Title 3, Chapter 3.08 of the Revised Ordinances of the City of Springfield, 1986, as amended is hereby repealed in its entirety and the following new Chapter 3.08 is added/Title 3, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby repealed in its entirety and the following new Chapter 3.08 is added:
RE: -- Domicile Requirements

12. Amending Title 4, Section 4.08.040 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended to conform with Massachusetts General Laws, Chapter 41, Section 17 relative to Custody of Contracts
RE: -- Custody of Contracts

1. Amending Title 6, Chapter 6.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by exempting Dog Shows, Circuses and Animal Exhibitions from Sections 6.04.010 and 6.04.050, "Dangerous and Vicious Dogs - Pit Dogs - Prohibitions".
Re: -- Performing Animal Exhibitions - Exemptions
2. Amending Title 3, Chapter 3.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, - Domicile Requirements
Re: -- Domicile Requirements
3. Amending Title 11 Chapter 11.12, Section 11.12.150 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby repealed in its entirety and the following new section 11.12.150 is added; Late Charges
Re: -- Repealing Sec. 11.12.150 & Adding Authority to Collect All Charges and Payments
4. Amending Title 2, Chapter 2.66, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding the following new section 2.66.062; Enumeration of Fees
Re: --Increase Fees - Weights & Measures
5. Amending Title 2, Chapter 2.62, of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting section 2.62.100 (C) and inserting in place thereof the following new section 2.62.100 (C)
Re: --Board of Appeals, Meetings
6. Amending Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended by adding a new chapter 7.17; Bulk and Waste Hauling Services
Re: --Bulk and Waste Hauling Services
7. Amending Title 2, Chapter 2.64, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new section 2.64.030; Budget Regulations
Re: --Budget Regulations
8. Amending Title 5, Chapter 5.28, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new subsection 5.28.240 (C)
Re: --Taxicab Licenses, Record Maintenance
9. Amending Title 1, Chapter 1.16, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a noncriminal disposition to Chapter 7.20 - Noise, Section 7.20.020
Re: --Adding Noncriminal Disposition - Noise
10. Amending Title 2, Chapter 2.50 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby repealed in its entirety and the following new Chapter 2.50 is added
Re: --Establish Council for Disabilities Affairs

11. Amending Title 7, Chapter 7.20, of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting section 7.20.020 (B) and inserting in its place a new section 7.20.020 (B)
Re: --Noise
12. Amending Title 2, Chapter 2.66, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new subsection 2.66.050 (C) - State Sanitary Code Inspections, Rental Voucher Program
Re: --State Sanitary Code Inspections, Rental Voucher Program
13. Amending Title 8, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new chapter 8.24 - Loitering
Re: --Adding New Section - Loitering

1993

1. Amending Title 5, Chapter 5.28, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto the following new language - Taxicabs.
Re: -- TAXICABS
2. Amending Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new chapter 2.90 - Human Relations Commission.
Re: -- HUMAN RELATIONS COMMISSION
3. Amending Title 9, Chapter 9.04.010 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto the following new language - Traffic Commission.
Re: --TRAFFIC COMMISSION
4. Amending Title 10, Chapter 10.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding the following new language to Chapter 10.04.250 - Notice to Owner
RE: --SIDEWALK NOTIFICATIONS BY THE CITY CLERK
5. Amending Title 10, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new chapter 10.20 there-to Wetland Protection Regulations
RE: --WETLAND PROTECTION REGULATIONS
6. Amending Title 5, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new chapter 5.42; Biomedical Research Regulations
RE: --BIOMEDICAL RESEARCH REGULATIONS
7. Amending Title 4 of the Revised Ordinances of the City of Springfield, 1986, as amended by adding the following new Chapter 4.22:
RE: --PUBLIC HEARINGS ON FEE OR RATE INCREASES
8. Amending Chapter 7, Section 7.16.120(R) of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new subsection (2) to section 7.16.120(R) - Litter on occupied private property
RE: --LITTER ON OCCUPIED PRIVATE PROPERTY
9. Amending Chapter 7, Section 7.20.020 of the Revised Ordinances of the City of Springfield, 1986 as amended, - Noise
RE: --NOISE
10. Amending Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new Section 2.66.100 - Housing Code Restrictions on Employees
RE:--HOUSING CODE RESTRICTIONS ON EMPLOYEES
11. Amending Title 7, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new Chapter 7.32 - Herbicides and Pesticides Control
RE:--HERBICIDES AND PESTICIDES CONTROL

(OVER)

12. Amending Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding the following new section 7.20.020 (G) -
Construction Noise
RE:--CONSTRUCTION NOISE

1994

1. Amending Title 3 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new chapter 3.28 thereto - Family Leave Benefit Programs
Re: - - FAMILY LEAVE BENEFIT PROGRAMS

2. Amending Chapter 7, Section 7.16.010 and Section 7.16.120 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding new subsection thereto - Overgrowth on Parcel of Land
Re: - -OVERGROWTH ON PARCEL OF LAND

1995

1. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting Chapter 2.76 in its entirety and inserting in its place a new Chapter 2.76 thereto - Department of Facilities Management

Re: - - DEPARTMENT OF FACILITIES MANAGEMENT

2. Amending Title 7, Section 7.24.010 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting Section 7.24.010 in its entirety and inserting in its place a new Section 7.24.010 Thereto - Snow and Ice

Re: - - REMOVAL OF SNOW AND ICE FROM SIDEWALKS, HYDRANTS. AND CURB CUTS

3. Amending Title 3 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting Chapter 3.08 in its entirety and inserting in its place a new chapter 3.08 thereto - Residency Requirements

Re: - - RESIDENCY REQUIREMENTS

4. Amending Title 3, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding two new sections to Chapter 3.24 - Paid Holiday and Jury Duty

Re: - - PAID HOLIDAY AND JURY DUTY

5. Amending Title 8 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting Chapter 8.16, Curfew, in its entirety and inserting in its place the following new chapter 8.16 thereto - Curfew Hours For Minors

Re: - - CURFEW HOURS FOR MINORS

6. Amending Title 3, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding new language to Chapter 3.20 - Sick Leave

Re: - - SICK LEAVE

7. Amending Title 7, Section 7.13.060(20) of the Revised Ordinances of the City of Springfield, 1986, as amended, by repealing Section 7.13.060(20) in its entirety.

Re: - - DUMPSTERS

8. Amending Title 1, Chapter 1.16, of the Revised Ordinances of the City of Springfield, 1986, as amended by adding noncriminal disposition to the following chapters and sections.

Re: - - ADDING NON-CRIMINAL DISPOSITIONS OF ORDINANCES

9. Amending Title 2, Chapter 2.06 of the Revised Ordinances of the City of Springfield, 1986, as amended by further amending section 2.06.030; City Clerk - Enumeration of Fees

Re: - - CITY CLERK - ENUMERATION OF FEES

10. Amending Title 7, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new chapter 7.36 - Anti-Blight Program

Re: - - ANTI-BLIGHT PROGRAM

1. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, by repealing Chapter 2.80 in its entirety and inserting in its place a new Chapter 2.80 Thereto - School Building Commission

Re: - - SCHOOL BUILDING COMMISSION

2. Amending Title 11, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the following sections 11.12.010 (D), (i) and (R) and Table 11.12.110, Rates Surcharges, and Service Charges in their entirety and inserting in place thereof the following:

Re: - -INCREASING SEWER USE FEES

3. Amending Title 8, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new Chapter 8.28 - Panhandling

Re: - -PANHANDLING

4. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new Chapter 2.92 - Springfield Technology Commission

Re: - -SPRINGFIELD TECHNOLOGY COMMISSION

5. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding at the end of Sections 2.04.020 the following new language thereto - Mayor's Compensation

Re: - -DECREASING COMPENSATION OF THE MAYOR

6. Amending Title 7, Chapter 7.13 of the Revised Ordinances of the City of Springfield, 1986, as amended, by further amending Section 7.13.010 (B)(1) - Alarm Systems Regulations

Re: - -ALARM SYSTEMS REGULATIONS

7. Amending Title 9, Chapter 9.20 of the Revised Ordinances of the City of Springfield, 1986, as amended, by further amending Section 9.20.140 - II. Off-Street Parking Areas - Parking Meter Zones Established

Re: - -OFF-STREET PARKING AREAS

8. Amending Title 2, Section 2.04.020, of the Revised Ordinances of the City of Springfield, 1986, as amended, Relative to the Mayor's Compensation

Re:- - MAYOR'S COMPENSATION - Increase

9. Amending Title 2, Chapter 2.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, by further amending Sections 2.16.130, 2.16.140 - Department of Law

Re:--Law Department Reorganization

1997

1. Amending Chapter 2.02, Section 2.02.010, of the revised Ordinances of the City of Springfield, 1986, as amended, Relative to the Compensation of the City Council.

Re:--CITY COUNCIL COMPENSATION

2. Amending Title 7, of the Revised Ordinances of the City of Springfield, 1986, as Amended, by deleting section 7.20.020(F)(2) in its entirety and inserting in its place a new section 7.20.020 (F)(2) thereto - NOISE

Re:--NOISE

3. Amending Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new chapter 7.40 thereto Smoking and Tobacco Sales Regulations.

Re:--SMOKING AND TOBACCO SALES REGULATIONS

4. Amending Title 5, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new chapter 5.64 - Revocation or Suspension of Licenses and Permits

Re:--REVOCATION OR SUSPENSION OF LICENSES AND PERMITS

5. Amending Title 6, Section 6.04.030 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting section 6.04.030 in its entirety and inserting in its place a new section 6.04.030 - Dogs on School Premises

Re:--DOGS ON SCHOOL PREMISES

6. Amending Title 6, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 6.04 in its entirety and inserting in its place the following new Chapter 6.04 - Vicious Dogs and Animals Regulations

Re:--VICIOUS DOGS AND ANIMAL REGULATIONS

7. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended is hereby further amended by adding the following new Chapter 2.94 thereto-Housing Commission

Re:--HOUSING COMMISSION

8. Amending Title 4 of the Revised Ordiannces of the City of Springfield, 1986, as amended is hereby further amended by adding a new Chapter 4.14 - Responsible General Bidders, Filed Sub-Bidders, General Contractors and Filed Subcontractors on Public Construction Projects

Re:--RESPONSIBLE GENERAL BIDDERS, FILED SUB-BIDDERS, GENERAL CONTRACTORS AND FILED SUBCONTRACTORS ON PUBLIC CONSTRUCTION PROJECTS

1998

1. Amending Title 7, Section 7.12.150 of the Revised Ordinances of the City of Springfield, 1986, as Amended, by adding a new Section 7.12.150 (B) - Installation Requirement of Smoke Detectors in Single or Two-Family Building or Structure

Re:--INSTALLATION REQUIREMENT OF SMOKE DETECTORS IN SINGLE OR TWO-FAMILY BUILDING OR STRUCTURE

2. Amending Title 7, Chapter 7.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, by further amending by adding a new Section 7.04.080 - Haz-Mat Alert Notification Regulations

Re:--HAZ-MAT ALERT NOTIFICATION REGULATIONS

3. Amending Title 1, Section 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a Non-Criminal Disposition and Penalty for Violations of the Zoning Ordinances of the City of Springfield, as amended.

Re:--NON-CRIMINAL VIOLATIONS - ZONING ORDINANCES/SPECIAL PERMITS/BD OF APPEALS

4. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing chapter 2.08, Sections 2.08.010, 2.08.015 and 2.08.060 and by adding the following new sections 2.08.010 and 2.08.060 thereto - City Auditor.

Re:--CITY AUDITOR

5. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing chapter 207 and adding a new Chapter 2.07 thereto - Department of Finance.

Re:--DEPARTMENT OF FINANCE

6. Amending Title 7, Chapter 7.16 of the Revised Ordinances of the City of Springfield, 1986, as amended by adding a new section 7.16.042 - Automated Refuse Collection.

Re:--AUTOMATED REFUSE COLLECTION

1999

1. Amending Title 8, Section 8.12.030 of the Revised Ordinances of the City of Springfield, 1986, as amended by deleting Section 8.12.030 in its entirety and inserting in its place a new section 8.12.030 - Weapons--Air Guns and Others.

Re--WEAPONS--AIR GUNS AND OTHERS

2. Amending Title 7, Section 7.12 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new section 7.12.180 - Installation of Key Boxes on Property Protected by Automatic alarm Systems or Fire Sprinkler Systems.

Re--INSTALLATION OF KEY BOXES

3. Amending Title 5, Section 5.28.110 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting section 5.28.110 - Standing or Waiting in Streets and by adding a New Section 5.28.110 - Hailing of Taxicabs from the Curb.

Re--HAILING OF TAXICABS FROM THE CURB

4. Amending Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a New Chapter 2.90 - Human Relation Commission

Re--HUMAN RELATION COMMISSION

5. Amending Title 5, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a New Chapter 5.30 - Taxicabs Commissions

Re--TAXICABS COMMISSIONS

6. Amending Title 7, of the Revised Ordinances of the City of Springfield, 1986 as amended is hereby further amended by deleting Section 7.16.041 in its entirety and inserting in its place the following New Chapter 7.16.043 - Mandatory Recycling.

Re--MANDATORY RECYCLING

7. Amending Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 2.50 in its entirety and adding the following new Chapter 2.50 thereto - Commission on Disability.

Re--COMMISSION ON DISABILITY

2000

1. Amending Title 7 of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by adding a New Chapter 7.44 - Smoking in Restaurants and Public Places.

Re--SMOKING IN RESTAURANTS AND PUBLIC PLACES

2. Amending Title 9, Chapter 9.08 of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by adding a New Section 9.08.040 - Restricted Use of Certain Streets.

Re--RESTRICTED USE OF CERTAIN STREET

3. Amending Title 7, Chapter 7.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, is further amending by Deleting Section 7.04.080 (D) and inserting in its place a New Section 7.04.080 (D) - Haz-Mat Alert Notification Regulations.

Re--HAZ-MAT ALERT NOTIFICATION REGULATIONS

4. Amending Title 2, Chapter 2.06 of the Revised Ordinances of the City of Springfield, 1986, as amended, is further amending by changing certain clauses in Section 2.06.030 - Enumeration of Fees.

Re--ENUMERATION OF FEES - CITY CLEAR

5. Amending Title 5 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by Deleting Chapter 5.44 in its entirety and inserting in its place a New Chapter 5.44 - License Fees for Storage of Inflammable Liquids

Re--LICENSE FEES FOR STORAGE OF INFLAMMABLE LIQUIDS

6. Amending Title 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, by repealing Chapter 4.14 in its entirety and inserting in its place a New Chapter 4.14 thereto-responsible General bidders, Sub-Bidders, General Contractors and Subcontractors on Public Projects.

RE--RESPONSIBLE GENERAL BIDDERS: SUB-BIDDERS, GENERAL CONTRACTORS AND SUBCONTRACTORS ON PUBLIC PROJECTS.

7. Amending Title 8 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a New Chapter 8.32 - Graffiti

Re--GRAFFITI

2001

1. Amending Title 5 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a New Chapter 5.68 - Brownfield Tax Abatements.

Re--BROWNFIELD TAX ABATEMENTS

2. Amending Title 9, Chapter 9.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is further amended by adding a New Section 9.08.050 - Restricted Use of Certain Streets.

Re--RESTRICTED USE OF CERTAIN STREETS

3. Amending Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, by repealing Chapter 2.92 - Springfield Technology Commission in its entirety and inserting in place thereto a new Chapter 2.92 - Springfield Technology Commission.

Re--SPRINGFIELD TECHNOLOGY COMMISSION

4. Amending Title 9, Chapter 9.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is further amended by adding a New Section 9.08.060 - Restricted Use of Certain Vehicles

Re--Certain Commercial Vehicles on Holly Street, Indian Orchard

5. Amending Title 9, Chapter 9.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is further amended by Deleting Twenty Dollars (\$20.00) in Fines in Certain Sections 9.08 - Restricted Use of Certain Streets

Re--Certain Commercial Vehicles on Pasco Road, Page Boulevard, & Essex Street.

6. Amending Title 9, Chapter 9.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is further amended by adding a New Section 9.08.070 - Restricted Use of Certain Streets.

Re--Certain Commercial Vehicles on South Branch Parkway

7. Amending Title 2 of the Revised Ordinances of the City Council of Springfield, 1986, as amended, by repealing Chapter 7.20 in its entirety and inserting in its place a New Chapter 2.96 Thereto - Capital Improvement Planning Committee.

Re--Capital Improvement Planning Committee

2001 (cont)

8. Amending Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, by repealing Chapter 7.20 in its entirety and inserting in its place a New Chapter 7.20.020 Thereto - Unreasonable Noise.

Re--Unreasonable Noise

9. Amending Title 6 of the Revised Ordinanced of the City of Springfield, 1986, as amended, by repealing Chapter 6.04 in its entirety and inserting in its place a New Chpater 6.04 - Vicious Dogs and Animal Regulations

Re--Vicious Dogs and Animal Regulations

2002

1. Amending Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 7.32 - Pesticides/Herbicides Control

Re--PESTICIDES/HERBICIDES CONTROL

2. Amending Title 3 Chapter 3.20, Sick Leave, Section 3.20.100 (D) of the revised ordinances of the City of Springfield, 1986, as amended, by adding the following new provisions there to.

Re--NONCOLLECTIVE BARGAINING PERSONNEL

3. Amending Title 8, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a New Chapter 8.18 - School Attendance Curfew.

Re--SCHOOL ATTENDANCE CURFEW

A true copy of an exerpt taken from the 1986 Revised Ordinances
of the City of Springfield.

Attest:

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Six

AN ORDINANCE

AMENDING CHAPTER 16, ARTICLE III, SECTIONS 16-25 THROUGH 16-28 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1963, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Article III, Sections 16-25 through 16-28 of Chapter 16 of the Revised Ordinances of the City of Springfield, 1963, as amended, are hereby further amended by striking out the same in their entirety, and inserting in lieu thereof the following:

Article III. Auctioneers

s. 16-25 Permit Required for Auction Sales

No person shall act as an auctioneer or sell at auction any chattels, livestock, merchandise, real or personal property, or commodities of any form or type which may be lawfully kept or offered for sale unless he has been licensed therefor by the Commonwealth, and has applied for and received a special permit or annual permit from the chief of police pursuant to the provisions of General Laws, c. 100. No person shall be eligible for an annual permit unless he maintains a regular place of business for the conduct of auctioneering in the City. Annual permits shall expire one year from the date of their issuance or upon the expiration of an auctioneer's state license.

s. 16-26 Permits - Exceptions

The permit requirement provisions of section 16-25 shall not apply to auctions held or conducted by an order or judgement of any court of the Commonwealth or of the United States or by any officer of a municipality, county or state of the United States, sales held by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, lien holders, assignees for the benefit of creditors, sales held by any other person specifically authorized by law to sell

real, personal or mixed property, casual and isolated sales by an owner of his own goods, and any auction held or conducted by any resident member of a charitable, educational, religious or other nonprofit organization within the Commonwealth on behalf of said organization.

s. 16-27 Permits - Requirements & Restrictions

Applications shall be filed with the chief of police on a form to be supplied and shall contain the name of the applicant, the name, address and license number of the auctioneer, the hours between which the auction is to be conducted, the location of the auction, and a general description of the goods to be auctioned. As to a special permit, the estimated value of the goods and the date or dates, not to exceed ten, on which the auction shall be held shall also be included.

Any permit approved by the chief of police may be subject to stated reasonable terms and conditions relating to public safety as he may designate. Applications for permits may be denied on stated grounds, which must be reasonable grounds relating to public safety.

s. 16-28 Permit Fee

The fee for an auctioneer's annual permit shall be fifty dollars. The fee for an auctioneer's special permit shall be thirty-five dollars. Said fees shall be paid to the City Treasurer's office upon issuance of a permit by the chief of police. No permit shall be valid until approved as paid in full by the collector-treasurer's office.

This Ordinance shall take effect upon its passage.

APPROVED:

March 19, 1986

EFFECTIVE:

March 19, 1986

ATTEST:

Wella Zmetzger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Six

AN ORDINANCE

AMENDING CHAPTER 2, SECTION 2-18 (1) OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1963, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Section 2-18 (1) of Chapter 2 of the Revised Ordinances of the City of Springfield, 1963, as amended, is hereby further amended by striking out the same in its entirety, effective January 1, 1987, and inserting in lieu thereof the following:

s. 2-18 (1) City Council Compensation

The annual compensation of the President of the City Council shall be Ten Thousand Five Hundred Dollars (\$10,500) and the annual compensation of all other members of the City Council shall be Ten Thousand Dollars (\$10,000) per annum, effective January 1, 1987 and thereafter. Said sums shall be paid in equal monthly installments at the end of each month of service.

APPROVED:

MARCH 19, 1986

EFFECTIVE:

APRIL 9, 1986

ATTEST:

Walter Zuehlger

CITY CLERK



City of Springfield

In the Year One Thousand Nine Hundred and EIGHTY-SIX

AN ORDINANCE

AMENDING THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1963, AS AMENDED, BY ADDING THE FOLLOWING NEW CHAPTER 30, ENTITLED "MOBILE HOME RENT CONTROL BOARD".

Be it ordained by the City Council of the City of Springfield, as follows:

The Revised Ordinances of the City of Springfield, 1963, as amended, are hereby further amended by adding the following new Chapter 30, MOBILE HOME PARK RENT CONTROL BOARD thereto:

CHAPTER 30

MOBILE HOME PARK RENT CONTROL BOARD

- S. 30-1 Mobile Home Park Rent Control Board--Establishment, Membership; etc.
- S. 30-2 Mobile Home Park Rent Control Board--Clerk.
- S. 30-3 Mobile Home Park Rent Control Board--Powers.
- S. 30-4 Rent Regulation.
- S. 30-5 Summary Process.
- S. 30-6 Review.
- S. 30-7 Mobile homes; Mobile Home Parks; Definitions.
- S. 30-8 Violations; Penalties.
- S. 30-9 Severability.

Sec. 30-1 Mobile Home Park Rent Control Board--
Establishment; Membership; etc.

There is hereby established pursuant to the provisions of Acts of 1985, chapter 610, a Mobile Home Park Rent Control Board in the City of Springfield to be governed by and operated in accordance with the provisions relative thereto of Acts of 1985, chapter 610 or any amendments thereto. Said Board shall consist of five residents of the City to be

appointed by the Mayor subject to confirmation by the City Council after review by its planning and economic development committee. At least one member of said Board shall be a licensed real estate appraiser or licensed real estate broker familiar with methods of property valuation from examination of the income derived from the property. No Mobile Home Park residents, owners or operators shall be members of said Board. The first five appointments to this Board shall be staggered in length of service, the first appointee to serve one year, the second appointee to serve two years, the third appointee to serve three years, the fourth appointee to serve four years and the fifth appointee to serve five years. All subsequent appointments shall be for five year periods. In the event a vacancy shall occur, it shall be filled in the same manner as that of an original appointment for the unexpired term. All members shall serve until a successor is appointed or they are separated from office by removal or accepted resignation.

Sec. 30-2 Mobile Home Park Rent Control Board--Clerk

The Board shall elect a clerk who shall have charge of all documents, receive all filings and maintain records for the Board, who shall receive such compensation as the City Council may determine.

Sec. 30-3 Mobile Home Park Rent Control Board--Powers

The Mobile Home Rent Control Board shall have the power to set minimum standards for use or occupancy of mobile home park accommodations and eviction of tenants therefrom, regulate rents, and require registration by mobile home park owners of information under penalty of perjury, relating to the mobile home park accommodations. All regulations must be adopted pursuant to and in accordance with the requirements of G. L., c. 30A. Such rents, standards and evictions may be regulated by the Board so as to remove hardships or correct inequities for both the owner and tenants of such mobile home park accommodations.

Said Board shall have all powers necessary or convenient to perform its functions including the power to sue or be sued, compel the attendance of persons and the production of documents and information by subpoena, pursuant to authority granted under G. L., c. 30A, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations.

Sec. 30-4 Rent Regulation

The Board, in regulation of rents, may make such individual or general adjustments, either upward or downward, as may be necessary to assure that the rents for mobile home park accommodations are established at levels which yield to owners a fair net operating income for such units. Said levels shall be reviewed on, at a minimum, a yearly basis.

Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or other such rates of return as the Board on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. The Board may, by regulation, establish further standards and rules consistent with the Acts of 1985, chapter 610.

Sec. 30-5 Summary Process

The Board may regulate the eviction of tenants from mobile home parks and may issue orders in furtherance of said regulation which shall be a defense to an action of summary process for possession.

Sec. 30-6 Review

The provisions of chapter thirty A, Massachusetts General Laws shall be applicable to the Board, as if said board were an agency of the Commonwealth, including those provisions granting the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

The Springfield division of the district court department shall have original jurisdiction, concurrently with housing court department and superior court department, of all petitions for review brought pursuant to section fourteen of chapter thirty A, M. G. L..

The superior court department and the housing court department shall have jurisdiction to enforce the provisions of this ordinance and any regulations adopted thereunder, and may restrain violations thereof.

Sec. 30-7 Mobile Homes, Mobile Home Parks, Definitions

Mobile Homes, for purposes of this Ordinance and regulations issued pursuant hereto, shall be defined as dwelling units built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be on a temporary or a permanent foundation for permanent living quarters, per G. L., c. 140, s. 32Q.

Mobile Home Parks, for purposes of this Ordinance and regulations issued pursuant hereto, shall be defined as any lot or tract of land upon which three or more mobile homes occupied for dwelling purposes are located, including any buildings, structures, fixtures and equipment used in connection with mobile homes, per G. L. , c. 140, s. 32F.

Sec. 30-8 Violations; Penalty

Violation of this ordinance or any order of the Board shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) for any one offense.

Sec. 30-9 Severability

If any provision of this Ordinance shall be held to be invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

APPROVED:

May 14, 1986

EFFECTIVE:

June 4, 1986

ATTEST:

Wally Zmetger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Six

AN ORDINANCE

AMENDING THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD BY DELETING CHAPTER 9, SECTION 4, REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1963, AS AMENDED, AND INSERTING IN PLACE THEREOF THE FOLLOWING NEW SECTION 7.16.040.

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 9, Section 4, of the Revised Ordinances of the City of Springfield, 1963, as amended, is hereby further amended by deleting said section in its entirety and inserting in place thereof the following new section 7.16.040:

7.16.040 Mandatory Recycling

A. There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the City of Springfield and the collection of these recyclables at the residents' curbside. The collection of separated recyclables shall be made periodically under the supervision of the Director of Public Works.

B. For the purposes of this ordinance affected recyclables are defined as follows:

1. Aluminum - cans made from aluminum, aluminum foil, aluminum wrappers, and aluminum containers or trays used in the packaging, preparation, or cooking of foods.

2. Glass - all unbroken jars and bottles, or similar products made from silica or sand, soda ash and limestone, the product being transparent or translucent and all other material commonly known as glass, but excluding blue and flat glass, window glass, dishes and crockery.

3. Ferrous metal cans - all containers composed in whole of iron or steel and so-called tin cans used as containers for food or nonfood items, except containers which contained paint or petroleum based solvents and pressurized aerosol cans.

4. Clean and unsoiled newspaper, as defined in Section 7.16.010, including newsprint, all newspaper advertisements, supplements, comics and enclosures. Newspapers shall be considered clean and unsoiled if they have not been exposed to substances rendering them unusable for recycling.

5. Corrugated paper - corrugated boxes, cardboard, cardboard cartons, and similar corrugated and kraft paper materials.

C. Separation of Recyclables and Placement for Removal.

Residents shall use the recycling receptacles provided to each household for the purpose of collecting the recyclables and placing them for disposal. These receptacles shall not be used for other rubbish or garbage. Recycling receptacles shall be placed on and removed from the curbside or treebelt in accordance with section 7.16.060A. All the metal and glass recyclables as defined in this ordinance shall be placed together in the designated recycling receptacle. These materials need not be washed, flattened or processed in any way, and labels, lids, corks and neck rings need not be removed.

Recyclable newspapers and corrugated paper shall be placed on top of or next to the recycling receptacle in a manner to prevent the scattering of the paper. Newspapers shall either be packed in standard grocery or paper shopping bags, placed in corrugated cartons or securely tied in flat bundles, none of which shall weigh more than fifty pounds. If not used for packing paper recyclables, corrugated boxes shall be collapsed and tied in bundles not weighing more than fifty pounds and placed by the recycling receptacle.

Recyclables shall not be placed in plastic trash bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse container as or otherwise mixed with other forms of solid waste for collection, removal or disposal. Any violation of this section C or any part thereof shall be punishable of a fine not to exceed fifty dollars.

D. Ownership of Recyclables, Offenses.

Upon placement of recyclables for collection by the City at the curbside or upon the treebelt, pursuant to this ordinance, such materials shall become property of the City. It shall be a violation of this ordinance for any person, other than authorized agents of the City acting in the course of

their employment, to collect or pick up or cause to be collected or picked up any recyclable material so placed. Each and every such collection or pick up in violation hereof from one or more locations shall constitute a separate and distinct offense. The recyclables collected by the City shall be transported to and disposed of at the designated Materials Recovery Facility. Any violation of this paragraph D or any part thereof shall be punishable by a fine not to exceed three hundred dollars and the violator shall make restitution to the City for the value of the recyclables illegally removed.

E. All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

F. This ordinance 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 ordinance shall not be affected thereby.

G. This Ordinance shall not take effect until the Materials Recovery Facility commences commercial operation and shall then take effect within one week after the Facility commences said operation. Notice of the commencement date shall be published once in a daily newspaper having circulation in the City.

APPROVED:

June 19, 1986

ATTEST:

Wille Zmetger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Six

AN ORDINANCE

ADOPTING A NEW REVISION AND CODIFICATION OF THE ORDINANCES OF THE CITY OF SPRINGFIELD OF A GENERAL AND PERMANENT NATURE, ENTITLED "THE CHARTER AND THE GENERAL ORDINANCES OF THE CITY OF SPRINGFIELD, 1986".

Be it ordained by the City Council of the City of Springfield, as follows:

SECTION 1. There is hereby adopted "The Charter and the General Ordinances of the City of Springfield, 1986", as compiled, edited and published by Book Publishing Company, Seattle, Washington. Not less than three copies of "The Charter and the General Ordinances of the City of Springfield, 1986" have been and are now filed in the office of the City Clerk. All ordinances of a general and permanent nature adopted on or before December 31, 1985, and not contained in "The Charter and the General Ordinances of the City of Springfield, 1986" are hereby repealed upon the effective date of this ordinance, except as hereinafter provided.

SECTION 2. This code shall be known as "The Charter and the General Ordinances of the City of Springfield, 1986" in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of "The Charter and the General Ordinances of the City of Springfield, 1986". Further reference may be made to the titles, chapters, sections and subsections of "The Charter and the General Ordinances of the City of Springfield, 1986", and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

SECTION 3. Whenever a reference is made to this code as "The Charter and the General Ordinances of the City of Springfield, 1986" or to any portion thereof, or to any ordinance of the City of Springfield, Massachusetts, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

SECTION 4. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or sections hereof.

SECTION 5. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

SECTION 6. Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

SECTION 7. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The City Council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION 8. The following ordinances which amend various chapters and sections of and add a new chapter to the "Revised Ordinances of the City of Springfield, 1963, as Amended", have been passed by the City Council subsequent to December 31, 1985. These ordinances are hereby ratified and incorporated into "The Charter and the General Ordinances of the City of Springfield, 1986" as follows:

1986, Chapter 3 - "An Ordinance Amending Chapter 16, Article III, Sections 16-25 through 16-28 of the Revised Ordinances of the City of Springfield, 1963, As Amended, entitled 'Auctioneers'".

<u>Old Code Sections</u>	<u>New Code Sections</u>
\$16-25	5.20.010
\$16-26	5.20.020
\$16-27	5.20.030
\$16-28	5.20.040

1986, Chapter 4 - "An Ordinance Amending Chapter 2, Section 2-18(1) of the Revised Ordinances of the City of Springfield, 1963, As Amended, entitled 'City Council Compensation'".

<u>Old Code Sections</u>	<u>New Code Sections</u>
\$2-18(1)	2.02.010

1986, Chapter 5 - "An Ordinance Amending the Revised Ordinances of the City of Springfield, 1963, as Amended, By Adding the Following New Chapter 30, Entitled 'Mobile Home Rent Control Board'".

<u>Old Code Sections</u>	<u>New Code Sections</u>
\$30-1	5.60.010
\$30-2	5.60.020
\$30-3	5.60.030
\$30-4	5.60.040
\$30-5	5.60.050
\$30-6	5.60.060
\$30-7	5.60.070
\$30-8	5.60.080
\$30-9	5.60.090

APPROVED:

July 23, 1986

EFFECTIVE:

August 13, 1986

ATTEST:

Welle Zuehlger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Six

AN ORDINANCE

AMENDING CHAPTER 9, SECTION 9.20.190 AND SECTION 9.20.210
OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD,
1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield,
as follows:

Section 9.20.190 of Chapter 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting in paragraphs A, C, and D thereof the following:

In the first sentence of paragraph A, after the words "or cultural centers," add the following:

"residential dwellings. or for any other place"

In the first sentence of paragraph A, delete the words "twenty-five (25)", and insert in place thereof the following:

"fifteen (15)"

In the first sentence of paragraph C after the words "the following formula:" insert the following phrase:

"If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one space;"

At the end of paragraph C after the words "not less than six (6)" insert the following phrase:

; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten (10); more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen (15); more than two thousand but not more than five thousand, three-fourths of one percent of such spaces but not less than twenty (20); and more than five thousand, one-half of one percent of such spaces but not less than thirty (30).

At the end of paragraph D insert the following sentence:

Any person who does not reserve and mark as reserved such parking spaces as are required by the 1986 amendments to this section by December 1, 1986, shall be punished by a fine of no more than twenty-five dollars (\$25) per day of such violation.

Section 9.20.210 of Chapter 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting in paragraph A thereof the following:

In the first sentence of Paragraph A, after the words "unless the motor vehicle" delete the remainder of the sentence and insert in place thereof the following:

"is owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by G. L., chapter 90, section 2, or is a motor vehicle transporting a handicapped person and displaying the special identification plate authorized by G. L., chapter 90, section 2, or is a vehicle bearing the official identification of a handicapped person issued by any other state."

APPROVED:

September 25, 1986

EFFECTIVE:

October 16, 1986

ATTEST:

Wella Zmetger

City Clerk



CHAPTER 9

City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Six

AN ORDINANCE

AMENDING THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING NEW LANGUAGE COVERING EMERGENCIES OTHER THAN FIRES TO SECTION 2.56.280.

Be it ordained by the City Council of the City of Springfield, as follows:

The Revised Ordinances of the City of Springfield, 1986, as amended, are hereby further amended by adding the following new language to section 2.56.280:

After the words "in case of fire" insert the following:

"and such other emergencies or potential public disasters that might arise"

APPROVED:

September 25, 1986

EFFECTIVE:

October 16, 1986

ATTEST:

Wille Zmetger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Seven

AN ORDINANCE

AMENDING CHAPTER 2, SECTIONS 2.72.020, 2.72.050, 2.72.060, 2.72.070 AND 2.72.080 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Section 2.72.020 of Chapter 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting paragraph A and inserting in place thereof the following:

"A. The department of public works shall be under the charge of the director of public works who shall have administrative supervisory responsibility over all engineers employed by said department."

Section 2.72.020 of Chapter 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following new paragraph F:

"F. The Director shall have graduated from a four year college or university with a degree in civil engineering, business or public administration and shall have a minimum of five years responsible public works employment experience of which at least three years experience must be in the area of civil engineering."

Section 2.72.050 of Chapter 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting said section in its entirety and inserting in place thereof the following:

2.72.050 Director--Engineering service, plans and specifications

The director of public works shall cause the performance by the department of all engineering services, the making of all examinations and the preparation of all statements, plans and specifications which any department head may need in the discharge of his duties.

Section 2.72.060 of Chapter 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting said section in its entirety and inserting in place thereof the following:

2.72.060 Director--As to bridges

The director of public works shall cause the supervision of all repairs on the bridges used as highways which affect the safety of the structure and shall annually order the examination of all bridges within the city limits and make such reports to the mayor respecting their condition as to safety, need of renewal or repairs as the case may be.

Section 2.72.070 of Chapter 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting said section in its entirety and inserting in place thereof the following:

2.72.070 Director--Measuring work done by contract

The director of public works shall when required by the mayor, or by any officer or board in charge of a department, cause the measuring and certification of measuring results to be done by engineers in his department of work done by contract for the city.

Section 2.72.080 of Chapter 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting said section in its entirety and inserting in place thereof the following:

2.72.080 Director--Construction of public works and other services

The director of public works shall cause engineers under his administrative supervision and direction to make the surveys, measurements, levels and estimates and perform the other duties of civil engineers in the laying out and construction of streets, sidewalks, drains, sewers, and other public works delegated to or undertaken by this department and shall perform any and all such services as may be required of him by the mayor, the city council or and committee thereof, the city solicitor or by any other department.

Approved:

February 25, 1987

Effective:

March 18, 1987

Attest:

Wally Zmetger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Seven

*Not
in
document*

AN ORDINANCE

AMENDING CHAPTER 2, SECTION 2.34.000 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Section 2.34.000 of Chapter 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended inserting after Section 2.34.030 the following new sections:

DEPARTMENT OF ELDER AFFAIRS

2.34.040 There is established in the City a municipal department to be known as the Department of Elder Affairs.

2.34.050 The Department of Elder Affairs shall be the principal agency of the City to mobilize the human physical and financial resources available to plan, develop, and implement innovative programs to ensure the dignity and independence of elderly persons. The Department shall also serve as an advocate for the dignity and independence of elderly persons.

2.34.060 The Department of Elder Affairs shall be under the supervision and control of a Commissioner of Elder Affairs, who shall be the appointing authority for such office.

2.34.070 There shall be a position of Grants Manager in the Department of Elder Affairs. The Grants Manager shall work under the direction of the Commissioner of Elder Affairs.

Approved:

March 6, 1987

Effective:

March 27, 1987

Attest:

Wella Zmetger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Seven

AN ORDINANCE

AMENDING TITLE 7, CHAPTER 7.24 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 7.24 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting its title reference and inserting in place thereof the following:

7.24.010 Removal of snow from sidewalks and hydrants

Chapter 7.24 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting at the end of section 7.24.010 the following new paragraph:

The tenant or occupant of any single parcel of real estate which contains only one rental or dwelling unit, and in case there is more than one rental or dwelling unit on a parcel, or where there is no tenant or occupant, the owner or person having the care of any real estate abutting upon any street, lane, court or square within the city, where there is a fire hydrant shall, after ceasing the fall of any snow thereon, within twenty-four (24) hours cause the same to be removed therefrom.

Approved:

March 6, 1987

Effective:

March 27, 1987

Attest:

Walter Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Seven

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.14, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 2.14 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting after section 2.14.020 the following new section 2.14.021:

2.14.021 Meetings of Boards, Commissions and Committees--
Monday Prohibition

Except in an emergency, no boards, commissions, or committees of any City department or agency shall schedule or conduct meetings on any Monday evenings for which the City Council has scheduled meetings.

Approved: May 22, 1987

Effective: June 12, 1987

Attest: City Clerk

Walter Metzger



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Seven

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.66, SECTION 2.66.030 OF
THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986

Be it ordained by the City Council of the City of
Springfield, as follows:

Title 2, Chapter 2.66, Section 2.66.030, of the
Revised Ordinances of the City of Springfield, 1986,
is hereby amended by adding thereto the following
new sentences at the end thereof:

Notwithstanding the foregoing, it shall be
the duty of the public health department
and the public health commissioner to
enforce the Lead Paint Poisoning Prevention
and Control Program and Regulations
pursuant to M.G.L. c.111 §190-199. The
public health commissioner shall seek the
funding necessary to implement the program,
and the public health council may issue
rules and regulations to enforce the
program.

Approved:

May 22, 1987

Effective:

June 12, 1987

Attest:

Welli Zuehlger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Seven

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.06 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Section 2.06.030, clause (20) of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the word \$10.00 and inserting in place thereof the following:

"\$20.00"

Section 2.06.030, clause (21) of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the word \$5.00 and inserting in place thereof the following:

"\$15.00"

This Ordinance Amendment shall take effect upon passage.

Approved:

June 5, 1987

Effective:

June 5, 1987

Attest:

Welle Zmetger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and Eighty-Seven

*Should be
9.24.020*

*Public
WAYS*

AN ORDINANCE

AMENDING TITLE 9, CHAPTER 9.24, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 9.24 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section thereto:

9.24.010 - Abandoned Motor Vehicles - Removal and Disposal

A. Effective upon passage of this Ordinance the Director of Public Works acting through his designee and the Chief of Police acting through the watch captain on duty or a lieutenant designated by the police chief shall be officers in charge of the public ways of the city for purposes of enforcement of Massachusetts General Laws, chapter 90, section 22C, relative to the removal and disposal of abandoned motor vehicles.

B. If said officers reasonably deem that any motor vehicle has been apparently abandoned by its owner and standing for more than seventy-two hours upon a public or private way in the city or on any property within the city without permission of the owner or lessee of said property he may cause said vehicle to be removed in a manner consistent with the provisions of Massachusetts General Laws, chapter 90, section 22C.

Approved:

July 30, 1987

Effective:

August 20, 1987

Attest:

Wella Metzger

City Clerk



*Imp.
SEE FILE
TEXT OF
ORDINANCE.
PER USURY*

City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Seven

AN ORDINANCE.

AMENDING SECTION 7.16.130, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, TO DECREASE THE AMOUNT OF TIME ALLOWED FOR THE OPEN AIR STORAGE OF UNREGISTERED MOTOR VEHICLES ON PRIVATE PROPERTY

Be it ordained by the City Council of the City of Springfield, as follows:

Section 7.16.130 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the first sentence of said section and inserting in place thereof the following:

"Whoever being the owner, occupant, or in control of real estate permits, allows or suffers an unregistered motor vehicle or a substantial part of such motor vehicle, to remain on said premises for a period in excess of twelve (12) days shall be punished by a fine of not less than ten dollars nor more than fifty dollars; and each day that such unregistered motor vehicle or a substantial part thereof is permitted, allowed or suffered to remain on said premises in excess of twelve days shall constitute a separate offense."

Approved:

September 15, 1987

Effective:

October 6, 1987

Attest:

Welle Zmetger

City Clerk



City of Springfield

In the Year One Thousand Nine Hundred and eighty-seven

AN ORDINANCE

AMENDING TITLE 1, CHAPTER 1.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting said Chapter and inserting in place thereof the following new Chapter 1.16:

Chapter 1.16

ENFORCEMENT AND PENALTIES

Sections:

- 1.16.000 Criminal Complaint and Penalty
- 1.16.000 Noncriminal Disposition and Penalties
- 1.16.000 Criminal Complaint and Penalty

Any person violating any chapter or section of the revised ordinances may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law or a specific penalty enumerated in the ordinance, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars.

1.16.010 Noncriminal Disposition and Penalties

Any person who violates any of the provisions of the revised ordinances which are enumerated in this section may be penalized by a noncriminal disposition as provided in General Laws, chapter 40, section 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following ordinances are to be included within the scope of this subsection, that the specific penalties as listed herein shall apply in such cases and that, in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be a separate offense.

<u>Ordinance</u>	<u>Penalty</u>
7.16.120 Litter (Housing Code Enforcement, Park Dept., Conservation Commission)	\$50.00
7.16.130 Unregistered Motor Vehicles on Premises (Housing Code Enforcement)	\$50.00
7.24.010 Removal of Snow from Sidewalks and Hydrants (Fire Dept.)	\$25.00
8.04.020 Alcoholic Beverages	\$25.00

Approved:

September 15, 1987

Effective:

October 6, 1987

Attest:

Wally Zmetzger

City Clerk



City of Springfield.

Chapter 10

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-SEVEN

AN ORDINANCE.

AMENDING TITLE 6, CHAPTER 6.04 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 6.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new sections thereto:

6.04.050 American Staffordshire Terrier, Staffordshire Bull Terrier, American Bull Terrier, Yankee Terrier, Pit Dog, or Pit Bull - Prohibitions

A. Effective upon passage of this Ordinance there shall be no sales of American Staffordshire Terriers, Staffordshire Bull Terriers, American Bull Terriers, Yankee Terriers, Pit Dogs or any dog which contains as an element of its breeding at least twenty-five per cent of any of the above named breeds, hereinafter referred to as "Pit Bulls" within the limits of the City of Springfield, and there shall be no new registrations of "Pit Bulls" within the limits of the City of Springfield.

B. There shall be a total ban of "Pit Bulls" from anywhere within the City except that a "Pit Bull" which has been owned, kept, and properly registered within the city limits prior to the enactment of this Ordinance by a resident may be maintained on the private property owned or controlled by said resident owner. While on said private property of its owner the "Pit Bull" must be restrained in a secure area so that the "Pit Bull" cannot gain access to public areas. Restraint of a "Pit Bull" in a secure area shall mean that the "Pit Bull" shall be kept exclusively upon the owner's own premises in an enclosed and locked pen with a top or sides at least six feet in height. The Pit Bull shall not be enclosed in such a manner that he may go or reach beyond the property line.

C. An owner may transport a "Pit Bull" within the City limits for medical or veterinary care provided said animal is properly restrained by being both muzzled and leashed, with the leash not to exceed a length of six feet.

D. Any person under whose name a pit bull is registered, shall at all times that he or she possesses the dog, maintain in full force and effect a liability insurance policy of at least one hundred thousand dollars (\$100,000.00) for the benefit of the public safety.

E. The owner of any "Pit Bull", if said animal is found on property not owned or controlled by its owner, or not restrained in a secure area per paragraph B of this section, shall be subject to a fine of Fifty Dollars (\$50.00), and said animal shall be forever banned from within the limits of the City of Springfield.

F. Owners of any "Pit Bull" found within the City of Springfield and not properly registered shall be subject to a fine of One Hundred Dollars (\$100.00), and said animal shall be forever banned from within the limits of the City of Springfield.

G. Each day there exists a violation of any of the provisions of this ordinance shall constitute and be punishable as a separate offense.

H. All notice and hearing procedures will be carried out in conformance to Massachusetts General Laws, Chapter 140, section 157.

Approved:

October 27, 1987

Effective:

October 27, 1987

Attest:

Willi Zmetger

City Clerk



City of Springfield.

CHAPTER 11

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-SEVEN

AN ORDINANCE.

AMENDING CHAPTER 2, SECTION 2.62.100 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1984, AS AMENDED BY DELETING SECTION 2.62.100 IN ITS ENTIRETY AND INSERTING IN PLACE THEREOF THE FOLLOWING NEW SECTION 2.62.100.

Be it ordained by the City Council of the City of Springfield, as follows:

Section 1.

Section 2.62.100 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 2.62.100 in its entirety and inserting in place thereof the following new section 2.62.100:

Section 2.62.100 Board of Appeals -- Composition -- Appointments, term and qualification of members and associate members, monthly meetings.

A. The Board of Appeals shall consist of five (5) members to be appointed by the Mayor, two of which shall be either an architect, engineer or lawyer, and two associate members.

B. Members of the Board of Appeals shall be appointed for a term of (5) years in such a manner that the term of only one member expires in any single calendar year. Terms shall expire on April 30 of the calendar year.

C. The Board of Appeals shall schedule regular meetings on the first and third Wednesday of the month if their business so requires.

Section 2.

THIS SECTION SHALL NOT BE PRINTED IN THE REVISED ORDINANCES.

Effective date and provisions for transition between the present board of appeals and the new board of appeals.

The Board of Appeals shall remain as it exists as of the date of passage of this ordinance until February 1, 1988. On February 1, 1988 two new members of the Board of Appeals shall be appointed in accordance with the provisions of this ordinance and two new associate members shall be appointed. All prior existing associate memberships shall be dissolved. The new members shall be appointed to a term which shall be of such length that the term of one member of the board expires in each year. The three members of the Board of Appeals presently serving shall continue to serve until the expiration of their present terms of office. Upon expiration of the present terms their successors shall be appointed to five year terms in accordance with this ordinance.

(over)

On February 1, 1988 the Clerk of the presently existing Board of Appeals shall give to the members of the newly convened Board of Appeals all records of the Board of Appeals. All matters pending before the Board of Appeals as it existed prior to February 1, 1988 shall be considered properly filed and docketed for the new board. This ordinance shall take effect on January 1, 1988.

Approved:

November 27, 1987

Effective:

January 1, 1988

Attest:

Welle Zuehlger

City Clerk



City of Springfield.

CHAPTER 12

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-SEVEN

AN ORDINANCE.

AMENDING TITLE 1, CHAPTER 1.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following language at the end of Section 1.16.010:

<u>Ordinance</u>	<u>Penalty</u>
Zoning Ordinance, Section 2005 (8), Conditions Attached to Special Permit Approvals (Building Inspectors)	\$50.00

Approved:

November 27, 1987

Effective:

December 18, 1987

Attest:

Walter Zmetger

City Clerk



City of Springfield.

CHAPTER 13

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-SEVEN

AN ORDINANCE.

AMENDING CHAPTER 9, SECTION 9.24, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED.

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 9.24 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section thereto:

9.24.011 - Crossing To Avoid Traffic Signals and Signs Prohibited

No motor vehicle in the City on any street, road, avenue, alley, lane, boulevard or way (hereinafter collectively referred to as "street") shall cross public or private property within two hundred feet of an intersection controlled by a traffic signal or sign and immediately travel on any street beyond the controlled intersection without first complying with the traffic signal or sign. The preceding sentence shall not apply if otherwise provided in section eighteen of chapter ninety and shall be subject, so far as applicable, to section two of chapter eighty-five and sections eight and nine of chapter eighty-nine. The penalty for violation of this ordinance shall be Fifty dollars (\$50.00).

Approved:

November 27, 1987

Effective:

December 18, 1987

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-SEVEN

AN ORDINANCE.

AMENDING TITLE 1, CHAPTER 1.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following language at the end of Section 1.16.010:

<u>Ordinance</u>	<u>Penalty</u>
Section 7.16.060, Placement of Containers for Ashes and Rubbish (Housing Code Inspectors)	\$50.00

Approved:

February 4, 1988

Effective:

February 25, 1988

Attest:

Walter Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

cannot find where to amend in RO

AMENDING TITLE 4, SECTION 4.04.120 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, TO CONFORM WITH CHANGES IN THE MASSACHUSETTS GENERAL LAWS RELATIVE TO BIDDING PROCEDURES PURSUANT TO CHAPTER 122, ACTS OF 1986

Be it ordained by the City Council of the City of Springfield, as follows:

Section 4.04.120 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following phrase after the words "terms of this section" in line 9 thereof:

" , but bid procedures shall not be required for the purchase of textbooks."

Approved:

April 19, 1988

Effective:

May 10, 1988

Attest:

Walter Zmetzger

City Clerk

Repealed
See C.6 of 1997
CHAPTER 3



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty - Eight

AN ORDINANCE.

AMENDING TITLE 6, CHAPTER 6.04, SECTION 6.04.010 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 6.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting sections 6.04.010 and 6.04.020 therefrom and adding the following new section 6.04.010 in place thereof:

6.04.010 Dangerous and Vicious Dogs, Regulation

(A) A "dangerous or vicious" dog as the term is used in this section shall mean any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or any dog which attacks a human being or a domestic animal on two or more occasions without provocation.

(B) There shall be a total ban of dangerous and vicious dogs from anywhere within the City except that a dangerous and vicious dog has been owned, kept, and properly registered within the City limits prior to the enactment of this Ordinance by a resident may be maintained on the private property owned or controlled by said resident owner. While on said private property of its owner the dangerous or vicious dog must be restrained in a secure area so that the dangerous or vicious dog cannot gain access to public areas. Restraint of a dangerous or vicious dog in a secure area shall mean that the dangerous or vicious dog shall be kept exclusively upon the owner's own premises in an enclosed and locked pen with a top and sides at least six feet in height. The dangerous or vicious dog shall not be enclosed in such a manner that it may go or reach beyond the property line.

(C) An owner may transport a dangerous or vicious dog within the City limits for medical or veterinary care provided said animal is properly restrained by being both muzzled and leashed, with the leash not to exceed a length of six feet.

(D) Any person under whose name a dangerous or vicious dog is registered, shall at all times that he or she possesses the dog, maintain in full force and effect a liability insurance policy of at least one hundred thousand dollars (\$100,000.00) for the benefit of the public safety.

(E) The owner of any dangerous or vicious dog, if said animal is found on property not owned or controlled by its owner, or not restrained in a secure area per paragraph B of this section, shall be subject to a fine of Fifty Dollars (\$50.00), and said animal shall be forever banned from within the limits of the City of Springfield.

(F) Owners of dangerous or vicious dogs found within the City of Springfield and not properly registered shall be subject to a fine of One Hundred Dollars (\$100.00), and said animal shall be forever banned from within the limits of the City of Springfield.

(G) Each day there exists a violation of any of the provisions of this ordinance shall constitute and be punishable as a separate offense.

(H) Any dog for which the dog officer of the City or County or the Commissioner of Health has a verified report of having attacked or bitten any person shall be considered a dangerous or vicious dog. A copy of any such report shall be forwarded to the City Clerk for filing and such dog shall not be reregistered in the City unless the owner is in full compliance with this ordinance.

(I) Compliance with the requirements of this section shall not be a defense to an order of disposal of a vicious dog pursuant to G.L., c. 140, s. 157.

(J) All notice and hearing procedures will be carried out in conformance to Massachusetts General Laws, chapter 140, section 157.

Approved:

April 19, 1988

Effective:

May 10, 1988

Attest:

Wella Zmetzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

AMENDING CHAPTER 6.08 ANIMAL CONTROL — SECTIONS 6.08.020 (D), 6.08.020 (I), AND 6.08.060 (G) OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD.

Be it ordained by the City Council of the City of Springfield, as follows:

Section 6.08.020 (D) is hereby amended by deleting "three (3) months" and adding in its place "six (6) months". This section shall read as follows:

"Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months of age. This requirement will not apply to a nonresident keeping a dog within the city for less than sixty (60) days. (See Chapter 140, Section 146: Licenses Valid Throughout State, of the General Laws)."

Section 6.08.020 (I) is hereby amended by deleting "a fine of ten dollars (\$10)" and adding in its place "a fine of twenty-five dollars (\$25)." This section shall read as follows:

"Persons who fail to obtain a license as required within the time period specified in this chapter may be subject to a fine of twenty-five dollars (\$25)."

Section 6.08.060 (G) is hereby amended by deleting "a penalty of ten dollars (\$10) for the first offense, twenty dollars (\$20) for the second offense, and thirty dollars (\$30) for the third" and adding in its place "a penalty of twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense, and one hundred dollars (\$100) for the third." This section shall read as follows:

"If a citation is issued, a penalty of twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense, and one hundred dollars (\$100) for the third and subsequent offenses within the licensing period will be paid to any agency designated by the city within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate, and upon conviction of a violation of this chapter, the owner shall be punished as provided in Section 6.08.140."

Approved:

April 19, 1988

Effective:

May 10, 1988

Attest:

Welli Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

AMENDING SECTION 9.20.060, TITLE 9 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 9. Section 9.20.060 of the Revised Ordinances of the City of Springfield, 1986, is hereby amended by striking out said Section 9.20.060 in its entirety and inserting in lieu thereof the following new Section 9.20.060.

Section 9.20.060 PARKING TIME LIMITS AND REQUIRED DEPOSITS

During the hours that parking time limit restrictions are in effect, the fee to be deposited in a parking meter adjacent to a parking meter space shall be as follows:

In those zones restricted to a maximum of thirty minutes of parking, one quarter for thirty minutes of parking.

In those zones restricted to a maximum of sixty minutes of parking, two quarters for sixty minutes of parking, or one quarter for thirty minutes of parking.

In those zones restricted to a maximum of two hours of parking, four quarters for two hours, or two quarters for one hour.

The number of minutes for which continuous parking by one vehicle will be permitted in any zone shall be set by order of the City Council.

Approved:

June 14, 1988

Effective:

July 5, 1988

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

AMENDING CHAPTER 7, SECTION 7.16.120 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED.

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 7, section 7.16.120 Litter is hereby further amended by inserting the following paragraph at the end of section G thereof:

4. The fine for a violation of Section G relative to litter in parks and property under the control of the Park Department and conservation lands under the control of the Conservation Commission shall be Two Hundred Dollars (\$200). If any person is found to have violated this section and ordered to remove any litter or waste materials from park property or conservation lands each day that said materials remain on park property or conservation lands shall constitute a separate offence subject to fine.

Approved:

June 14, 1988

Effective:

July 5, 1988

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.16 SOLID WASTE, LITTER AND WEEDS is hereby further amended by inserting the following new section 7.16.135 therein:

7.16.135 Shopping Carts prohibited off the property of owner thereof.

A. All supermarkets, retail and discount stores, and any other businesses which provide shopping carts for the use and convenience of their customers shall comply with the following requirements in order to prevent the disposal of the carts as waste or litter interfering with the use of public and private property including bodies of water:

1. Every shopping cart used on any premises must have permanently affixed thereto the name, address and telephone number of the store or business by whom it is being utilized.

2. Shopping carts so identified may not be utilized off of the private property belonging to the store identified thereon. Signs informing the public of this requirement shall be prominently located at the entrance and exit from the store or business.

3. A store or business utilizing such carts shall be responsible for taking proper action to insure that carts are not removed from its property in violation of this Ordinance.

B. Any shopping cart that is found on any public property other than that of the business utilizing same shall be immediately removed from said property by said business upon notification. Any costs expended by any City department in the removal of said cart shall be paid by the business responsible for the cart. Additionally, for any cart found on public property a fine of \$50.00 may be assessed against said business for its failure to comply with the requirement of paragraph A3 of this section.

Approved:

June 14, 1988

Effective:

July 5, 1988

Attest:

Welle Zmetzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.12 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.12 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following new section §7.12.035 Emergency Notification.

In addition to the required posting of notice bearing the name, address, and telephone number of the owner of any dwelling which is rented for residential use without the owner or manager residing therein pursuant to M.G.L. c. 143 §3S, every dwelling which is rented for residential use without the owner residing therein shall have posted in its lobby or in some similar location accessible to the public the telephone number of an owner or agent for notification twenty-four (24) hours a day in cases of emergencies.

Approved:

June 28, 1988

Effective:

July 19, 1988

Attest:

Welli Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

AMENDING SECTION 11.12.110, TITLE 11 OF THE REVISED ORDINANCES
OF THE CITY OF SPRINGFIELD, 1986.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 11, Section 11.12.110 of the Revised Ordinances of the City of Springfield, 1986, is hereby amended by striking out said table 11.12.110 in its entirety and inserting in lieu thereof the following new table 11.12.110.

TABLE 11.12.110

RATES, SURCHARGES, AND SERVICE CHARGE

**TABLE 11.12.110
RATES, SURCHARGES, AND SERVICE CHARGE**

1. Rates:

The sewer use fee rate for all classes of users including residential, commercial, institutional, industrial, governmental, charitable, and non-profit as set forth in the following categories shall become effective on July 1 of the fiscal year specified:

a. Residential Rate

This rate shall be for all classes of residential dwellings and shall include governmental, charitable, and non-profit users:

Fiscal Year 1989	Rate per 100 c.f. of wastewater	\$0.66
Fiscal Year 1990	Rate per 100 c.f. of wastewater	\$0.84
Fiscal Year 1991	Rate per 100 c.f. of wastewater	\$0.99
Fiscal Year 1992	Rate per 100 c.f. of wastewater	\$1.09
Fiscal Year 1993	Rate per 100 c.f. of wastewater	\$1.15

b. Commercial Rate

This rate shall be for all classes of "Commercial" users as defined in Section 11.12.010, except that this rate shall not apply to restaurants and food processors, and shall be 1.1 times the residential rate in effect.

c. Dry Industry Rate

This rate shall be for all classes of "Dry Industry" users as defined in Section 1.12.010 and shall be 1.1 times the residential rate in effect.

d. Industry Rate

This rate shall be for all classes of "Industry" users as defined in Section 1.12.010, except that this rate shall also include food processors with a daily flow in excess of 2000 gallons, and shall be 1.2 times the residential rate in effect and shall be subject to the surcharges specified in this section.

e. Institutional Rate

This rate shall be for all classes of "Institutional" users as defined in Section 1.12.010, except this rate shall not apply to hospitals and laboratories, and shall be 1.0 times the residential rate in effect.

f. Restaurant Rate

This rate shall be for all restaurants and for small food processors with less than 2000g.p.d. flow and shall be 1.3 times the residential rate in effect and shall not be subject to F.O.G. surcharges specified in this section.

g. Hospital Rate

This rate shall be for all Hospitals and all Laboratories and shall be 1.1 times the residential rate in effect and shall be subject to the surcharges specified in this section. The laboratory rate shall apply to the entire flow of the building in which it is located.

h. Septage Disposal Rate

This rate shall be for all septage disposal or holding tank waste disposal at the Indian Orchard Pumping Station:

Fiscal Year 1989	Rate per gallon	\$0.30
Fiscal Year 1990	Rate per gallon	\$0.32
Fiscal Year 1991	Rate per gallon	\$0.33
Fiscal Year 1992	Rate per gallon	\$0.35
Fiscal Year 1993	Rate per gallon	\$0.37

i. Sewer Cleaning Rate

This rate shall be for cleaning of all building drains, building sewers, private drains, or private sewers as defined in Section 11.08.010:

Fiscal Year 1989	\$50 per cleaning
Fiscal Year 1990	\$52 per cleaning
Fiscal Year 1991	\$55 per cleaning
Fiscal Year 1992	\$57 per cleaning
Fiscal Year 1993	\$60 per cleaning

This rate shall apply to all cleaning services provided during normal business hours. All cleaning services requiring overtime shall be charged at a rate 2.0 times the cleaning rate in effect.

j. Sewer Construction and Repair Rate

This sewer construction and repair rate shall be charged for all building drains, building sewers, private drains, or private sewers as defined in Section 11.08.010:

Fiscal Year 1989	New Building Connection	\$20 per linear foot
Fiscal Year 1990	New Building Connection	\$21 per linear foot
Fiscal Year 1991	New Building Connection	\$22 per linear foot
Fiscal Year 1992	New Building Connection	\$23 per linear foot
Fiscal Year 1993	New Building Connection	\$25 per linear foot

Fiscal Year 1989	Repair Building Connection	\$35 per linear foot
Fiscal Year 1990	Repair Building Connection	\$37 per linear foot
Fiscal Year 1991	Repair Building Connection	\$39 per linear foot
Fiscal Year 1992	Repair Building Connection	\$41 per linear foot
Fiscal Year 1993	Repair Building Connection	\$43 per linear foot

All new connections and repairs to existing connections for commercial and industrial buildings and all private sewer and drain work shall be charged for all labor, material, and equipment costs plus a fee for administration and overhead costs, as established by the director.

2. Surcharges

The per pound surcharge set forth as follows will become effective on July 1 of the Fiscal Year specified:

a. BOD₅ surcharge per 1 lb of BOD₅ shall be:

Fiscal Year 1989	\$0.060
Fiscal Year 1990	\$0.063
Fiscal Year 1991	\$0.065
Fiscal Year 1992	\$0.066
Fiscal Year 1993	\$0.068

A surcharge shall be applied for BOD₅ as defined in Section 11.08.010. Pounds of BOD₅ subject to a surcharge are calculated by the following equation:

$$(C_1 - 240) \times 0.00624 \times Q = \text{pounds of BOD}_5$$

subject to surcharge

where:

C_1 = the concentration of BOD in mg/l of the wastewater, and

Q = the actual metered water use or wastewater discharge measured in units of 100 cu. ft.

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

b. Suspended Solids surcharge per 1 lb of SS shall be:

Fiscal Year 1989	\$0.044
Fiscal Year 1990	\$0.045
Fiscal Year 1991	\$0.047
Fiscal Year 1992	\$0.048
Fiscal Year 1993	\$0.049

A surcharge shall be applied to suspended solids as defined in Section 11.08.010. Pounds of SS subject to a surcharge are calculated by the following equation:

$$(C_2 - 300) \times 0.00624 \times Q = \text{lb. of SS subject to surcharge}$$

where:

C_2 = the concentration of suspended solids in mg/l of the wastewater, and

Q = the actual metered water use or wastewater discharge measured in units of 100 cu. ft.

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

c. Fats, Oils, and Greases (F.O.G.) surcharge per 1 lb of F.O.G. shall be:

Fiscal Year 1989	\$0.060
Fiscal Year 1990	\$0.063
Fiscal Year 1991	\$0.065
Fiscal Year 1992	\$0.066
Fiscal Year 1993	\$0.068

A surcharge shall be applied for F.O.G. as defined in Section 11.08.250. Pounds of F.O.G. subject to a surcharge are calculated by the following equation:

$$(C_3 - 100) \times 0.00624 \times Q = \text{pounds of F.O.G. subject to surcharge}$$

where:

C_3 = the concentration of total F.O.G. in mg/l of the wastewater, and

Q = the actual metered use or wastewater discharge measured in units of 100 cu. ft.

All measured shall be rounded to the closest unit. This surcharge shall not apply to normal residential use or restaurants and small food processors with less than 2000 gpd of total flow.

3. Service Charge:

a. An annual administrative service charge set forth as follows will be divided equally into the number of billing periods, and shall become effective on July 1 of the Fiscal Year specified:

Fiscal Year 1989	\$6.00
Fiscal Year 1990	\$6.00
Fiscal Year 1991	\$8.00
Fiscal Year 1992	\$8.00
Fiscal Year 1993	\$8.00

b. A Service Charge set forth as follows for reading secondary water meters and the administrative service provided for adjusting bills shall become effective on July 1 of the Fiscal Year specified:

Fiscal Year 1989	\$25 per meter reading
Fiscal Year 1990	\$26 per meter reading
Fiscal Year 1991	\$28 per meter reading
Fiscal Year 1992	\$29 per meter reading
Fiscal Year 1993	\$31 per meter reading

Approved:

July 26, 1988

Effective:

August 16, 1988

Attest:

Walter Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following new section 7.16.041 Mandatory Yard and Leaf Waste Composting.

7.16.041 Mandatory Leaf and Yard Waste Composting

A. There is hereby established a program for the mandatory separation of certain compostable leaf and yard waste material from garbage or rubbish by the residents of the City of Springfield and the collection of these compostable leaf and yard waste materials at the residents' curbside. The collection of separated compostable leaf and yard waste material shall be made periodically under the supervision of the Director of Public Works.

B. For the purposes of this ordinance the following definitions apply:

1. Leaves - Deciduous and coniferous seasonal deposition.
2. Yard Waste - grass clippings, weeds, hedge clippings, garden waste, and twigs and brush not longer than two (2) feet in length and one-half (1/2) inch in diameter.
3. Paper Leaf Bag - A paper leaf bag shall be a Sanitary Kraft Paper Sack or equal of thirty (30) gallon capacity, two (2) ply fifty (50) pound wet strength with decomposing glue and reinforced self-supporting square bottom closure.
4. Leaf and Yard Waste Collection season - the autumn leaf season beginning the first full week of October and ending the second full week of December.

C. Separation of Compostable Leaf and Yard Waste Material and Placement for Removal.

During the Leaf and Yard Waste Collection Season Residents shall place their leaf and yard waste material into paper leaf bags as defined in Section 7.16.041.B. of barrels. These paper bags or barrels shall be placed on the curbside or treebelt in accordance with section 7.16.060 on the special leaf and yard waste collection days specified by the Department of Public Works and advertised in the Springfield daily newspapers.

No material other than that specified in Section 7.16.041.B shall be placed in these paper bags or barrels.

Compostable leaf and yard waste material shall not be placed in plastic trash bags during the Leaf and Yard Waste Collection Season. Leaves and yard waste shall not be placed in the same refuse container as or otherwise mixed with other forms of solid waste for collection, removal, or disposal during Leaf and Yard Waste Collection Season. Any violation of this Section C or any part thereof shall be punishable by a fine not to exceed fifty dollars.

When the Owner has failed to comply with the requirements of Section C of this Ordinance, the Director of the Department of Public Works in his discretion, may refuse to collect the leaf and yard waste material and all garbage, or paper, ashes, or rubbish of the owner until the next regular pick-up, and the owner shall remove from the curb such garbage, leaf and yard waste material, and all other paper, ashes, and rubbish.

D. Ownership of Compostable Leaf and Yard Waste Materials.

Upon placement of compostable leaf and yard waste material for collection by the City at the curbside or treebelt in accordance with the special collection day, pursuant to this ordinance, such materials shall become the property of the City. It shall be a violation of this ordinance for any person, other than authorized agents of the City acting in the course of their employment, to collect or pick up or cause to be collected or picked up any compostable leaf and yard waste material so placed. Each and every such collection or pick up in violation hereof from one or more locations shall constitute a separate and distinct offense. The compostable leaf and yard waste material collected by the City shall be transported to and composted at a designated Leaf and Yard Waste Composting Site. Any violation of this paragraph D or any part thereof shall be punishable by a fine not to exceed one hundred (\$100.00) dollars.

E. All ordinance, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

F. This ordinance and the various parts, sentences, and clauses thereof are hereby declared to be severable. If any part, sentence, or clause is adjusted invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

G. This ordinance shall take effect for the Leaf and Yard Waste Collection Season commencing in 1988.

Approved:

October 3, 1988

Effective:

October 7, 1988

Attest:

Welle Zuetzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Eighty-Eight

AN ORDINANCE.

AMENDING CHAPTER 2.06.030 ENUMERATION OF FEES
CITY CLERKS OFFICE OF THE REVISED ORDINANCES OF THE
CITY OF SPRINGFIELD, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Section 2.06.030 (1) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (11) shall be amended by changing the fee from "\$10.00" to "\$20.00." and this paragraph shall now read as follows:

"For entering amendment of a record of the birth of a child born out of wedlock and subsequently legitimized."

Section 2.06.030 (12) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (13) shall be amended by changing the fee from "\$3.00" to "\$5.00." and "\$3.50" shall be changed to "\$6.00."

Section 2.06.030 (13A) shall be amended by changing the fee from "\$2.00" to "\$3.00."

Section 2.06.030 (14) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (22) shall be amended by changing the fee from "\$3.00" to "\$5.00."

Section 2.06.030 (24) shall be amended by changing the fee from "\$10.00" to "\$25.00."

Section 2.06.030 (29) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (30) shall be amended by changing the fee from "\$3.00" to "\$5.00."

Section 2.06.030 (30A) shall be amended by changing the fee from "\$2.00" to "\$3.00."

Section 2.06.030 (42) shall be amended by changing the fee from "\$10.00" to "\$15.00."

Section 2.06.030 (43) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (44) shall be amended by changing the fee from "\$3.00" to "\$5.00."

Section 2.06.030 (44A) shall be amended by changing the fee from "\$2.00" to "\$3.00."

Section 2.06.030 (45) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (54) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (57) shall be amended by changing the fee from "\$10.00" to "\$25.00."

Section 2.06.030 (58) shall be amended by changing the fee from "\$10.00" to "\$25.00."

Section 2.06.030 (62) shall be amended by changing the fee from "\$3.50" to "\$50.00" and from "\$25.00 flat rate" and "\$5.00 add'l fee" to "\$10.00" and the last paragraph shall read as follows:

"Additional for each street or way included in such order"

Section 2.06.030 (66) shall be amended to read as follows:

"For examining or preparing records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than"

Section 2.06.030 (67) shall be amended to read as follows:

"For copying or receiving any manuscript or record pertaining to a birth, marriage or death"

Section 2.06.030 (69) shall be amended by changing the fee from "\$5.00" to "\$25.00 plus \$5.00 per page in excess of three pages"

Section 2.06.030 (75) shall be amended by changing the fee from "\$10.00" to "\$20.00."

Section 2.06.030 (79) shall be amended by changing the fee from "\$10.00 per 1st page and \$2.00 to \$4.00 for each add'l page" to "\$20.00 per 1st page and \$5.00 for each add'l page."

THIS CHAPTER SHALL BE FURTHER AMENDED BY ADDING SECTIONS (80), (81), (82), and (83).

Section 2.06.030 (80) "For recording assignment of future wages or salary, \$20.00."

Section 2.06.030 (81) "For filing attachment of bulky personal property, \$20.00."

Section 2.06.030 (82) "For filing dissolution of attachment of bulky personal property, \$20.00."

"The fee for certification of any document not previously enumerated shall be five dollars (\$5.00)."

These amendments and additions shall take effect as of January 1, 1989.

Approved:

November 1, 1988

Effective:

November 21, 1988

Attest:

Welli Zuehlger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT

AN ORDINANCE.

AMENDING TITLE 10, CHAPTER 10.16 OF THE REVISED ORDINANCES
OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 10, Chapter 10.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding thereto the following new section 10.16.085:

10.16.085 Motor Vehicle Repair in Streets and on Sidewalks

No person shall perform maintenance, mechanical or other repairs, except those of an emergency nature which can be accomplished in a limited time span such as the changing of a flat tire, on any motor vehicle in any public street, or on any sidewalk, footwalk, crosswalk, treebelt, terrace or publicly owned and/or operated parking lot or parking facility in the City.

Approved:

December 8, 1988

Effective:

December 28, 1988

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.46 OF THE REVISED ORDINANCES
OF THE CITY OF SPRINGFIELD, 1986 AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Pursuant to authority granted under Chapter 368, Acts of 1983, Title 2, Chapter 2.46 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended as follows:

At the end of paragraph B of Section 2.46.010 Commission -- Establishment -- Membership insert the following language:

"one (1) member from two nominees submitted by the Springfield Preservation Trust, Inc."

In the first sentence of Paragraph C of Section 2.46.010 delete words "It is recommended that the remaining four (4) members be selected so as to include" and insert in place thereof the following:

It is recommended that the remaining three (3) members be selected from among the following professions:

Passed by the City Council on December 19, 1988 not withstanding
the veto of the Mayor.

Effective:

January 9, 1989

Attest:

City Clerk



not implemented

City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT

AN ORDINANCE.

AMENDING TITLE 2, OF THE REVISED ORDINANCES
OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding thereto the following new chapter 2.86:

Chapter 2.86

MUNICIPAL OFFICE OF COMMUNITY AFFAIRS

Sections:

- 2.86.010 Establishment and composition.
- 2.86.020 Appointment, term of office and general conditions.
- 2.86.030 Powers and duties

2.86.010 Establishment and composition. A. There is established in the Mayor's office of the city a Community Affairs Division.

B. Such division shall consist of a Commissioner, Deputy Commissioner, Program Coordinator, Administrative Assistant, Public Relations Coordinator, Senior Accountant, Assistant Project Coordinator (2), Senior Clerk Typist, and other such staff, as from time to time, may be required.

C. These positions shall not be subject to civil service.

2.86.020 Appointment, term of office and general conditions.

A. The Commissioner of the Municipal Office of Community Affairs will be the head of the Municipal Office of Community Affairs Division. He/She shall be appointed by the Mayor, subject to approval of the City Council.

B. The Commissioner shall devote his/her full time to such position. His/Her term of office will be concurrent with the term of office of the Mayor and may be removed with or without cause at any time by the Mayor.

C. Those who serve as Deputy Commissioner, Program coordinator, Administrative Assistant, Public Relations Coordinator, Senior Accountant, Assistant Project Coordinator (2), and Senior Clerk Typist, shall devote their full time to such positions.

D. Annually, during the month of January, or whenever a vacancy shall occur, the Mayor shall appoint The Commissioner of the Municipal Office for Community Affairs. All other positions shall be appointed by the Commissioner subject to the approval of the Mayor and together with the Commissioner will be subject to the approval of the Mayor and together with the Commissioner will be subject to the residency requirements of the city's ordinances.

2.86.030 Powers and duties. The Municipal Office of Community Affairs Division shall serve as the designated representative of the City of Springfield, and shall be directly responsible to the Mayor and shall perform duties and responsibilities for the following areas:

- A. Enhancing the image of the City of Springfield.
- B. Developing, coordinating and presenting cultural and community Programs.
- C. Providing creative support for such programming among community organizations and neighborhoods.
- D. Encouraging the participation and involvement of individuals and groups in such programs.
- E. Promoting public-private partnerships.
- F. To advise the Mayor, and the City Council of the Municipal Corporation, on community affairs.
- G. To administer the office.
- H. To perform such other duties as the Mayor may prescribe.

This Ordinance Amendment shall take effect as of January 1, 1989.

Approved:

December 27, 1988

Effective:

January 1, 1989

Attest:

Welle Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT

AN ORDINANCE.

AMENDING SECTION 11.12.110, TITLE II OF THE REVISED
ORDINANCES OF THE CITY OF SPRINGFIELD, 1986

Be it ordained by the City Council of the City of Springfield, as follows:

Title 11, Section 11.12.110 of the Revised Ordinances of the City of Springfield, 1986 is hereby amended by deleting from Article 3.b of Table 11.12.110 the following:

Fiscal Year	1989	\$ 25	per meter reading
Fiscal Year	1990	\$ 26	per meter reading
Fiscal Year	1991	\$ 28	per meter reading
Fiscal Year	1992	\$ 29	per meter reading
Fiscal Year	1993	\$ 31	per meter reading

and inserting in lieu thereof the following,

Residential Users

Fiscal Year	1989	\$ 15	per meter reading
Fiscal Year	1990	\$ 16	per meter reading
Fiscal Year	1991	\$ 18	per meter reading
Fiscal Year	1992	\$ 19	per meter reading
Fiscal Year	1993	\$ 21	per meter reading

All residential secondary water meters shall be read to correspond with the final water billing for a calendar year, and the usage will be reflected in the final bill.

Non Residential Users

Fiscal Year	1989	\$ 25	per meter reading
Fiscal Year	1990	\$ 26	per meter reading
Fiscal Year	1991	\$ 28	per meter reading
Fiscal Year	1992	\$ 29	per meter reading
Fiscal Year	1993	\$ 31	per meter reading

All non residential secondary water meters shall be read to correspond with the billing periods of the water bill.

Approved:

January 18, 1989

Effective:

February 7, 1989

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.56 SECTION 2.56.290
OF THE REVISED ORDINANCES OF THE CITY OF
SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, chapter 2.56 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting therefrom section 2.56.290 and inserting in place thereof the following new section 2.56.290:

2.56.290 Exclusion of persons from areas designated for use of department. No person not a member of the fire department or the police department shall, without the authority of some one (1) of the officers of one (1) of such departments, wilfully remain or enter upon such part of any street, lane, alley or any other public or private area as is by the authority of the officers of either of such departments roped off, barricaded or plainly designated in any way for the use of the fire department and/or police department in extinguishing a fire or handling any other public safety emergency, or for the protection of persons present at any fire or other public safety emergency.

Approved:

March 31, 1989

Effective:

April 21, 1989

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.20
OF THE REVISED ORDINANCES OF THE CITY OF
SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, chapter 2.20 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section 2.20.030:

2.20.030 Data Processing Center. The data processing department established pursuant to section 2.20.010 shall be a data processing center for the use of any department, office, board committee or agency of the city, including the school committee, pursuant to G.L., c.41, 23D. The data processing director shall serve as a data processing coordinator. Prior to the issuance of any bid or request for proposals with respect to any contemplated purchases or leases of any data processing equipment or services by any department of the City, the data processing coordinator shall be consulted for technical advice. The data processing coordinator shall issue a report containing conclusions as to the need for such equipment of services, its compatibility with existing equipment and services and recommendations as to the types of equipment or services which will most economically and efficiently service the recognized need therefor.

Approved:

April 24, 1989

Effective:

May 15, 1989

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

Amending title 5 of the Revised Ordinance of the City of Springfield, 1986 as amended

Be it ordained by the City Council of the City of Springfield, as follows:

Title 5 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting sections 5.28.020, 5.28.080, 5.28.180, 5.28.190, 5.28.240, 5.28.250 and 5.28.260 of said chapter and inserting in place thereof the following new sections:

5.28.020 Duties of traffic engineer. The traffic engineer and the police department except where otherwise provided shall have general charge of the enforcement of the provisions of this chapter, including the inspection of vehicles, the prosecution of violations of the provisions of this chapter, or of any rule, order or regulation adopted by the traffic commission relating to such business.

5.28.080 Medallions The traffic commission shall issue to the licensee a medallion for each taxicab to be operated thereunder, bearing the words:

Taxi Vehicle License NO. _____
Springfield, Mass. _____

Such medallion shall be attached to the exterior of the vehicle. The numbering and exact location of such medallion will be determined by the traffic commission.

5.28.180 Further rules, orders and regulations. All owners and drivers of taxicabs or horse and carriages shall be subject to such further rules, orders and regulations as may from time to time be promulgated by further ordinances or rules or orders of the traffic commission relating to the licensing and regulation of taxicabs.

II. TAXICAB LICENSE

5.28.190 Required. No owner or person shall engage in the operation of any taxicab or horse and carriage business in the city unless licensed to do so as provided in this article.

Taxicabs licensed in other cities and towns may drop off fares in Springfield if such fares were picked up in another city or town, but only taxicabs licensed by the Springfield traffic commission may pick up passengers within the limits of the City of Springfield.

5.28.240 Signature and contents of license—Duration.

A. Every taxicab or horse and carriage license shall be signed by the secretary of the traffic commission, and shall bear the written approval of the mayor.

B. It shall set forth the name and residence and place of business of the licensee, a description of the motor vehicle or horse and carriage to be operated under it and the current registration number and the engine number of such vehicle and the number of persons exclusive of the operator which it may carry, and unless sooner revoked or rendered void shall continue in effect until the first day of January next after the date thereof.

C. Medallions shall be a permanent taxicab license number assigned to each licensed taxicab. They shall be issued in conjunction with the taxi license by the traffic commission with the approval of the mayor. Under no condition is the medallion/license transferable or sold from one taxi company or operator to another. The numerical sequence, size, material and style shall be determined by the traffic commission. In the event that the vehicle to which the medallion/license has been issued has been taken off the road either through age, vehicle accident, or mechanical problems, said medallion/license may be assigned to a replacement vehicle only upon the approval of the traffic engineer.

5.28.250 Fee The annual fee for each taxicab license shall be one hundred dollars (\$100.00) for each vehicle to be operated thereunder and no such license shall be issued until such fee has been paid to the city collector.

In the event that it becomes necessary to transfer or re-issue a taxicab license after the effective date, the licensee upon application shall pay a fee of twenty dollars (\$20.00) for each license issued. All license renewals shall expire on December 31st of each year.

III. DRIVER'S LICENSE

5.28.260 Required. No owner or person having care or management of a taxicab or horse and carriage shall employ or suffer any person to drive the same, and no person shall drive the same, other than a person hereto licensed by the board of police commissioners.

Approved:

May 25, 1989

Effective:

June 14, 1989

Attest:

Welli Zuetzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 12, CHAPTER 12.08.010 THROUGH 12.08.200 OF
THE REVISED ORDINANCES FOR THE CITY OF SPRINGFIELD, 1986.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 12, Chapter 12.08.010 through Chapter 12.08.200 of the Revised Ordinances of the City of Springfield, 1986, as amended is hereby amended by deleting Chapter 12.08.010 through 12.08.200 and inserting in their place a new following Chapter 12.08.010 through 12.08.200.

CHAPTER 12.08

BUILDING PERMIT FEES

Sec. 12.08.010. Permit fees and certificates.

The permit for the erection, alteration, repair, demolition, or removal; or the addition to; a building or other structure; or a permit for the installation, alteration, repair, or removal of any equipment or appurtenances which are regulated by this article and the State Building Code; shall not be issued until the fee prescribed in this section shall have been paid to the city collector; and any amendment to a permit which necessitates an additional fee because of an increase in the square footage or appurtenance of the building or structure that is involved shall not be approved until the additional fee shall have been paid thereto. This section shall not apply to permits issued to the City of Springfield for city owned and/or occupied buildings. (1975, ch. 3.)

Sec. 12.08.020. Special fees.

The payment of any fee which is required by the above section 2-192 shall not relieve the applicant or holder of the permit from the payment of any other fee or assessment that may be prescribed by law or ordinance for a water tap, sewer connection, inspection, or other privilege or requirement, both within and without the jurisdiction of the building department. (1975, ch. 3.)

Sec. 12.08.030. New Construction and additions to buildings other than one-family and two-family dwellings.

The fee for a building permit for the erection of, or the addition to, a building, or other structure shall be based upon the square footage per floor including basement or cellar as determined by the following use and occupancies which are classified and defined in the Massachusetts State Building Code:

- (a) Category A (.08¢ per square foot per floor).
 - (1) Assembly,
 - (2) Business,
 - (3) Hazardous,
 - (4) Industrial,
 - (5) Institutional
 - (6) Mercantile,
 - (7) School;
- (b) Category B (.07¢ per square foot per floor).
 - (1) Residential (other than one-family and two-family dwellings);
- (c) Category C (.05¢ per square foot per floor).
 - (1) Storage (including garages).

The minimum fee for a permit for the use and occupancy listed in this section shall be forty dollars and the maximum fee for a permit shall be one hundred thousand dollars. (1975, ch. 3; 1980, ch. 5.)

Sec. 12.08.040. Alterations and repairs for other than one-family and two-family dwellings.

The fee for a building permit for the alteration or repair of a building other than a one-family or two-family dwelling shall be based on the square footage of the area of the building to be altered or repaired.

(a) Category A (rate of .05¢ per square foot per floor including basement);

(b) Category B (rate of .04¢ per square foot per floor including basement);

(c) Category C (rate of .04¢ per square foot per floor including basement);

The minimum fee for a permit for the use and occupancy listed above in this section shall be twenty five dollars and the maximum fee for a permit shall not exceed one hundred thousand dollars.

(d) for other alterations and repairs which do not involve square footage, such as changing doors, replacing windows, etc, the minimum fee shall be twenty five dollars, or as determined by the building commissioner. (1975, ch. 3; 1980, ch. 5.)

Sec. 12.08.050. Other structures (see definition of structure as defined in the Massachusetts State Building Code).

The minimum fee for a building permit for a structure, such as retaining walls, radio antennas, towers, as defined in the Massachusetts State building Code shall be twenty five dollars. (1975, ch. 3; 1980, ch. 5.)

Sec. 12.08.060. Open buildings.

The fee for a building permit for an open shed, carport, open storage shed or building of similar character with large overhanging roofs or marquees, the square footage shall be measured to the outer edge of the roof or overhang. (1975, ch. 3; 1980, ch. 5)

Sec. 12.08.070. Moving of building.

The fee for a building permit for the relocating of a building to a new location on the same lot shall be fifty dollars. (1975, ch. 3; 1980, ch. 5.)

Sec. 12.08.080. Demolition of buildings and structures.

(a) The fee for a permit for the demolition of a one-family or two-family dwelling shall be twenty five dollars.

(b) The fee for buildings or structures other than one-family or two-family dwellings shall be twenty-five dollars per floor including basement.

This section shall not apply to buildings or structures that are condemned and demolished by the building department in accordance with Chapter 143 of the General Laws of Massachusetts, Sections 6 through 12 inclusive, or Chapter 802, Acts of 1972. (1975, ch. 3; 1980, ch. 5.)

Sec. 12.08.090. Permit fees for one-family and two-family dwellings and mobile homes--New, additions and alterations.

The fee for a building permit for the erection of, or addition to, a one-family or two-family dwelling including mobile homes shall be based upon the square footage per floor, excluding basement or cellar not used for habitable rooms, as determined by the following:

(a) Up to one thousand square feet of gross floor area shall be:

(1) Building permit, fifty dollars;

(b) From one thousand to two thousand square feet of gross floor area shall be:

(1) Building permit, one hundred dollars;

(c) Two thousand square feet and over of gross floor area shall be:

(1) Building permit, one hundred twenty five dollars.

(1975, ch. 3; 1980, ch. 5.);

(d) Decks or similar open structures:

(1) Building permit, fifteen dollars;

Sec. 12.08.100. Permit fees for minor alterations and repairs to one-family and two-family dwellings and mobile homes.

The fee for a permit to alter or repair a one-family or two-family dwelling including mobile homes shall be ten dollars. (1975, ch. 3; 1980, ch. 5.)

Sec. 12.08.110. Accessory use structures and additions and alterations.

(a) Permit fees for building structures, additions and alteration to accessory use building for one-family or two-family dwellings and mobile homes shall be ten dollars. (1975, ch. 3; 1980, ch. 5.)

(b) Detached garages - twenty five dollars.

Sec. 12.08.120 Plumbing Permit Fees and Gas Piping Permit Fees.

- I. Plumbing Permit fees for residential occupancies:
 A. New, Additions and Alterations:
 1. \$4.00 Per Unit plus \$2.00 for each fixture.

A "unit" shall consist of each living unit or apartment including but not limited to a single family (one unit). Two-family (2 units), Multi-fam (each apt = 1 unit).

Hotels, Motels, Lodging Houses etc.. A unit shall mean each room or space containing plumbing fixtures including public and private toilet rooms and or kitchens.

- B. Minor Repairs and Alterations:
 1. Permit fee \$5.00 (if no change of fixtures)

II. Gas Permit fees shall be the same as plumbing permit fees when a "unit" contains one or more gas appliances.

- A. New, Additions, and Alterations:
 1. \$4.00 per permit plus \$2.00 for each fixture.
 B. Minor Repairs and Alterations:
 1. Permit Fee \$5.00 (if no change of fixtures).

III NONRESIDENTIAL

- A. New and additions
 1. Plumbing permit, \$40.00 plus \$4.00 for each fixture.
 2. Gas Permit, \$40.00 plus \$4.00 for each fixture.
 B. Alterations and Repairs.
 1. Plumbing permit, \$20.00 plus \$4.00 for each fixture.
 2. Gas Permit, \$20.00 plus \$4.00 for each fixture.
 C. Alterations and Repairs of a minor nature.
 1. Plumbing permit, \$10.00
 2. Gas Permit, \$10.00

IV Buildings Owned by City of Springfield

- A. Any building owned and/or occupied by the City of Springfield shall be exempt from the requirements of this schedule.

(1975, Ch. 3; 1980, Ch. 5)

Sec.12.08.130 Electrical Wiring Fees

All fees listed below (Sec.II thru IX) exclude cost of service/services, (Sec. I)

- I. Electrical Services
 - A. Fee for all electrical service or services shall be .10¢ per ampere with a \$10.00 minimum.
- II. Residential, New, Additions and Alterations
 - A. One-family,
 - B. Two-family,
 - C. Multi-family,
 - \$20.00 per dwelling unit.
- III. Miscellaneous Residential
 - A. Hotels,
 - B. Motels,
 - C. Dormitories,
 - D. Rooming Houses, etc.
 - \$40.00 plus .04¢ per square foot.
- IV. Change of Use Group
 - A. Change of any use group to Residential shall be treated the same as listed in Sections I through III.
- V. Accessory Structures
 - A. Accessory structures (residential) such as swimming pools, garages, sheds, etc. \$15.00
- VI. Wiring Additions (residential) not involved with construction work.
 - A. Minimum Fee \$5.00 plus \$2.00 per room.
- VII. Non-Residential, New Additions and Alterations
 - A. Includes all buildings or structures not listed in sections II, III, IV, & V. \$40.00 plus .04¢ per square foot.
- VIII Wiring Additions (Non-Residential), Not Involved with construction work.
 - A. Major Repairs or Additions:
 - 1. Complete Building or Floor, Comfort Control Systems.
 - 2. Complete Building or Floor, Fire Alarm Systems.
 - 3. Complete Building or Floor, Communication Systems, etc.
 - \$50.00, First Story, \$20.00 each additional story.
 - B. Minor Repairs or Additions:
 - 1. Minor Repairs, such as wiring of Equipment replacement, etc.
 - \$20.00

IX. Maintenance Permits

- A. Any business operation (commercial or industrial) which maintains an electrical maintenance force, shall pay a blanket fee of \$250.00 annually for on-premises work, subject to the following:
1. The permit application and fees are due the first day of January of each year.
 2. Any work done by outside contractors is subject to the appropriate section of this schedule.
 3. A log of work completed shall be kept by the supervisor of electrical maintenance and arrangements shall be made for a wiring inspection, semi-annually.

X. Temporary Wiring

- A. Temporary wiring in conjunction with bazaars, outdoor show, exhibitions, carnivals, etc, \$25.00.

XI. Any Fee Not Covered by the above.

- A. The Building Commissioner shall determine all fees not covered.

XII. Buildings Owned by City of Springfield

- A. Any building owned and/or occupied by the City of Springfield shall be exempt from the requirements of this schedule.

(1975, ch. 3; 1980, ch. 5; 1981, ch.12)

Sec.12.08.140 Fire Extinguishing Equipment Fees.

I. Permit Fees For Fire Equipment Shall Be As Follows:

- A. Permit for new installations, \$40.00
plus each sprinkler head, .50¢
- B. Permit for additions, alterations, and repairs, \$10.00
plus each sprinkler head, .50¢

II. Standpipes Not Connected To Sprinkler Systems

- A. New Installations (3 stories or less), \$50.00; each additional story, \$10.00
- B. Additions, alterations and repairs (3 stories or less) \$10.00; each additional story, \$6.00.

Sec:12.08.150 Sign Permit Fees.

I. Permit Fees For Signs Shall Be As Follows:

- A. Non-illuminated wall sign, \$10.00 plus .05¢ per square foot.
- B. Illuminated wall sign, \$25.00 plus .25¢ per square foot.
- C. Illuminated double-face projecting sign, \$25.00 plus .25¢ per square foot of total face area of each side.
- D. Illuminated ground sign, \$25.00 plus .25¢ per square foot of total face area of each side.
- E. Illuminated roof sign, \$40.00 plus .25¢ per square foot of total face area of each side.
- F. Illuminated directional sign such as exit, entrance, \$25.00 plus .25¢ per square foot of total face area of each side.
- G. Non-illuminated double-faced projecting signs, ground sign, roof signs and direction signs. such as exit, & entrance, \$10.00 plus .25¢ per square foot of total face area of each side.

II. Sign Removal

- A. Unbonded Sign, \$10.00
- B. Bonded Sign, \$20.00

III. Sign Alteration.

- A. \$10.00 plus .25¢ per square foot of the face area

IV. Sign Repair.

- A. Accessory \$10.00
- B. Non-Accessory \$20.00

V. Outdoor Advertising Signs (Billboards) Reinspections.

- A. The fee of outdoor advertising signs as required by General Laws chapter 93, sections 29 through 33, shall be \$10.00.

VI. Outdoor Advertising signs (Billboards).

- A. New, \$20.00
(1975, ch. 3; 1980, ch. 5; 1981, ch. 12)

Sec.12.08.160 Permit Fees Not Covered.

Fees which are not specifically covered or defined by this article shall be set as determined by the building Commissioner. (1975, ch.3).

Sec. 12.08.170 Fees For The Board of Appeals

- A. The fee for an appeal for a variance from the requirements of the State Building Code shall be \$100.00
- B. The fee for an appeal for a variation from the requirements of the Zoning Ordinance shall be \$150.00
- C. The fee for an appeal for a variation from the requirements of both State Building Code and the Zoning Ordinance shall be \$150.00(1975, ch. 3.)

Sec.12.08.180 Accounting.

The Commissioner shall keep a permanent, accurate record of all fees which are charged under this article, the names of the persons upon whose accounts the same were paid, the dates and amounts thereof, together with the locations of the structures or premises to which they relate. (1975, ch. 3.).

12.08.190 ELECTRICAL WIRING

Section I. GENERAL

- A. The Commissioner shall have control of the supervision and inspection of electrical wiring; and shall appoint a senior inspector of wiring, who shall supervise, correlate and direct the enforcement of all laws, ordinances, rules and regulations that relate thereto.
- B. All materials, fittings, devices and apparatus which are used in electrical wiring shall be constructed of such materials and be so assembled as to be suitable both mechanically and electrically, for the purpose for which they are to be used. Such materials, fittings and apparatus shall bear the label of a recognized testing laboratory, or may be approved by the Commissioner as conforming to the Standards of Underwriters' Laboratories.
- C. Electrical wiring shall include the wires, raceways, apparatus, fittings, devices and fixtures within a building or structure, or relating thereto, for carrying or using electricity for light, heat or power purposes, except in county, state and federal buildings, and in stations, substations, vaults and primary supply equipment where such are under the sole control of the supply company.
- D. Electrical wiring and electrical fixtures or devices used for light, heat or power in buildings and structures subject to the provisions of Sections 8 to 60, inclusive, of Chapter 143, G.L. (Ter. Ed.), as amended, shall be installed, repaired and maintained in accordance with the rules and regulations made in accordance with the provisions of Chapter 617 of the Acts of 1950 and Chapter 576 of the Acts of 1951 by the Board of Fire Prevention Regulations in the Department of Public Safety. (See Chapter 143, Section 3L, G.L. Ter.Ed., as provided by Chapter 617 of the Acts of 1950.)

Section II PERMITS

- A. No person, firm or corporation shall receive a permit to install, repair or remove any electrical wiring unless such person, firm, or corporation shall have received a license and certificate from the State Examiners of Electricians in accordance with the provisions of Chapter 141 of the General Laws (Ter. Ed.) and shall have said license registered with the Department.
- B. No person, firm or corporation shall install, alter, repair, or remove any electrical wiring without first making application to the Department and receiving a permit therefor. Such an application shall be on a form approved by the Commissioner and shall contain all information necessary to describe the work which is to be performed.

- C. If it shall appear from said application that all applicable laws, ordinances, rules and regulations have been and will be complied with, a permit shall be granted authorizing such installation, alteration, repair or removal.
- D. For the maintenance of the electrical wiring in an establishment, or in a power plant other than that of an electric utility, where a licensed master electrician is engaged or where a licensed electrician is employed regularly on the premises, a maintenance permit may be issued for a stated period, which shall not exceed one (1) year. For new work in such an establishment or power plant, Paragraph A of this section shall also apply.

Section III INSPECTIONS:

- A. When work is completed or ready for inspection, the Department shall be notified immediately; and a time shall be set for an inspection. Electrical wiring shall not be lathed in, covered nor concealed from view until approved by an Inspector of Wiring.
- B. Upon receiving notice that any electrical wiring is completed or ready for inspection, the Department shall act thereon within two (2) working days. The Department may require the person who did the work to be present during inspection or to submit a detailed description of the work performed. If, upon inspection, the work is found to be defective, all defects shall be remedied within ten (10) days after notice from the Department. If the work is found to comply with the requirements of this ordinance, a certificate of approval, upon request, shall be issued by the Department.
- C. The Commissioner, or his duly authorized representative, may inspect electrical wiring at any reasonable hour; and, if he finds it unsafe in relation to life, fire or explosion, shall notify the owner, or any person having interest therein, to remedy all defects within ten (10) days; if said defects are not remedied within ten (10) days the Commissioner may order the service or any part thereof discontinued or otherwise render the system inoperative. Electrical wiring so discontinued shall be conspicuously tagged at the meter location. Such an installation, if disconnected, shall not be reconnected to the service, or have the current turned on, without the written approval of the Commissioner, or until a meter permit has been issued by the Department.

Section IV METER AND CURRENT:

- A. A meter shall not be installed, nor a current of electricity be connected with an electrical wiring system, until a written permit has been obtained from the Department.
- B. The Department may issue a permit for the temporary connection of a current of electricity to certain specified circuits or parts of an installation. A temporary permit may also be granted for a wiring system before completion of same within or on a building or other structure. A temporary permit shall not be transferable; and may be renewed or cancelled at the discretion of the Commissioner.
- C. Where the use of service has been discontinued or a change of use of the electrical wiring has occurred, the electrical wiring system shall not be used again until a certificate of reinspection has been issued, if in the opinion of the Commissioner such a reinspection is necessary.
- D. If electrical work to be done under any electrical permit is issued by the Department has not received a final inspection within a reasonable time for completion the Commissioner shall notify the owner in writing that if the work has not been satisfactorily completed and inspected within thirty (30) days, the service to said building or structure shall be discontinued. If, at the end of the thirty (30) day period, the work has not been satisfactorily completed, the Commissioner shall order the service discontinued.
- E. A meter shall be located in a readily accessible place, but not in a bathroom, bedroom, living room, kitchen, private hall, pantry, closet, or a required means of egress.
- F. Each switch, meter device or panelboard, shall be permanently marked with a name plate or painted lettering to identify the load which it supplies and each branch circuit overcurrent device shall be clearly identified with the branch circuit which it supplies.

12.08.200 BUILDINGS NEAR FORMER OR ACTIVE DUMP SITES

Section I: An application, specification and plan submitted for a building permit for construction on or within two hundred (200) feet of a former or active dump site, refuse disposal site, sanitary landfill site or land reclamation site containing organic matter shall be accompanied by a certification from a competent professional engineer acceptable to the Commissioner to attest that said application and specification conforms to safe and acceptable standards as may pertain to the elimination and/or control of any hazardous or unwholesome gaseous vapors.

Approved:

June 23, 1989

Effective:

July 13, 1989

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 3, CHAPTER 3, SECTION 3.04.030 B.6.
OF THE REVISED ORDINANCES OF THE CITY OF
SPRINGFIELD, 1986, AS AMENDED.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 3, chapter 3, section 3.04.030 B.6. of the Revised ordinances of the City of Springfield, 1986, as amended, is hereby further amended by striking it in its entirety and substituting in place thereof the following:

3.04.030 B.6:

6. To administer and maintain and propose budgets for such insurance or self insurance plans, including health, accident, life and other forms of insurance as are authorized by law and are not designated by law to be the responsibility of another officer or employee of the city, provided however, if the plans are designated by law to be the responsibility of another officer or employee of the city, the personnel director shall recommend in writing to such officer the amounts to be proposed in the budget for such insurance in any fiscal year, and subject to appropriation shall administer and maintain such insurance and self insurance at the request of said officer or employee;

Approved:

July 19, 1989

Effective:

August 8, 1989

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.20
OF THE REVISED ORDINANCES OF THE CITY OF
SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield,
as follows:

Title 2, Chapter 2.20 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting said Chapter and inserting in place thereof the following new Chapter 2.20:

Chapter 2.20

DEPARTMENT OF MUNICIPAL INFORMATION SYSTEMS

Sections:

- 2.20.010 Establishment.
- 2.20.020 Management and operation by mayor and department head.
- 2.20.030 Data Processing Center.

2.20.010 Establishment. There is established in the city a municipal department to be known as the "department of municipal information systems."

2.20.020 Management and operation by the mayor and department head.

A. The department of municipal information systems shall be under the management, control and operation of the mayor.

B. The mayor is authorized and empowered to direct any of the departments, officers, board, committees or agencies of the city, including the school committee, pursuant to G.L. c. 41, 23D to utilize the services of the department of municipal information systems with respect to the purchasing or leasing of any data processing equipment.

C. The department of municipal information systems shall be under supervision and control of the director of municipal information systems.

D. There shall be a position of deputy director of municipal information systems. The deputy director shall work under the direction and control of the director of municipal information systems.

E. There shall be a position of deputy school information systems in the department of municipal information systems. This person shall have overall supervision of the school department data processing systems. The position of deputy school information systems shall work under the direction and control of the director of municipal information systems.

2.20.030 Data Processing Center. The department of municipal information systems established pursuant to section 2.20.010 shall be the data processing center for use by any department, office, board, committee or agency of the city, including the school committee, pursuant to G.L. c. 41, 23D. The director of municipal information systems shall serve as the data processing coordinator. Prior to the issuance of any bid or request for proposals with respect to any contemplated purchases or leases of any data processing equipment or services by any department of the city, the director of municipal information systems shall be consulted for technical advice. The director of municipal information systems shall issue a report containing conclusions as to the need for such equipment or services, its compatibility with existing equipment and service and recommendations as to the types of equipment or services which will most economically and efficiently service the recognized need therefor.

Approved:

September 29, 1989

Effective:

October 19, 1989

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 10, CHAPTER 10.16
OF THE REVISED ORDINANCES OF THE CITY OF
SPRINGFIELD, 1986, AS AMENDED

Be it ordained by the City Council of the City of Springfield,
as follows:

Title 10, Chapter 10.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 10.16.020 of said Chapter and inserting in place thereof the following new Section 10.16.020.

10.16.020 Digging up Streets and Sidewalks -- Placing Material Thereon. No person, except the director of public works in the performance of his duties, shall break, dig up or otherwise excavate or cause to be broken, dug up or excavated the pavement or ground in any public street, or private way, or any sidewalk or ground in any public street, private way, or any sidewalk or common way, or erect or place or cause to be erected or place any materials or rubbish thereon, without first obtaining from the director of public works a written license that indicates in writing the space in the street or other public place that may be occupied, and the time in which such occupancy may be allowed, and such other provisions as the director of public works may deem best, and filing with the director of public works a written agreement under seal, approved by the director of public works, to comply strictly with the terms of the license and indemnify the city from all loss, cost or expense that it may suffer by reason of such occupancy.

The following is a schedule of license fees which shall be charged by the city, by and through its department of public works for the excavation and/or obstruction of public ways:

I.	PERMIT APPLICATION	\$10.00/permit
II.	INSPECTION FEES	
	a. General Roadway Excavation	\$15.00/day
	b. General Street Excavation prior to City Resurfacing Program (see notes 1 (a) and 1 (b))	\$50.00/street
	c. Non Excavation	\$10.00/day

d. "Blanket" Manhole

(Public Utility)

\$500.00/year

Note: 1(a) For contractors hired by the director of public works, the inspection fee is waived.

2(b) Upon notification by the city of a street resurfacing project all life-cycle pavement fees shall be waived and a lump sum inspection fee will be changed pursuant to II(b) and IV(e).

And all persons, corporation quasi-municipal corporations, parties or other business entities who petition or request from the director of public works a license pursuant to the provisions of this section must faithfully comply with the provisions of Massachusetts General Laws, Chapter 82, Section 40 (Dig Safe) and with all contractual and/or mandatory provisions embodied within the license or any addenda attached thereto and shall give proof of such compliance to the director of public works,

All excavations in excess of five (5) feet deep must be sloped, shored, sheeted, braces or otherwise supported at all times between the breaking of the ground until said excavation is covered and/or paved.

All excavations must be tested for safety and the integrity of the adjoining banks at the beginning of any work performed and at the conclusion of said work,

A violation of this ordinance will result in the violator being barred by the director of public works from obtaining a license to excavate for a period of one (1) year from the date of violation.

Approved:

September 29, 1989

Effective:

October 19, 1989

Attest:

Welli Zmetzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 5, CHAPTER 5.52 OF THE REVISED ORDINANCES
OF THE CITY OF SPRINGFIELD, 1986 AS AMENDED

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 5, Chapter 5.52, Section 5.52.010 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the words seventy dollars (\$70) and inserting in place thereof the following:

"one hundred dollars (\$100)" and;

Section 5.52.010 is hereby further amended by adding thereto the following new sentence at the end thereof:

"The fee for every change of premises shall be two dollars (\$2)."

This Ordinance Amendment shall take effect as of January 1, 1990.

Approved:

December 11, 1989

Effective:

January 1, 1990

Attest:

Wille Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING CHAPTER 7, SECTION 7.16.120 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986 AS AMENDED

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 7, Section 7.16.120 Litter is hereby further amended by deleting the last sentence of Section C and replacing it with the following:

Persons owning or occupying property shall keep the sidewalk; treebelt; gutter; and that portion of the street which extends for a distance of three feet from the gutter or curb which abuts their premises free of litter. Any litter collected shall be placed in proper receptacles for collection as normal household refuse. This section also applies to the litter or debris which accumulates on the grate of catch basins located within the abutting area as described above.

Approved: December 11, 1989

Effective: January 2, 1990

Attest: *Welle Zmetger* City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 12, CHAPTER 12.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTIONS 12.08.080 (c), 12.08.130 VI (B), VII (B) AND BY CHANGING SECTION 12.08.130 VIII (A)(3) AND BY DELETING SECTION 12.08.220 (B)(2) IN ITS ENTIRETY IN THE BUILDING PERMIT FEES.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 12, Chapter 12.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended as follows:

Section 12.08.080, DEMOLITION OF BUILDING AND STRUCTURE, of Chapter 12 of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by adding a new paragraph (c) as follows:

"(c) The fees for a permit for the demolition of an accessory building or structure to a one family or two family dwelling shall be ten dollars (\$10)."

Section 12.08.130, ELECTRICAL WIRING FEES, of Chapter 12 of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by adding a new section VI. (B) as follows:

"(B) Communication systems, burglar alarms, etc. shall be five dollars (\$5) per dwelling unit.

Section 12.08.130, ELECTRICAL WIRING FEES, of Chapter 12 of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by adding a new section VII. (B) as follows:

"(B) Open parking structures fee shall be forty dollars (\$40) plus .01 1/2 cent per square foot of total area.

Section 12.08.130 VIII. A(3), ELECTRICAL WIRING FEES, of Chapter 12 of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by deleting the words "\$50.00 First Story" and inserting in its place thereof the following:

"\$20.00 First Story"

Section 12.08.220 BUILDING AND FIRE DISTRICT, of Chapter 12 of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by deleting section B (2) General Fire District in its entirety.

Approved:

January 16, 1990

Effective:

February 5, 1990

Attest:

Will Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THE A NEW CHAPTER 2.07, DEPARTMENT OF FINANCE AND BY DELETING PARTS OF SECTIONS 2.08.010 AND 2.18.030 AND ADDING A NEW SECTION 2.08.015 AND BY REPEALING SECTIONS 2.08.060, 2.08.100, 2.08.110 AND BY REPEALING CHAPTER 2.18 IN THEIR ENTIRETY AND ADDING A NEW SECTION 2.08.060.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amending by adding the following new Chapter 2.07:

Chapter 2.07

DEPARTMENT OF FINANCE

Sections:

- 2.07.010 Establishment.
- 2.07.020 Charge of overall budgetary and financial business.
- 2.07.030 Chief financial officer head of department--
Appointment and term--Oath.
- 2.07.040 Qualifications of chief financial officer.
- 2.07.050 Duties of chief financial officer.
- 2.07.060 Assistant financial officer--Appointment and removal
--Oath.
- 2.07.070 Assistant financial officer--Duties.

2.07.010 Establishment. There is established in the city a municipal department to be known as the "department of finance" pursuant Chapter 656 of the Acts of 1989.

2.07.020 Charge of overall budgetary and financial business. The department of finance shall have the charge and be responsible for the overall budgetary and financial administration of the city.

2.07.030 Chief financial officer head of department--Appointment and term--Oath. A. The department of finance shall be under the charge and control of a chief financial officer who shall be appointed by the mayor for a term of three (3) years and shall report to and be under the direction of the mayor.

B. Before entering upon the duties of his office he shall be sworn to faithfully discharge thereof.

2.07.040 Qualifications of chief financial officer. The person appointed chief financial officer shall comply with the residency requirements and shall be a graduate of an accredited college or university, with a degree in business administration or accounting or especially suited by education, training and experience to perform the duties of the office.

2.07.50 Duties of chief financial officer. A. The chief financial officer duties shall include the following: coordination, administration, and supervision of all financial services and activities; assistance in all matters related to municipal financial affairs; implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the school department, or boards, commissions, agencies or other units of city government the operations of which have a financial impact upon the general fund of the city, and including but not limited to maintenance of all financial and accounting data and records; implementation and maintenance of uniform financial data processing capabilities for all departments; supervision of all financial data processing activities; implementation and maintenance of uniform budget guidelines and procedures; assistance in development and preparation of all department budgets and spending plans; review of all proposed contracts and obligations with a term in excess of one year; monitoring of the expenditure of all funds, including periodic reporting by and to appropriate agencies of the status of accounts; review of the spending plan for each department; and the allotment of funds on a periodic basis as provided for in Chapter 656 of the Acts of 1989. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure, and preserve the financial interests of the city.

B. The chief financial officer shall not at any time assume the duties or responsibilities of the city auditor or city collector/treasurer, nor shall he or the city auditor or the city collector/treasurer hold any elective office or engage in any other business or occupation.

C. The chief financial officer shall recommend, and from the name or names so recommended, the mayor may appoint the members of the board of assessors, a collector/treasurer and a director of data processing for a term of three years, and the aforementioned appointees shall have such powers and duties as may be vested in their respective offices expressly by general or special law, which powers or duties shall not be limited or altered by Chapter 656 of the Acts of 1989, together with such powers not inconsistent with said Chapter 656 which may be vested in those offices by city ordinance, but shall otherwise report to and be under the direction of the chief financial officer and the mayor on matters relating to the financial operation of the city.

D. All department budgets and requests for budget transfers must be submitted to the chief financial officer for review and recommendation prior to submission to the mayor, city council or school committee, as appropriate.

E. For each and every proposed appropriation order, and with respect to any proposed city council vote necessary to effectuate a financial transfer, ordinance revision, or special legislation which may require the expenditure of funds or otherwise financially obligate the city for a period in excess of one year, or with respect to a vote to authorize a borrowing pursuant to a provision of law other than sections four, six or six A of chapter forty-four of the General Laws, the chief financial officer shall, if it be the

case, submit in writing to the mayor and city council a certification that it is his professional opinion, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services. If the chief financial officer fails to provide a certification as aforementioned within seven days of a request for such certification from the city council or mayor, such appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, provided that the absence of the certification of the chief financial officer is expressly noted in such order or vote.

F. The chief financial officer shall perform such other duties as are not inconsistent with the provisions of Chapter 656 of the Acts of 1989.

2.07.060 Assistant financial officer--Appointment and removal--Oath. A. An assistant financial officer shall be appointed by the chief financial officer.

B. Before entering upon the duties of his office, he shall be sworn to faithfully discharge thereof.

C. He shall hold office for a term for which the chief financial officer appointing him was appointed and until his successor is chosen and qualified.

2.07.070 Assistant financial officer--Duties. A. The assistant financial officer shall perform such duties as may be assigned to him from time to time by the chief financial officer.

B. If by reason of illness, absence or other cause the chief financial officer is temporarily unable to perform the duties of his office, the assistant financial officer shall perform the same until such disability ceases, and if a vacancy occurs in the office of the chief financial officer, the assistant financial officer shall perform the duties of such office until such vacancy is filled.

In Chapter 2.08, CITY AUDITOR, Section 2.08.010 Appointment and term--Oath is hereby further amended by deleting the phrase "be appointed by the mayor a city auditor" and insert in the place thereof the following:

"the mayor shall appoint, subject to the approval of the city council by majority vote, a city auditor,"

In Chapter 2.08, CITY AUDITOR, is hereby further amended by inserting the following new Section 2.08.015:

2.08.015 Qualifications of city auditor. The person appointed city auditor shall comply with the residency requirements and shall be a graduate of an accredited college or university, with a degree in business administration or accounting or especially suited by education, training and experience to perform the duties of the office.

In Chapter 2.08, CITY AUDITOR, Section 2.08.060 Duties as budget director is hereby repealed in its entirety and a new Section 2.08.060 is inserted in its place as follows;

2.08.060 Duties of city auditor. A. The city auditor shall, in addition to his other duties, provide upon majority vote and at the written request of the city council, within a reasonable time period from such request, an oral or written assessment, or both, as the city council may request, of the current and future financial impact of the cost of any proposed appropriation order, lease arrangement for a term in excess of one year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, such assessment shall include such analysis or other information of a financial nature as is specifically requested by vote of the city council. Such assessment and analysis shall be provided by the auditor as his professional opinion and he shall not be obligated to represent the position of the mayor or the chief financial officer.

B. The city council by majority vote may request such assessment, analysis or other financial information, without otherwise limiting its general authority to request such, at any time it receives formal or informal notice of: (i) an expenditure which is or may be in excess of an appropriation; (ii) a condition where an allotment is or may be exceeded; (iii) a certification of the chief financial officer as provided for in section 2.07.040 of this ordinance; or (iv) any actions with respect to temporary or permanent indebtedness.

C. The city auditor shall be subject to removal by the mayor with the approval of the city council, by majority vote.

In Chapter 2.08, CITY AUDITOR, Section 2.08.100 Deputy city auditor--Appointment and removal--Oath and 2.08.110 Deputy city auditor--Duties are hereby repealed in their entirety.

Chapter 2.18. BUDGET DIRECTOR, is hereby repealed in its entirety.

Approved:

February 13, 1990

Effective:

March 5, 1990

Attest:

Wille Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-NINE

AN ORDINANCE.

AMENDING TITLE 7, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 7.12.140 IN ITS ENTIRETY AND DELETING THE LAST TWO SENTENCES OF SECTION 7.12.150 AND BY ADDING THE A NEW CHAPTER 7.13, ALARM SYSTEMS REGULATION AND INSPECTION FEES IN THE FIRE DEPARTMENT.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amending as follows:

In Chapter 7.12, FIRE PREVENTION, Section 7.12.140 (B) and (C), are hereby deleted in their entirety.

In Chapter 7.12, FIRE PREVENTION, Section 7.12.150 (D)(2) is hereby amended by deleting the last two sentences in their entirety.

By adding the following new Chapter 7.13 thereto:

Chapter 7.13

ALARM SYSTEMS REGULATIONS AND INSPECTION FEES

Sections:

I. ALARM SYSTEMS REGULATIONS

- 7.13.010 Definitions
- 7.12.020 Administrative Rules
- 7.12.030 Control and curtailment of signals emitted by alarm system
- 7.12.040 Testing of equipment
- 7.12.050 Penalties

II. INSPECTION FEES

- 7.13.060 Schedule of Fees
- 7.13.070 Violation--Penalty

I. ALARM SYSTEMS REGULATIONS

7.13.010 Definitions. For the purpose of this chapter the words set out in this section shall have the following meanings:

A. "Alarms systems" an assembly of equipment and devices, or a single device such as a solid state unit which connects directly into a 110 volt AC line, arranged to signal the presence of a hazard

involving fire, smoke or a related change in temperature requiring urgent attention and to which the fire department is expected to respond. Alarm system on motor vehicles, and police alarm systems which are directly related to an unauthorized intrusion into the a premises or an attempted robbery at a premises are specifically excluded from the provision of this ordinance.

B. "Alarm User" or "User" any person on whose premises an alarm system is maintained within the city. Excluded from this definition are:

1. Municipal, county, state and federal agencies;
2. Central station personnel;
3. Person who use alarm systems to alert or signal persons within the premises in which the alarm system is located of a possible fire. However, if such an alarm system employs an audible signal or flashing light outside the premises, the user of such an alarm system shall be within the definition of "alarm user" and shall be subject to this ordinance.

C. "Central Station" an office to which remote alarm and supervisory signaling devices are connected where operators supervise circuits or where guards are maintained continuously to investigate signals.

D. "False Alarm" the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of the alarm system or his employees or agents. Excluded from this definition are activation of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.

E. "Fire Chief" the head of the fire department of the city of Springfield, or his designated representative.

F. "Fire Department" the City of Springfield Fire Department, or any authorized agent thereof.

G. "Public Nuisance" anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

H. "Local Smoke Detection System" any alarm systems in which the alarm or signal registers in the protected premises. They are primarily for the notification of the occupants and shall consist of detectors, horns, bells and control panel.

7.13.020 Administrative Rules. The fire chief may promulgate such rules as may be necessary for the implementation of this ordinance.

7.13.030 Control and curtailment of signals emitted by alarm systems. A. Every alarm user shall submit to the fire chief the name, addresses and telephone numbers of the user and at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by the alarm system, and who can open the premises wherein the alarm system is installed. The list of names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and shall be submitted during the first month of each year.

B. All alarm system which use audible bell or horn shall be equipped with an automatic shut off device which will deactivate the alarm within ten (10) minutes. All alarm users with an audible bell or horn must comply with this section within ninety (90) days of the adoption of this ordinance.

C. All alarm system which fails to comply with the above paragraph (B) and emits a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due the absence or unavailability of the alarm user or those persons designated by him under paragraph (A) of this section, and which disturbs the peace, comfort or repose of a community, or neighborhood of an area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the fire chief shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (A) of this section in an effort to abate the nuisance. The fire chief shall record the time each complaint was made.

D. In the event that the fire chief is unable to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (A) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and the fire chief is otherwise unable to abate the nuisance, he may direct a police officer or firefighter or qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

F. After an entry upon the property has been made in accordance with this section and the nuisance abated, the fire chief shall have the property secured, if necessary. The reasonable costs and expense of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed one hundred dollars (\$100).

7.13.040 Testing of equipment. No alarm system designed to transmit emergency messages directly to the fire department shall be worked on, tested or demonstrated without obtaining permission from the fire department communication section. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the fire department. An unauthorized test shall constitute a false alarm.

7.13.050 Penalties. A. The following acts and omissions shall constitute violations of this ordinance punishable by the fines as herein provided:

1. An alarm user whose alarm system transmits or otherwise causes more than three (3) false alarms in a six (6) month period shall be assessed a fine according to the following schedule:

a. Fourth false alarm	\$ 25.00
b. Fifth false alarm	\$ 50.00
c. Sixth false alarm	\$ 75.00
d. Seventh false alarm	\$100.00
e. Eighth false alarm	\$125.00
f. Ninth and any subsequent false alarm	\$150.00

B. An alarm user who fails to comply with any of the requirements of section 7.13.030 of this ordinance relative to control and curtailment of signals emitted by alarm system shall be punished by a fine of twenty five dollars (\$25).

C. An alarm user who fails to comply with any of the requirements of section 7.13.040 of this ordinance relative to testing of equipment shall be punished by a fine of twenty five dollars (\$25).

D. Any alarm user and/or person who disconnect, destroy, meddle, tamper, remove or shut off any local smoke detection system without first notifying the fire department with the reason for the shut down, how long the alarm system will be shut down, and shall thereafter notify the fire department when the system is back in operation. Any alarm user and/or person who violates a local smoke detection system or any part or thing connected therewith, shall be punished by a fine of three hundred dollars (\$300).

II. INSPECTION FEES

7.13.060 Schedule of fees. A. For inspections and related services not covered by statutory law, the following fees, based on the fire department certified inspection form, shall apply for those uses listed below:

1. Installation, removal and sealing of underground storage tanks;

- a. Up to 1500 gallons \$ 25.00
- b. 1501 to 5000 gallons \$ 50.00
- c. 5001 to 7500 gallons \$100.00
- d. Over 7501 gallons \$200.00

2. Installation and removal of above ground storage tanks;

- a. Up to 1500 gallons \$ 25.00
- b. 1501 to 5000 gallons \$ 50.00
- c. 5001 to 7500 gallons \$100.00
- d. Over 7501 gallons \$200.00

3. Smoke detectors;

- a. One (1) apartment unit \$ 25.00
- B. For each additional apartment unit \$ 5.00
- c. Reinspection \$ 25.00

4. Storage of flammable fluids;

- a. Up to 165 gallons Class A \$ 25.00
- b. Up to 500 gallons Class B \$ 25.00
- c. Up to 1000 gallons Class C \$ 25.00

5. Oil burner permit \$ 25.00

6. LP gas permit;

- a. Up to 100 gallons \$ 25.00
- b. 101 to 1000 gallons \$100.00
- c. Over 1001 gallons \$200.00

7. Tank truck (two (2) years permit)	\$ 25.00
8. Lumber yards (one (1) year permit)	\$ 25.00
9. Fuel oil storage permit;	
a. Up to 500 gallons	\$ 25.00
b. 501 to 2500 gallons	\$ 50.00
c. 2501 to 10,000 gallons	\$100.00
10. Gasoline service stations final self service inspection	\$ 25.00
11. Gasoline service stations review of plans and specifications	\$ 25.00
12. Propane tar kettle (roofing)	\$ 25.00
13. Propane heating unit (roofing)	\$ 25.00
14. Fumigating permit	\$ 25.00
15. Blasting permit (per day)	\$ 25.00
16. Alarm Systems;	
a. Initial connection of master box	\$250.00
b. Annual fee for master box	\$250.00
c. Private fire alarm test with master box	\$ 50.00
d. Central office or other signals to fire department per protected property per year	\$100.00
e. Private fire alarm system test	\$ 25.00
17. Quarterly inspections;	
a. Nursing and rest homes	\$ 25.00
b. Clinics and HMO	\$ 25.00
c. Hotels and motels	\$ 25.00
d. Theaters	\$ 25.00
e. Lodging houses	\$ 25.00
f. Housing for elderly	\$ 25.00
g. Group homes and shelters	\$ 25.00
h. Inn holders	\$ 25.00
18. Storage facility (gasoline and diesel);	
a. One (1) year permit	\$ 25.00
b. Two (2) years permit	\$ 50.00
c. Five (5) years permit	\$100.00
19. Fireworks permit	\$ 25.00

20. Dumpsters;

- a. Small up to 10 cubic yards per year \$ 10.00
- b. Large over 10 cubic yards per year \$ 25.00

21. All miscellaneous permits \$ 25.00

7.13.070 Violation--Penalty. Whoever violates any provision of this chapter, or any rule, order or regulation adopted and published by the fire department shall be punished by a fine not exceeding three hundred dollars (\$300.00). Each day on which the violation exists shall be deemed to be a separate offense.

Approved:

March 13, 1990

Effective:

April 3, 1990

Attest:

Wella Zmetzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING TITLE 4, CHAPTER 4.04, CHAPTER 4.08 AND CHAPTER 4.12 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, TO CONFORM WITH THE CHANGES IN MASSACHUSETTS GENERAL LAWS, CHAPTER 30B RELATIVE TO THE UNIFORM PROCUREMENT ACT; THE CONTRACTING FOR SUPPLIES AND SERVICES BY THE DEPARTMENT OF PURCHASE.

Be it ordained by the City Council of the City of Springfield, as follows:

Section 4.04.020 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following new paragraph C:

C. For the purpose of this chapter, the purchasing agent shall perform the duties and responsibilities of the "chief procurement officer" pursuant to Massachusetts General Laws, Chapter 30B, until some other person is appointed by the mayor. It shall be the duty of the chief procurement officer to oversee all contracts for the procurement of supplies, services and the purchase, sale, and rental of real property and for disposing of all surplus supplies and real property.

Section 4.04.090 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the third sentence in its entirety and inserting in its place the following new sentence:

The following "contractual services," for the purpose of this chapter, shall be governed by the provisions of Massachusetts General Laws, Chapter 30B: hiring of departmental personnel; certain construction contracts; design contracts; intergovernmental agreements; agreements with the Commonwealth; certain highway construction materials purchased through State DPW contracts; contracts for advertising required notices; intra-governmental agreements; agreements for special education services; contracts to purchase supplies or services from other government agencies, including the Federal government; issuance of bonds, notes, or securities; contracts pertaining to IRA accounts subject to separate bidding requirements; agreements involving public employers' self insurance groups; professional service contracts with expert witnesses for use in an adjudicatory proceeding or litigation or in anticipation thereof, labor relations representatives, physicians, dentists, lawyers, designers, or certified public accountants; contracts or agreements entered into by a municipal gas or electric department governed by a municipal light board or municipal light commission.

Section 4.04.110 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting paragraphs A, B, C, D, and E in their entirety and inserting in their place the following new paragraphs A, B, C, D, and E and by adding a new paragraph G:

4.04.110 Written contracts for supplies amounting to five thousand dollars (\$5,000)--Notices and competitive sealed bids. A. Expenditures for supplies, materials, equipment or contractual services, as defined in Section 4.04.090, amounting to five thousand dollars (\$5,000) or more shall be made on the basis of a written contract, such contracts to be signed by the chief procurement officer and the mayor. A chief procurement officer who awards a contract in the amount of five thousand dollars (\$5,000) or more shall maintain a file on each such contract and shall include in such file a copy of all written documents required by this chapter for at least six (6) years from the date of final payment. Contracts for supplies, materials, equipment or contractual services, as defined in Section 4.04.090, amounting to ten thousand dollars (\$10,000) or more shall be advertised, bid and accepted in compliance with the terms of this chapter and Massachusetts General Laws, Chapter 30B. Contracts for supplies, materials, equipment or contractual services amounting to less than ten thousand dollars (\$10,000) shall be awarded pursuant to the requirements of Section 4.04.120 and Massachusetts General Laws, Chapter 30B. This section shall not apply to expenditures for supplies and materials purchased under the provisions of Massachusetts General Laws, Chapter 30, Section 39A through 39M, or Massachusetts General Laws, Chapter 149, Section 44A through 44H, that have an estimated costs in the excess of five thousand dollars (\$5,000).

B. Notices inviting sealed competitive bids for such contracts shall be published by the chief procurement officer at least once, not less than two (2) weeks, prior to the time specified for the receipt of bids in a newspaper of general circulation within the city. Such notices shall also be posted, for at least two (2) weeks, in a conspicuous place in or near the purchase department until the time specified in the invitation for bids. Such notices shall state the general description of the article or contractual services to be procured, evaluation criteria to be utilized, where the specifications can be obtained, the address of the office to which the bids are to be delivered, state whether the contract is subject to approval by a any board, committee, commission or other body and the time and place for the opening of the bids and shall reserve to the city the right to reject any and all bids. For procurement in the amount of one hundred thousand dollars (\$100,000) or more the chief procurement officer shall also place the notice in any publication established by the state secretary for the advertisement of such procurement.

C. Any person submitting a bid or proposal for the procurement or disposal of supplies or services under this chapter shall certify in writing, on the bid or proposal, as follows:

The undersigned certifies under the penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

(Name of the person signing bid or proposal)

(Name of business)

D. The chief procurement officer shall, in addition, when possible, solicit sealed bids from at least three (3) prospective suppliers by sending them copies of newspaper notices, bid forms, and specifications to acquaint them with the proposed procurement and may compile and maintain lists of prospective bidders to which notices may be sent.

E. All bids shall be submitted to the chief procurement officer. The chief procurement officer may reject any or all bids for any one or more commodities or contractual services included in the proposal contract when the public interest will be served thereby. The chief procurement officer may purchase the commodities or contractual services in the open market when the public interest will be served thereby; provided, the price paid in the open market shall not exceed any bid price submitted for the same commodity or contractual service. Otherwise the contract shall be awarded by the chief procurement officer on the basis of the bid most advantageous to the city. The chief procurement officer shall award the contract to the lowest responsible and responsive bidder. A contract requiring payment to the city of a net monetary amount shall be awarded to the highest responsible and responsive bidder. For the purpose of this chapter "lowest and highest responsible and responsive bidder" means a person who has submitted the lowest or highest bid which conforms in all respects to the invitation and the person who has the capability to perform fully the contract requirement, and the integrity and reliability which assures good faith performance. The chief procurement officer shall take into consideration the quality, workmanship, result of inspections and tests and suitability for a particular purpose.

F. Unless authorized by majority vote of the city council, a chief procurement officer shall not solicit or award a contract for a term exceeding three (3) years, including renewal, extension, or option. Such authorization may apply to a single contract or to any numbers or types of contracts, and may specify a uniform limit or different limits on the duration of any contract. The chief procurement officer shall not enter into a contract unless funds are available for the first fiscal year at the time of contracting. Payment and performance obligations for succeeding years shall depend on the availability and appropriation of funds. The city shall retain sole discretion in exercising the option for renewals, extensions, or purchases, and no exercise of an option shall be subject to agreement or acceptance by the contractor.

6.7.77

Section 4.04.120 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting paragraphs A, B and C in their entirety and inserting in their place the following new paragraphs A, B and C and by adding a new paragraph E:

4.04.120 Supplies costing less than ten thousand dollars (\$10,000)--Purchases in open market--Quotes for purchase exceeding one thousand dollars (\$1,000)--Sole source procurement. A. All purchases of supplies, materials, equipment or contractual services, as defined in Section 4.04.090, estimated cost of which is less than ten thousand dollars (\$10,000) may be made in the open market without newspaper advertisement and without the necessity of observing procedures prescribed by Section 4.04.110 for the award of contracts.

B. All open market purchases exceeding one thousand dollars (\$1,000) but less than ten thousand dollars (\$10,000) shall be based on no fewer than three (3) quotations from vendors customarily providing such supply or service and shall be awarded on the basis of the quote most advantageous to the city. All open market purchases less than one thousand dollars (\$1,000) shall be obtained through the exercise of sound business practices.

C. The chief procurement officer shall solicit such quotes in writing from prospective vendors or by telephone and by public notices on a bulletin board in the department of purchase. The contract shall be awarded to the responsible person offering the needed supply or service at the lowest quotation.

E. Whenever the chief procurement officer, after reasonable investigation, determines in writing that only one practicable source for the required supply or service exists, he may award a contract in an amount up to ten thousand dollars (\$10,000) without competition; provided however, any contract for the procurement of library books or school textbooks may be awarded without competition. The chief procurement officer shall procure a proprietary item by competition if more than one potential bidder or offeror for that item exists. The chief procurement officer shall record all sole source procurement, specifying each vendor's name, the amount and type of each contract, and the basis of the determination that the vendor was the only practicable source for the required supply or service. The chief procurement officer may also procure without competition, in any amount, water, gas, electricity, sewer or telephone service from a public utility company upon the certification in writing that only one practicable source for the required supply or service exists.

--Section 4.04.130 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 4.04.130 in its entirety and inserting in its place the following new Section 4.04.130:

4.04.130 Emergency purchases. A. Whenever the time required to comply with a requirement of this chapter would endanger the health or safety of the people or their property a chief procurement

officer may make an emergency procurement without following that requirement. An emergency procurement shall be limited to only supplies or services necessary to meet the emergency and shall conform to the requirement of this chapter to the extent practicable under the circumstances. The chief procurement officer shall make a record of each emergency as soon after the procurement as practicable, specifying each vendor's name, the amount and the type of contract, a listing of the supply or service provided under each contract, and the basis for the determining the need for the emergency procurement.

B. In such cases a detailed report shall be filed by the chief procurement officer with the mayor and a copy of this record at the earliest possible time shall be forwarded to the state secretary for placement in any publication established by the state secretary for advertisement of procurement.

Section 4.04.160 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting paragraphs E and F in their entirety and inserting in their place the following new paragraphs E and F:

E. The chief procurement officer shall dispose of tangible supply having a value of more than five hundred dollars (\$500), and no longer useful to the city but having resale or salvage value, through competitive sealed bids, public auction, or established markets. Notices of sale by bid or auction shall conform with the procedures set forth in section 4.04.110 (B).

F. For supply with an estimated net value of less than five hundred dollars (\$500), the chief procurement officer shall dispose of such supply by selling such supply to the highest responsible offers obtainable; provided, however, that a list of the material or equipment to be sold in this manner is posted in the office of the department of purchase. Unless otherwise prohibited by law, the supply may also be donated to a charitable organization which has received tax exempt status from the United States by reason of its charitable nature, upon a majority vote of the City Council.

Chapter 4.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Section 4.04.230:

4.04.230 Competitive sealed proposals amounting to ten thousand dollars (\$10,000)--Notices and price separation--Evaluation criterion. A. A chief procurement officer may enter into procurement contracts in the amount of ten thousand dollars (\$10,000) or more utilizing competitive sealed proposals. The chief procurement officer shall not solicit competitive sealed proposals unless he has determined in writing that selection of the most advantageous offer requires comparative judgments of factors in addition to price and specified the reasons for his determination.

B. The chief procurement officer shall solicit proposals through a request for proposals stating the time and date for receipt of proposals, the address of the office where proposals are to be delivered, time of acceptance by city, description and all evaluation criteria utilized, terms and conditions and where documents can be obtained. The request for proposals shall provide for the separate submission of price, and shall indicate when and how the offerors shall submit the price.

C. Notices inviting sealed competitive proposals for such contracts shall be published by the chief procurement officer at least once, not less than two (2) weeks, prior to the time specified for the receipt of proposals in a newspaper of general circulation within the city. Such notices shall also be posted, for at least two (2) weeks, in a conspicuous place in or near the department of purchase until the time specified in the invitation for proposals. Such notices shall state the general description of the article or contractual services to be procured, evaluation criteria to be utilized, where the specification can be obtained, the address of the office to which the proposal are to be delivered, state whether the contract is subject to approval by any board, committee, commission or other body and the time and place for the opening of the proposals and shall reserve to the city the right to reject any and all proposals. For procurement in the amount of one hundred thousand dollars (\$100,000) or more the chief procurement officer shall also place the notice in any publication established by the state secretary for the advertisement of such procurement.

D. The chief procurement officer shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provisions of section seven of chapter four, until the completion of the evaluations, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of the proposals the chief procurement officer shall prepare a register of proposals which shall include the name of the offeror and the number of modifications, if any, received. The register of proposals shall be open to the public. The chief procurement officer may open the price proposals at a later time, and shall open the price proposals so as to avoid disclosure to individuals evaluating the proposals on the basis of criteria other than price.

E. The chief procurement officer shall designate the person or persons responsible for the evaluation of the proposals on the basis of criteria other than price. The proposals are first evaluated on each criterion contained in the request for proposals, and then rated on the basis of overall quality. The evaluation shall be in writing listing each proposal as highly advantageous, advantageous, not advantageous, or unacceptable, and the reasons for the rating; a composite rating for each proposal, and the reasons for the rating; and revisions, if any, to each proposed plan for the required supplies or services which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

F. If the chief procurement officer awards the contract to an offeror who did not submit the lowest price, the chief procurement officer shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of supplies or services under the contract will not exceed the city's actual needs. If the contract requiring payment to the city of a net monetary sum is awarded to an offeror who did not submit the highest price, the chief procurement officer shall explain the reasons for the award in writing, specifying in reasonable detail the basis for rejecting the highest price.

Section 4.08.010 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the words "one" and "(\$1,000)" and inserting in their place the following words:

"five" and "(\$5,000)"

Section 4.08.020 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the words "two" and "(\$2,000)" and inserting in their place the following words:

"five" and "(\$5,000)"

Chapter 4.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Section 4.08.050:

4.08.050 Sheltered market program. When authorized by a majority vote of the city council, a chief procurement officer may establish a sheltered market program for disadvantaged vendors, and may solicit and award contracts pursuant to a sheltered market program in accordance with the provisions of Massachusetts General Laws, Chapter 30B, Section 18.

Section 4.12.060 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the words "ten" and "(\$10,000)" and inserting in their place the following words:

"one hundred" and "(\$100,000)"

Approved:

March 26, 1990

Effective:

April 16, 1990

Attest:

Wally Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING TITLE 2, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REINSTATING SECTION 2.08.100 AND SECTION 2.08.110 OF CHAPTER 2.08 - CITY AUDITOR.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, Chapter 2.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by reinstating Section 2.08.100 and Section 2.08.110 as they appeared in said Sections prior to their repeal by Chapter 4 of the Amendments to the Revised Ordinances of the City of Springfield, 1990.

This Ordinance Amendment shall take effect upon passage.

Approved:

May 7, 1990

Effective:

May 10, 1990

Attest:

Wille Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING TITLE 10, SECTION 10.16.280 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ESTABLISHING "LICENSES" AND "LIFE CYCLE PAVEMENT FEES" SCHEDULE FOR THE DEPARTMENT OF PUBLIC WORKS.

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Section 10.16.280 of Chapter 10 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 10.16.280 of said Chapter and inserting in place thereof the following new section 10.16.280:

10.16.280 Fees for licensing of signs and other structures projecting into or over public ways -- Life cycle pavement fees.

B. Subject to the provisions of Section 10.16.020, all excavators are responsible for repairs to pavement for one (1) year or until the city's acceptance of the repair whichever is later. The following is a schedule of the fees which shall be charged by the city, by and through its department of public works for "Life Cycle Pavement Fees":

- | | |
|--|-----------------|
| (1) Pavement less than one (1) year old | \$50.00/sq. ft. |
| (2) Pavement less than five (5) years old | \$20.00/sq. ft. |
| (3) Pavement five (5) to ten (10) years old | \$10.00/sq. ft. |
| (4) Pavement over ten (10) years old | \$ 5.00/sq. ft. |
| (5) Excavation performed prior to street resurfacing for those street on DPW's resurfacing list. | NO CHARGE |

C. The director of public works shall waive the life cycle payment fee for any utility company or other party, if the utility, or other party, can demonstrate to the director their ability to satisfactorily maintain the pavement in question.

Section 10.16.020 of Chapter 10 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the word "will" after the word "ordinance" and inserting in its place the following word:

"may"

(OVER)

and by adding the following words after "period of":

"up to"

Approved:

June 11, 1990

Effective:

July 2, 1990

Attest:

Wella Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.04 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING THE WORDS "CIVIL DEFENSE" AND INSERTING IN PLACE THE FOLLOWING WORDS "OFFICE OF EMERGENCY PREPAREDNESS" AND BY DELETING THE WORDS "CIVIL DEFENSE ADVISORY COUNCIL" AND INSERTING IN PLACE THE FOLLOWING WORDS "OFFICE OF EMERGENCY PREPAREDNESS ADVISORY COUNCIL".

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Chapter 7.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting the following new Section 7.04.010, and by amending Sections 7.04.030 and 7.04.040 as follows:

Chapter 7.04

OFFICE OF EMERGENCY PREPAREDNESS

7.04.010 Establishment of department -- Purpose. There is created and established within the city a department known as the "Springfield office of emergency preparedness" for the purpose of performing civil defense functions and local emergencies and other powers in compliance with the provisions of Chapter 639 Of the Acts of 1950 or any act in substitution or amendment thereof.

7.04.030 Director of the department -- Powers and duties generally. A. The director shall utilize and coordinate the services, equipment, supplies and facilities of existing department, offices and agencies of the city for the purpose of performing local civil defense functions and other local emergencies.

7.04.040 Office of emergency preparedness advisory council.
A. There is established a office of emergency preparedness advisory council

B. Such council shall serve without pay and shall consist of the director of the office of emergency preparedness, such other department heads and such other persons as the mayor after consultation with the director may deem necessary.

(OVER)

D. The council shall serve subject to the direction and control of the mayor and shall advise the mayor and the director on matters pertaining to civil defense and local emergencies.

Approved:

September 12, 1990

Effective:

October 3, 1990

Attest:

Welle Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING TITLE 9, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY ADDING A NEW CHAPTER 9.21 PERMIT PARKING

Be it ordained by the City Council of the City of Springfield, as follows:

Title 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 9.21 thereto:

Chapter 9.21

PERMIT PARKING

Sections:

- 9.21.010 Permit Parking Purpose
- 9.21.020 Definitions
- 9.21.030 Parking by Permit
- 9.21.040 Issuance of Residential Parking Permits
- 9.21.050 Renewal of Residential Parking Permits
- 9.21.060 Transfer of Residential Parking Permits
- 9.21.070 Issuance of Permits for Visitor
- 9.21.080 Exceptions
- 9.21.090 Effect on Other Traffic Rules and Regulations
- 9.21.100 Applications
- 9.21.110 Effective Date; Notice to Residents and Public
- 9.21.120 Revocation of Permits
- 9.21.130 Reporting of Loss, Theft, or Destruction of Permits
- 9.21.140 Violations

9.21.010 PERMIT PARKING PURPOSE. A. The City Council of the City of Springfield finds and declares that the provisions of this ordinance are enacted for the following reasons:

1. To protect the designated residential streets or districts from polluted air, excessive noise, and litter caused by the entry of vehicles parked by persons not residing within the residential streets or districts;
2. To reduce hazardous traffic congestion, and the danger of obstruction of fire lanes, fire hydrants, and access required by emergency vehicles;
3. To encourage the use of public transportation;
4. To protect the residents of the designated residential streets or districts from unreasonable burdens in gaining access to their homes;

5. To preserve the value of property in the designated residential streets or districts;

6. To promote the peace, comfort, convenience, and welfare of all inhabitants of the City.

9.21.020... DEFINITIONS... The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

→ A. → Residential Parking Permit - the permit issued by the Parking Clerk to residents of restricted residential parking streets or districts for their vehicles and the vehicles of their visitors and for visitors of business establishments with said streets or districts, as described herein;

B. Restricted Residential Parking Street or District - any street or district or public way which the City Council after a report from the Traffic Commission, approves as a designated restricted residential parking street or district;

C. Residential Parking Permit Fee - one hundred dollars (\$100.00);

D. Applicant - a natural person who has a principal place of residence within a restricted residential parking street or district or who owns a residence therein; in the case of businesses, the legal entity or person who has a principal place of business within such street or district;

E. Holder - an applicant to whom a residential parking permit has been issued.

9.21.030 PARKING BY PERMIT. No person shall park a motor vehicle at any time upon any street or portion thereof designated by the City Council as a restricted residential parking street or district without a residential or visitor parking permit for that street or district.

9.21.040 ISSUANCE OF RESIDENTIAL PARKING PERMITS. A. Upon an applicant's payment of the residential parking permit fee and submission of a residential parking permit application, the applicant shall receive one (1) residential parking permit for the vehicle described in the application. Such permit shall be securely affixed to the inside bottom left corner of the rear window of the vehicle and shall display the permit number and the expiration date of the permit, which shall be one (1) year after the date of issuance.

B. Applicants who reside within a restricted residential parking street or district may apply and pay for one (1) or more additional permits for vehicles owned or principally operated by them.

9.21.050 RENEWAL OF RESIDENTIAL PARKING PERMITS. A. Upon the holder's payment of the residential parking permit fee and submission of a residential parking permit application, the holder shall receive a new residential parking permit;

B. The expiration date to be displayed on the new residential parking permit shall be one (1) year following the expiration date of the existing permit.

9.21.060 TRANSFER OF RESIDENTIAL PARKING PERMITS. A. Upon the holder's payment of a ten dollar (\$10.00) transfer fee, submission of an application for transfer of a residential parking permit, and surrender of his existing permit, the holder shall receive a new residential parking permit for use on another vehicle;

B. The transfer of a residential parking permit shall not affect its expiration date.

9.21.070 ISSUANCE OF PERMITS FOR VISITORS. A. Each holder of a residential parking permit, other than a non-residential owner, shall be issued two (2) visitor parking permit, which shall expire on the same date as the holder's permit;

B. Each resident within the restricted residential parking street or district, who is not a holder of a residential parking permit shall upon application and payment of the residential parking permit fee, receive two (2) visitor parking permits, which shall expire one year after the date of issuance;

C. No resident or business shall be entitled to more than two (2) visitor parking permits;

D. Each resident and business to whom or to which visitor parking permits have been issued shall be responsible for the use and misuse of such permits;

E. Visitor's parking permits shall be displayed in the rear window of the vehicle so as to be readily visible from outside the vehicle;

F. Each visitor parking permit shall bear an identifying number and its expiration date.

9.21.080 EXCEPTIONS. A. Notwithstanding Section 9.21.030 above, the following motor vehicles maybe parked within a restricted residential parking street or district without a residential parking permit.

B. Emergency vehicles including ambulances and police and fire department vehicles;

C. Delivery vehicles and service vehicles while the operator is actually engaged in business within the restricted residential parking street or district;

D. Disabled veterans or handicapped person, whose vehicle bears the distinctive plates, or displays the special parking identification plate authorized by section two of chapter ninety or bear the official identification of handicapped person issued by other state or any Canadian Province;

E. Vehicles of contractors with commercial registration plates or clearly marked with the name of the contractor or contracting company while the operator is in fact working within the restricted residential parking street or district;

F. Such other vehicles as may be described in the order designating the Residential Parking Street or District.

9.21.090 EFFECT ON OTHER TRAFFIC RULES AND REGULATIONS. A. Other laws, ordinances, rules and regulations now or hereafter applicable to parking within restricted residential parking streets or districts shall remain in full force and effect to the extent they are not inconsistent herewith;

B. A residential parking permit, including a visitor parking permit, shall not guarantee or reserve a particular parking space, or any parking space, within the restricted residential parking street or district.

9.21.100 APPLICATIONS. A. The Parking Clerk shall collect such information from applicants as will enable him to administer and enforce the provisions of this ordinance;

B. The Parking Clerk may require such evidence of residence, ownership or conduct of business as it deems reasonable and proper, including and but not limited to motor vehicle operator's license, motor vehicle registration, rent receipt, utility bill, electric bill, gas bill, telephone bill, cable T.V. bill, monthly bank statement (except mortgage statement), medicaid eligibility card;

C. The Parking Clerk may make such other investigation and inquiry as he deems reasonable and proper upon receipt of an application hereunder.

9.21.110 EFFECTIVE DATE; NOTICE TO RESIDENTS AND PUBLIC. A. No petition for a designation of a Restricted Residential Parking Street or District shall be ordered by the City Council until:

1. A petition for a Restricted Residential Parking Street or District has been initiated by submission to the City Council of a petition signed by seventy percent (70%) of the owner/occupant of a particular Street or District.

2. The City Council has referred the petition to the Traffic Commission for review.

3. The Traffic Commission has held a public hearing at which all persons interested shall be given an opportunity to be heard.

4. The Traffic Commission has submitted a report on the proposed Street or District with recommendations to the City Council.

B. Notice and Hearing

1. The Traffic Commission hearing shall be held within sixty (60) days of submission of the petition to the City Council. No order by the City Council shall be voted until a report has been submitted to the City Council from the Traffic Commission or 21 days have elapsed since the Traffic Commission hearing without the submission of such report.

a. Notice of the date, day, time, place and subject matter of the hearing shall be published in a newspaper of general circulation in the city in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before such hearing. This Notice shall be prepared and published by the City Clerk at the expense of the petitioners.

b. Notice of the hearing shall be sent by mail, postage prepaid ten (10) days at least before the hearing to all residents within the proposed restricted residential parking street or district, as shown on the most recent city census. The mailing of

such Notice shall be done by the City Clerk at the expense of the petitioners.

c. For purposes of implementation and enforcement, any approval by the City Council designating a restricted residential parking street or district shall take effect no earlier than three (3) months after its approval.

d. Immediately following the approval of any petition designating a restricted residential parking street or district, the City Clerk shall mail or deliver to every residence within the designated restricted residential parking street or district, as shown on the most recent census, written notice of the effective date of the permit parking, the areas affected thereby, the fact that parking will be restricted to residents with a permit, and the procedure for obtaining a permit, together with an application for a permit.

e. Prior to the effective date of the permit parking signs shall be erected in the restricted residential parking street or district sufficient to inform persons of ordinary intelligence that parking is restricted to vehicles with permits.

9.21.120 REVOCATION OF PERMIT. A. The permit or permits of any holder who violates the provisions of this ordinance on two (2) or more occasions in any calendar year may be revoked by the Parking Clerk.

B. Notice of revocation shall be sufficient if mailed or delivered to the holder at his or her address as shown on the records of the Parking Clerk.

9.21.130 REPORTING OF LOSS, THEFT, OR DESTRUCTION OF PERMITS. A. Loss, theft, or destruction of any residential parking permit shall be promptly reported by the holder to the Parking Clerk.

B. Each holder shall notify the Parking Clerk promptly of any changes of address, change of vehicle registration, change of name, or transfer of vehicle registration.

9.21.140 VIOLATIONS. A. It shall be a violation of this ordinance for any person to:

1. To obtain a residential parking permit by fraud or deceit;

2. To retain or use a residential parking permit after his or her principal residence or principal place of business has been changed to a location outside the restricted residential parking street or district or after revocation or expiration of the permit;

3. To permit any person to retain or use a visitor parking permit when such person is not visiting the resident or business to which or to whom the permit was issued;

4. To park within the restricted residential parking street or district without a residential or visitor parking permit for that street after signs have been posted at such places within said street as the Traffic Bureau may require;

5. To use or allow to be used a residential parking permit on any vehicle other than the one for which it was issued, except upon a vehicle bearing a dealer's registration plate and actually in the custody of the permit holder;

6. To make, cause to be made, or to use any copy, facsimile, or duplicate of a residential parking permit;

7. Any violation of this ordinance shall be punishable by a fine of fifteen dollars (~~\$15.00~~). Each day that a violation continues shall be punishable as a separate offense. *chap 8 of 1995*

\$50.00

Approved:

September 22, 1990

Effective:

October 13, 1990

Attest:

Welli Zuretzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING CHAPTER 12.04 SECTION 12.04.020 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY CHANGING THE QUALIFICATIONS FOR THE BUILDING COMMISSIONER.

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Chapter 12.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 12.04.020 in its entirety and inserting in its place a new Section 12.04.020 as follows:

12.04.020 Building commissioner. The commissioner, who shall be a professional engineer registered under the provisions of chapter 643 of the Acts of 1941, as amended, or an architect registered under the provisions of Chapter 696 of the Acts of 1941, as amended, and who shall comply with the residency requirements set forth in Chapter 3.08, shall be appointed in accordance with the civil service law, by the mayor, and shall hold office until removed for cause by the mayor.

Approved:

October 22, 1990

Effective:

November 12, 1990

Attest:

Wally Zuehlke

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING CHAPTER 4.04 SECTION 4.04.160 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY CHANGING THE REQUIREMENTS FOR SALE OF SURPLUS, OBSOLETE AND SCRAP MATERIALS.

Be it ordained by the City Council of the City of Springfield, as follows:

Section 4.04.160 of Chapter 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new paragraphs H and I:

H. The chief procurement officer shall before disposing of any surplus, obsolete or scraped supplies, materials or equipment (as defined in paragraph E and F above) determine the value of the surplus, obsolete or scraped supplies, materials or equipment and make a written assessment of the current or future needs for the said supplies, materials or equipment. The chief procurement officer may, in his sole discretion, determine the value of the surplus, obsolete or scraped supplies, materials or equipment by hiring one or two certified appraisers or by using procedures customarily accepted by the appraising profession.

I. No mayor, city councilor, department head or other city official shall sell or otherwise dispose of any surplus, obsolete or scraped supplies, materials or equipment within 90 days of the expiration of his or his term or retirement without following the procedures outlined in this section. The city council shall have right to review the sale or disposal of any surplus, obsolete or scraped supplies, materials or equipment with a value of \$500 or more. Any surplus, obsolete or scraped supplies, materials and equipment sold or disposed of without following the procedures outlined in this section shall be declared null and void and a violation of G.L. c. 30B, section 17.

J. Before disposing of any surplus property the chief procurement officer shall request the Springfield historical commission to conduct an inventory or survey of the surplus obsolete or scraped supplies, materials or equipment to determine if the said properties have historical value. The Springfield historical commission shall add preservation restrictions where applicable and issue a report to the mayor and city council prior to the sale of any historically significant properties.

Approved:

November 26, 1990

Effective:

December 16, 1990

Attest:

Wella Zuehlke

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING TITLE 9 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 9.26; SKATEBOARDS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 9.26 thereto:

Chapter 9.26

SKATEBOARDS

Sections:

- 9.26.010 Definitions
- 9.26.020 Applications
- 9.26.030 Penalties

9.26.010 Definitions. A. Skateboard shall mean a single platform mounted on wheels, which is propelled solely by human power.

9.26.020 Applications. A. Skateboarding shall be prohibited upon the property of any municipal buildings, including but not limited to steps, landings, and esplanades.

B. Skateboarding shall be prohibited upon any roadway, street or sidewalk in any portion of the city specifically designated as a central business district.

C. A person in violation of this section may be cited for a violation of this chapter and the skateboard he or she was riding may be seized as evidence until final disposition by hearing before the parking clerk and/or held until the fine is paid.

D. Skateboard operators in non-prohibited areas shall yield the right-of-way to all vehicular and all other pedestrian traffic upon the sidewalk and not otherwise endanger or interfere with pedestrian traffic.

(OVER)

E. The department of public works of this city is authorized to erect official traffic-control devices on those areas where skateboarding is prohibited.

9.26.030 Penalties. There shall be no fine for the first violation of this chapter; the fine for the second violation and each subsequent violation shall be fifteen (\$15.00) dollars per violation. All fines shall be payable to the parking clerk and no criminal record shall be made as a result of any violation of this chapter. If the fine is not paid within twenty-one (21) days or if the violator has not requested a hearing before the parking clerk within said twenty-one (21) days the fine shall increase to thirty (\$30.00) dollars for the violation. A police officer or a meter maid shall take cognizance of any such violation and shall request the violator to state his name and address.

Approved:

December 17, 1990

Effective:

January 7, 1991

Attest:

Welle Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY

AN ORDINANCE.

AMENDING CHAPTER 9, SECTION 9.21.020 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986 AS AMENDED; PERMIT PARKING

Be it ordained by the City Council of the City of Springfield, as follows:

Section 9.21.020 of Chapter 9 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following sentence at the end Subsection C:

"Any individual sixty-five (65) years old or older shall be entitled to a permit parking fee reduction of fifteen (15) per cent for each residential parking permit; provided, however that the individual has a principal place of residence within a restricted residential parking street or district.

Approved:

January 14, 1991

Effective:

February 4, 1991

Attest:

Welle Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-ONE

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 2.88; AUDIT COMMITTEE

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 2.88 thereto:

Chapter 2.88

AUDIT COMMITTEE

Sections:

- 2.88.010 Establishment and composition.
- 2.88.020 Appointment and term of members--Chairman and other officers.
- 2.88.030 Powers and duties generally.

2.88.010 Establishment and composition. A. There shall be established in the city a committee to be known as the audit committee.

B. The committee shall be composed of nine (9) members, one (1) of whom shall be the president of the city council or in his absence the vice-president; three (3) shall be members of the finance committee of the city council; three (3) shall be from persons from the private sector in Springfield; one (1) shall be the chief financial officer; and one (1) shall be the city auditor.

2.88.020 Appointment and term of members--Chairman and other officers. A. Each of the three members from the private sector shall be appointed by the mayor.

B. Such members of the audit committee shall be appointed to a term concurrent with the term of the office of the mayor and may be removed with or without cause at any time by the mayor.

C. Upon the vacancy of a member so appointed the mayor shall within one (1) month thereafter make another appointment.

(OVER)

D. The members of the audit committee shall meet annually in January and elect one (1) of their members as chairman and such other officers as they may deem necessary.

2.88.030 Powers and duties generally. The audit committee shall have the right, power and duty to:

A. To review, study, and issue a written report on the findings of the independent auditors' reports required under the federal single audit act of 1984.

B. To make recommendations to the mayor and the city council for improvements in the process and methodology and to insure compliance with recommendations of the independent auditor's report and federal standards.

C. To act in an advisory and consultative capacity with the auditors and finance departments to promote, assist and coordinate general accounting principle.

Approved:

March 28, 1991

Effective:

April 19, 1991

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-ONE

AN ORDINANCE.

AMENDING TITLE 1, CHAPTER 1.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY ADDING A NONCRIMINAL DISPOSITION AND PENALTIES FOR VIOLATIONS OF RULES AND REGULATIONS OF THE BOARD OF PARK COMMISSIONERS

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following language at the end of Section 1.16.010 thereto:

Rules and Regulations of the Board of Park Commissioners	Penalty
Any rule or regulation	\$50.00

This ordinance may be enforced by the superintendent, all deputies, all assistant deputy superintendent, the five unpaid park commissioners, and such park wardens as may be designated by the Mayor from time to time. The authority of the enforcing person shall extend only to the actual property under the jurisdiction of the Park Department.

Approved:

May 23, 1991

Effective:

June 13, 1991

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-ONE

AN ORDINANCE.

AMENDING TITLE 12, CHAPTER 12.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY DELETING SECTIONS 12.08.010 THROUGH 12.08.200; BUILDING PERMIT FEES

Be it ordained by the City Council of the City of Springfield, as follows:

Title 12, Chapter 12.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting sections 12.08.010 through 12.08.200 and inserting in their place the following new sections 12.08.010 through 12.08.205 thereto:

Chapter 12.08

BUILDING PERMIT FEES

Sections:

- | | |
|-----------|--|
| 12.08.010 | Permit fees and certificates. |
| 12.08.020 | Special fees. |
| 12.08.030 | New construction and addition to buildings other than one (1) and two (2) family dwelling. |
| 12.08.040 | Alterations and repairs for other than one (1) and two (2) family dwelling. |
| 12.08.050 | Other structures (see definition of structure as defined in Massachusetts State Building code). |
| 12.08.060 | Open buildings. |
| 12.08.070 | Moving building. |
| 12.08.080 | Demolition of building and structure. |
| 12.08.090 | Permit fees for one (1) and two (2) family dwelling and mobile homes--New, additions and alterations. |
| 12.08.100 | Permit fees for minor alterations and repairs to one (1) and two (2) family dwelling and mobile homes. |
| 12.08.110 | Accessory use structures and additions and alterations. |
| 12.08.120 | Plumbing permit fees and gas piping permit fees. |
| 12.08.130 | Electrical wiring fees. |
| 12.08.140 | Fire extinguishing equipment fees. |
| 12.08.150 | Sign permit fees. |
| 12.08.160 | Other permit items. |
| 12.08.170 | Permit fees not covered. |
| 12.08.180 | Fees for board of appeals. |
| 12.08.190 | Accounting |
| 12.08.200 | Electrical wiring. |
| 12.08.205 | Building near former or active dump site. |

12.08.010. Permit fees and certificates. The permit for the erection, alteration, repair, demolition, or removal; or the addition to; a building or other structure; or a permit for the installation, alteration, repair, or removal of any equipment or appurtenances which are regulated by this article and the State Building Code; shall have been paid to the city collector; and any amendment to a permit which necessitates an appurtenance of the building or structure that is involved shall not be approved until the additional fee shall have been paid thereto. This section shall not apply to permits issued to the City of Springfield for city owned and/or occupied buildings.

12.08.020 Special fees. The payment of any fee which is required by the above section 12.08.010 shall not relieve the applicant or holder of the permit from the payment of any other fee or assessment that may be prescribed by other privilege or requirement, both within and without the jurisdiction of the building department.

12.08.030 New construction and additions to buildings other than one (1) and two (2) family dwellings. A. The fee for a building permit for the erection of, or the addition to, a building, or other structure shall be based upon the square footage per floor including basement or cellar as determined by the following use and occupancies which are classified and defined in the Massachusetts State Building Code:

1. Category A (thirty cents (\$0.30) per square foot per floor):
 - a. Assembly
 - b. Business
 - c. Hazardous
 - d. Industrial
 - e. Institutional
 - f. Mercantile
 - g. School
 2. Category B (twenty five cents (\$0.25) per square foot per floor):
 - a. Residential (other than one (1) and two (2) family dwellings);
 3. Category C (eighteen cents (\$0.18) per square foot per floor):
 - a. Storage (including garages)
- B. The minimum fee for a permit for the use and occupancy listed in this section shall be seventy-five dollars (\$75).

12.08.040 Alterations and repairs for other than one (1) and two (2) family dwellings. A. The fee for a building permit for the alteration or repair of a building other than a one (1) family or two (2) family dwelling shall be based on the square footage of the area of the building to be altered or repaired.

1. Category A (rate of twenty cents (\$0.20) per square foot per floor including basement);

2. Category B (rate of sixteen cents (\$0.16) per square foot per floor including basement);

3. Category C (rate of sixteen cents (\$0.16) per square foot per floor including basement);

B. The minimum fee for a permit for the use and occupancy listed above in this section shall be fifty dollars (\$50).

C. For other alterations and repairs which do not involve square footage, such as changing doors, replacing windows, etc. the minimum fee shall be sixty dollars (\$60) per floor.

12.08.050 Other structures (see definition of structure as defined in the Massachusetts State Building Code). The minimum fee for a building permit for a structure, such as retaining wall, radio antennas and towers, as defined in the Massachusetts State Building Code shall be sixty dollars (\$60).

12.08.060 Open buildings. The fee for a building permit for an open shed, carport, open storage shed or building of similar character with large overhanging roofs or marquees, the square footage shall be measured to the outer edge of the roof or overhang.

12.08.070 Moving of building. The fee for a building permit for the relocation of a building to a new location on the same lot shall be one hundred fifty dollars (\$150).

12.08.080 Demolition of buildings and structures. A. The fee for a permit for the demolition of a one to three family dwellings shall be one hundred dollars (\$100) per floor.

B. The fee for buildings or structures other than a one to three family dwellings shall be one hundred fifty dollars (\$150) for each 10,000 square feet of floor area or part thereof.

12.08.090 Permit fees for one (1) and two (2) family dwellings and mobile homes--New, additions and alterations. The fee for a building permit for the erection of, or addition to, a one (1) family or two (2) family dwelling including mobile homes shall be based upon the square footage per floor, excluding basement or cellar not used for habitable rooms, as determined by the following:

A. Up to one thousand square feet of gross floor area shall be:

1. Building Permit, one hundred fifty dollars (\$150);

B. From one thousand to two thousand square feet of gross floor area shall be:

1. Building Permit, two hundred fifty dollars (\$250);

C. Two thousand square feet and over of gross floor area shall be:

1. Building Permit, three hundred dollars (\$300);

D. Decks or similar open structures:

1. Building Permit, thirty five dollars (\$35).

12.08.100 Permit fees for minor alterations and repairs to one (1) and two (2) family dwellings and mobile homes. The fee for a permit to alter or repair a one or two-family dwelling including mobile homes shall be forty dollars (\$40).

12.08.110 Accessory use structures and additions and alterations. A. Permit fees for building structures, additions and alterations to accessory use buildings for one (1) or two (2) family dwellings, mobile homes shall be forty dollars (\$40).

B. Detached garages; one hundred dollars (\$100).

C. Permit fees for swimming pools:

1. In ground; one hundred twenty five dollars (\$125);

2. Above ground (with deck); one hundred dollars (\$100);

3. Above ground (without deck); sixty five dollars (\$65).

12.08.120 Plumbing Permit Fees and Gas Piping Permit Fees. A. Plumbing Permit fees for residential occupancies:

1. New, Additions and Alterations;

a. Twenty dollars (\$20) per unit plus five dollars (\$5) for each fixture.

2. A "unit" shall consist of each living unit or apartment including but not limited to a single family (1 unit). Two (2) family (2 units), Multi-family (each apartment = 1 unit).

3. Hotels, Motels, Lodging houses, Dormitories and Rooming house. A "unit" shall mean each room or space containing plumbing fixtures including public and private toilet rooms and/or kitchens.

B. Minor Repairs and Alterations:

1. Permit fee twenty dollars (\$20) (if no change of fixtures).

C. Gas Permit fees shall be the same as plumbing permit fees when a "unit" contains one or more gas appliances.

1. New, Additions, and Alterations:

a. Twenty dollars (\$20) per permit plus five dollars (\$5) for each fixture.

2. Minor repairs and alterations;

a. Permit Fee twenty dollars (\$20) (if no change of fixtures).

D. Nonresidential.

1. New and additions

a. Plumbing permit; fifty dollars (\$50) plus six dollars (\$6) for each fixture.

b. Gas permit; fifty dollars (\$50) plus six dollars (\$6) for each fixture.

2. Alterations and repairs.

a. Plumbing permit; forty dollars (\$40) plus six dollars (\$6) for each fixture.

b. Gas permit; forty dollars (\$40) plus six dollars (\$6) for each fixture.

3. Alterations and repairs of a minor nature.

a. Plumbing permit; twenty five dollars (\$25).

b. Gas permit; twenty five dollars (\$25).

E. OTHERS

1. Domestic Hot Water Tank Permits (includes plumbing/gas permits); twenty five dollars (\$25).
2. Fee for reinspection of unsatisfactory work; thirty dollars (\$30).

F. Buildings Owned by the City of Springfield.

1. Any building owned and/or occupied by the City of Springfield shall be exempt from the requirements of this schedule.

12.08.130 Electrical Wiring Fees. All fees listed below (A thru L) excluding the cost of service/services, (Section A), permit fees are not transferable.

A. Electrical Services.

1. Fee for all electrical service or devices shall be twenty five cents (\$.25) per ampere with a twenty five dollars (\$25) minimum. Panelboard charges are equivalent to service charges. Amperages are based on structure's most widely used distribution voltage.

B. Residential, New, Additions and Alterations

1. One (1) Family,
2. Two (2) family,
3. Multi-family,
4. Garages,

fifty dollars (\$50) per dwelling unit.

C. Miscellaneous Residential

1. Hotels
2. Motels
3. Dormitories
4. Nursing Homes
5. Rooming Houses, etc.

sixty dollars (\$60) plus ten cents (\$.10) per square foot

D. Change of Use Group

1. Change of any use group to Residential shall be treated the same as listed in Sections A thru C.

E. Accessory Work Items (Residential)

- | | | |
|---|---------------------|--------|
| 1. Accessory Buildings | Twenty five dollars | (\$25) |
| 2. Any Major Appliance
(i.e., air conditioner) | Twenty dollars | (\$20) |
| 3. Oil Burner or Gas Burner | Twenty dollars | (\$20) |
| 4. Above ground swimming pool | Thirty dollars | (\$30) |
| 5. In ground swimming pool | Forty five dollars | (\$45) |
| 6. Smoke detectors | Ten dollars | (\$10) |
| 7. Grounding Aluminum Siding | Ten dollars | (\$10) |

F. Wiring Additions (residential) not involved with construction work and not listed in E.

1. Minimum fee fifteen dollars (\$15) plus five dollars (\$5) per room.

G. Non-Residential, New, Additions and Alterations

1. Includes all buildings or structures not listed in Sections B, C, D and E sixty five dollars (\$65) plus ten cents (\$.10) per square foot.

H. Wiring Additions (Non-Residential), not involved with construction work.

1. Major Repairs or Additions

a. Complete or partial building or floor, comfort control systems.

b. Complete or partial building or floor, fire alarm systems.

c. Complete or partial building or floor, communication systems, etc.; eighty dollars (\$80) First Story, thirty dollars (\$30) each additional story.

2. Minor Repairs or Additions

a. Minor Repairs, such as wiring of equipment replacement, etc.; fifty dollars (\$50).

I. Maintenance Permits

1. Any business operation (commercial or industrial) which maintains an electrical maintenance force, shall pay a blanket fee of four hundred dollars (\$400) annually for on-premises work, subject to the following:

a. The permit application and fees are due the first day of January each year.

b. Any work done by outside contractors is subject to the appropriate section of this schedule.

c. A log of work completed shall be kept by the supervisor of electrical maintenance and arrangements shall be made for a wiring inspection semi-annually.

J. Temporary Wiring

1. Temporary wiring in conjunction with bazaars, outdoor shows, exhibitions, carnivals, etc.; sixty dollars (\$60).

K. Any fee not covered by the above.

1. The Building Commissioner shall determine all fees not covered.

L. Buildings owned by the City of Springfield.

1. Any building owned and occupied by the City of Springfield shall be exempt from the provisions of this schedule.

M. Permits issued and no work commenced within six (6) months of the issuance date will no longer be valid. A new application will have to be taken out.

12.080.140 Fire Extinguishing Equipment Fees. Permit fees for fire equipment shall be as follows:

A. Sprinkler system.

1. Seventy five dollars (\$75) for new installations, plus one dollar (\$1) for each sprinkler head.

2. Permit for additions, alterations, and repairs, twenty five dollars (\$25) plus one dollar (\$1) for each sprinkler head.

B. Standpipes Not Connected to Sprinkler Systems

1. New installations (3 stories or less), seventy five dollars (\$75); each additional story twenty dollars (\$20).

C. Additions, Alterations and Repairs (3 stories or less), twenty five dollars (\$25); each additional story fifteen dollars (\$15).

12.08.150 Sign Permit Fees. Permit fees for sign permits shall be as follows:

A. Non-illuminated wall sign, thirty dollars (\$30) plus twenty five cents (\$0.25) per square foot.

B. Illuminated wall sign, sixty dollars (\$60) plus one dollar (\$1) per square foot.

C. Illuminated double-face projecting sign, sixty dollars (\$60) plus one dollar (\$1) per square foot.

D. Illuminated ground sign, sixty dollars (\$60) plus one dollar (\$1) per square foot of total face area of each side.

E. Illuminated roof sign, one hundred dollars (\$100) per square foot plus one dollar (\$1) per square foot of total face area of each side.

F. Illuminated directional signal such as exit, entrance, fifty dollars (\$50).

G. Non-illuminated double faced projecting signs, ground sign, roof signs and direction signs; such as exit, entrance thirty dollars (\$30) plus one dollar (\$1) per square foot of total face area of each side.

H. Sign Removal.

1. Unbonded sign	Twenty five dollars	\$25.00
2. Bonded sign	Forty dollars	\$40.00

I. Sign Alteration

1. Twenty five (\$25) plus one dollar (\$1) per square foot of the face area.

J. Sign Repair.

1. Accessory	Twenty dollars	\$20.00
2. Non-Accessory	Forty dollars	\$40.00

K. Outdoor Advertising Signs (Billboards) Reinspections.

1. The fee for outdoor advertising signs as required by General Laws Chapter 93, Sections 29 through 33, shall be forty dollars (\$40).

L. Outdoor Advertising Signs (Billboards)

1. New fifty dollars (\$50) plus one dollar (\$1) per square foot of total face area of each side, (if applicable).

12.08.160 Other Permit Items. A. The fee for removal of "stop work" orders shall be seventy five dollars (\$75).

B. No fees paid for the issuance of a permit under this article are returnable.

C. Any failure to obtain permits before the start of work defined by this article shall cause the applicable fees to be doubled.

D. Any fees for reinspection trips are not set for defective work, but are for incomplete work or when access cannot be obtained at the appointed time of inspection. Said fees shall be paid prior to the reinspection appointment and shall not be less than thirty dollars (\$30).

E. The fees for the certificates of inspection will be 150% of the indicated fees listed in Table 108 of the Massachusetts State Building Code rounded to the highest dollar value. A building or structure shall not be occupied or continue to be occupied without the posting of a valid certificate of inspection where required by said Table 108.

12.08.170 Permit Fees Not Covered. Fees which are not specifically covered or defined by this article shall be set as determined by the Building Commissioner.

12.08.180 Fees For The Board of Appeals. A. The fee for an appeal for a variance from the requirements of the State Building Code shall be one hundred seventy five dollars (\$175).

B. The fee for an appeal for a variance from the requirements of the Zoning Ordinance shall be two hundred fifty dollars (\$250).

C. The fee for an appeal for a variance from the requirements both State Building Code and the Zoning Ordinance shall be two hundred fifty dollars (\$250).

12.08.190 Accounting. The commissioner shall keep a permanent, accurate record of all fees which are charged under this article, the names of the persons upon whose accounts the same were paid, dates and amounts thereof, together with the locations of the structures of premises to which they relate.

12.08.200 Electrical wiring.

A. General.

1. The commissioner shall have control of the supervision and inspection of electrical wiring; and shall appoint a senior inspector, who shall supervise, correlate and direct the enforcement of all law, ordinances, rules and regulations relate thereto.

2. All materials, fittings, devices and apparatus which are used in electrical wiring shall be so assembled as to be suitable both mechanically and electrically, for the purpose for which they are to be used. Such materials, fittings, and apparatus shall bear the label of a recognized testing laboratory, or may be approved by the commissioner as conforming to the standard of underwriters' laboratories.

3. Electrical wiring shall include the wires, raceways, apparatus, fittings, devices and fixtures within a building or structure, or relating thereto, for carrying or using electricity for light, heat or power purposes, except in county, state and federal buildings, and in stations, substations, vaults and primary supply equipment where such are under the sole control of the supply company.

4. Electrical wiring and electrical fixtures or devices used for light, heat or power in buildings and structures subject to the provisions of chapter 143, of the General Laws, as amended, shall be installed, repaired and maintained in accordance with the rules and regulations made in accordance with the provisions of chapter 617 of the Acts of 1950 and chapter 576 of the Acts of 1951 by the board of fire prevention regulation in the department of public safety. (See, G.L. chapter 143, section 3L, as provided by chapter 617 of the Acts of 1950).

B. Permits.

1. No person, firm or corporation shall receive a permit to install, repair or remove any electrical wiring unless such person, firm, or corporation shall have received a license and certificate from the State Examiners of Electricians in accordance with the

provisions of chapter 141 of the General Laws and shall have said license registered with the department.

2. No person, firm or corporation shall install, alter, repair or remove any electrical wiring without first making application to the department and receiving a permit. Therefore, such an application shall be on a form approved by the commissioner and shall contain all information necessary to describe the work which is to be performed.

3. If it shall appear from said application that all applicable laws, ordinances, rules and regulations have been or will be complied with, a permit shall be granted authorizing such installation, alterations, repair or removal.

4. For the maintenance of the electrical wiring in an establishment, or in a power plant other than that of an electric utility, where a licensed master electrician is engaged or where a licensed electrician is employed regularly on the premises, a maintenance permit may be issued for a stated period, which shall not exceed one (1) year. For new work in such an establishment or power plant, paragraph A of this section shall also apply.

C. Inspections.

1. When work is completed or ready for inspection, the department shall be notified immediately; and a time shall be set for an inspection. Electrical wiring shall not be lathed in, covered nor concealed from view until approved by an inspector of wiring.

2. Upon receiving notice that any electrical wiring is completed or ready for inspections, the department shall act thereon within two (2) working days. The department may require the person who did the work to be present during inspection or to submit a detailed description of the work performed. If, upon inspection, the work is found to be defective, all defects shall be remedied within ten (10) days after notice from the department. If the work is found to comply with the requirements of this ordinance, a certificate of approval, upon request, shall be issued by the department.

3. The commissioner, or his duly authorized representative, may inspect electrical wiring at any reasonable hour; and, if he finds it unsafe in relation to life, fire or explosion, shall notify the owner, or any person having interest therein, to remedy all defects within ten (10) days; if said defects are not remedied within ten (10) days, the commissioner may order the service or any part thereof discontinued or otherwise render the system inoperative. Electrical wiring so discontinued shall be conspicuously tagged at the meter location. Such an installation, if disconnected, shall not be reconnected to the service, or have the current turned on, without the written approval of the commissioner, or until a meter permit has been issued by the department.

D. Meter and Current.

1. A meter shall not be installed, nor a current of electricity be connected with an electrical wiring system, until a written permit has been obtained from the department.

2. The department may issue a permit for the temporary connection of a current of electricity to certain specified circuits or parts of an installation. A temporary permit may be also granted for wiring system before completion of same within or on a building or other structure. A temporary permit shall not be transferable; and may be renewed or cancelled at the discretion of the commissioner.

3. Where the use of service has been discontinued or a change of use of the electrical wiring has occurred, the electrical wiring system shall not be used again until a certificate or reinspection has been issued, if in the opinion of the commissioner such a reinspection is necessary.

4. If electrical work to be done under any electrical permit issued by the department has not received a final inspection within a reasonable time for completion, the commissioner shall notify the owner in writing that if the work has not been satisfactorily completed and inspected within thirty (30) days, the service to said building or structure shall be discontinued. If, at the end of the thirty (30) days period, the work has not been satisfactorily completed, the commissioner shall order the service discontinued.

5. A meter shall be located in a readily accessible place, but not in a bathroom, bedroom, living room, kitchen, private hall, pantry, closet, or a required means of egress.

6. Each switch, meter, device, or panelboard, shall be permanently marked with the name plate or painted lettering to identify the load which it supplies and each branch circuit overcurrent device shall be clearly identified with the branch circuit which it supplies.

12.08.205 Buildings near former or active dump sites. An application, specification and plan submitted for a building permit for the construction on or within two hundred (200) feet of a former or active dump site, refuse disposal site, sanitary landfill site or land reclamation site containing organic matter shall be accompanied by a certification from a competent professional engineer acceptable to the commissioner to attest that said application and specification conforms to safe and acceptable standards as may pertain to the elimination and/or control of any hazardous or unwholesome gaseous vapors.

Approved:

June 20, 1991

Effective:

July 11, 1991

Attest:

Welle Zuehlke

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND *Ninety-One*

AN ORDINANCE.

AMENDING TITLE 11, CHAPTER 11.12 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 11.12.110 1(h); SEPTAGE DISPOSAL RATE

Be it ordained by the City Council of the City of Springfield, as follows:

Title 11, Chapter 11.12 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting section 11.12.110 1(h) and inserting in its place the following new section 11.12.110 1(h) thereto:

TABLE 11.12.110
RATES, SURCHARGES AND SERVICE CHARGE

1. Rates:

h. Septage Disposal Rate. This rate shall be for all septage disposal or holding tank waste disposal at the Indian Orchard Pumping Station, or any other septage disposal site designated by the Department of Public Works:

	<u>Capacity Owning Communities</u> \$/gallon	<u>Non-capacity Owning Communities</u> \$/gallon
Fiscal Year 1992	0.055	0.080
Fiscal Year 1993	0.060	0.090

Rates for future years shall be calculated based on the following formula: $(\$X / Y \text{ gallons}) \times Z = \text{Current Fiscal Year Rate in } \$/\text{gallon}$

X = Prior fiscal year actual total expenditures including overhead for the Springfield Regional Wastewater Treatment Plant (SRWTP).
Y = Prior fiscal year actual total gallons of sewage treated at the SRWTP.
Z = Multiplier which represents strength of septage compared to SRWTP influent sewage.

Revised rates shall be calculated by the Department of Public Works annually beginning FY 1994, and provided to all disposal companies who historically deliver septage to the disposal site, and will be made available to the public within one month of the effective date of the increase or decrease (i.e., one month prior to July 1).

(OVER)

Approved:

July 19, 1991

Effective:

August 9, 1991

Attest:

Wille Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Ninety-One

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.06 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY AMENDING SECTION 2.06.030; CITY CLERK'S OFFICE ENUMERATION OF FEES

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 2, Chapter 2.06 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by changing the following clauses in section 2.06.030 to read as follows:

- | | | |
|-------|--|--------------------|
| (11) | For entering amendment of record of birth of a child born out of wedlock, subsequently legitimized | \$20.00 to \$25.00 |
| (12) | For correcting errors in a record of birth | \$20.00 to \$25.00 |
| (13) | For furnishing certificate of birth | \$5.00 to \$6.00 |
| | For furnishing laminated certificate of birth | \$6.00 to \$7.00 |
| (13A) | For furnishing an abstract copy of a record of birth | \$3.00 to \$4.00 |
| (14) | For entering delayed record of birth | \$20.00 to \$25.00 |
| (20) | For filing a certificate of a person conducting business under any title other than his real name | \$20.00 to \$25.00 |
| (21) | For filing by a person conducting business under the title other than his real name, of statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business | \$15.00 to \$20.00 |

- (22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business \$5.00 to \$6.00
- (29) For correcting errors in a record of death \$20.00 to \$25.00
- (30) For furnishing a certificate of death \$5.00 to \$6.00
- (30A) For furnishing an abstract copy of a record of death \$3.00 to \$4.00
- (42) For entering notice of intention of marriage and issuing certificate thereof \$15.00 to \$20.00
- (43) For entering certificate of marriage filed by persons married out of the Commonwealth \$20.00 to \$25.00
- (44) For issuing certificate of marriage \$5.00 to \$6.00
- (44A) For furnishing an abstract copy of a record of marriage \$3.00 to \$4.00
- (45) For correcting errors in a record of marriage \$20.00 to \$25.00
- (62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Section 22 of Chapter 166 \$50.00 to \$75.00
- Additional for each street or way included in such order \$10.00 to \$15.00

The fee for certification of any document not previously enumerated shall be six dollars (\$6.00).

Approved:

July 19, 1991

Effective:

August 9, 1991

Attest:

Wella Zuehlke

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-ONE

AN ORDINANCE.

AMENDING TITLE 5 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 5.34;
ROOMING UNIT RENTALS

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 5 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 5.34 thereto:

Chapter 5.34

ROOMING UNIT RENTALS

Sections:

- 5.34.010 Definitions.
- 5.34.020 License--Required--Fee.
- 5.34.030 Applications.
- 5.34.040 Denial or revocation of license--Appeals.
- 5.34.050 Enforcement--Penalties.

5.34.010 Definitions. For the purpose of this chapter, the following definitions shall be applicable:

A. "Basement" means a portion of dwelling located partly under-ground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

B. "Building code" the building code of the Commonwealth of Massachusetts.

C. "Cellar" means a portion of any dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

D. "Cooking facilities" means a stove, sink, hot plate or so called toast ovens in any room which is used for the preparation of food, but shall not include a microwave or small refrigerator.

E. "Dwelling" means a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

F. "Dwelling unit" means a single family residence or multi-family residence consisting of individual units, each providing complete living facilities for one family.

G. "Family" means those persons as set forth in Article II 9 of the City of Springfield Zoning Ordinances.

H. "Lessee" means any person having charge, care, management, or control of any dwelling or part of it, which dwelling units or rooming units are let.

I. "Multi-family dwelling" means any dwelling or part thereof containing three or more dwelling units.

J. "Occupant" means any person including an owner or lessee living or sleeping in the dwelling unit or rooming unit.

K. "Owner" means any person who, alone, jointly or severally with other, hold legal or equitable title to any dwelling, rooming house, dwelling unit or rooming unit.

L. "Rooming house" means any dwelling, or part thereof containing one or more rooming units, in which space is let to up to three (3) additional persons.

M. "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.

5.34.020 License--Required--Fee. A. No person shall rent, lease, let or otherwise contract for the rental of a rooming unit to a person or persons other than members of their family without first obtaining a license to do so from the Building Commissioner or his designee.

B. The Building Commissioner or his designee shall, upon payment of a fee of one hundred fifteen (\$115.00) dollars for up to three (3) existing bedrooms as shall appear on the original building permit and design of said structure for single occupant of said rooming unit containing residential living space, and upon compliance with the following sections of this ordinance issue a license to said applicant for a period of one year.

5.34.030 License--Applications. A. No license shall be granted for rental of a rooming unit in a dwelling unit unless said unit shall be occupied by the registered owner or the lessee with the written consent of the registered owner and filed with the building commissioner office of said property; each rental rooming unit shall be not less than 80 square feet and shall house one rental occupant only. Smoke detectors and fire alarms must be installed according to the provisions of the building code and sections 7.12.140 and 7.12.150 of the ordinances of city of Springfield; and full compliance with the applicable wiring, plumbing and sanitary codes. In multi-family dwelling units no license for rental of a rooming unit shall be issued without the consent of the owner of record, to lessee in writing, filed with the building commissioner office, and said lessee shall be considered said owner of record for all intent and purposes of this ordinance.

B. In any district the taking of a roomer or boarders or tourists shall be considered accessory to the use of a dwelling unit provided that:

1. In addition to parking spaces set forth in the Zoning Ordinances of the City of Springfield, for the resident family, there shall be one separate off-street paved parking space available upon the premise for each lodger, roomer or tourist.

2. In any rooming house as described above, there shall be two means of egress and approved by the building commissioner or his designee.

3. For the purpose of this ordinance, basements and cellars are not considered to be approved living space.

C. No rooming unit, for which a license shall be issued under this section shall provide cooking facilities or be equipped to provide for the preparation of food.

D. This section shall not apply to licensed hotels, motels, nursing homes or to those agencies of the Commonwealth or its subdivisions which have been commissioned specially licensed to preform charitable services or institutional services for the general health and welfare of its citizens.

E. Said licenses shall be renewed annually upon the same conditions as set forth in all of the preceding sections but no license shall be renewed or issued if the applicant has been found to have violated a previous licensed granted under this ordinance except with the combined approval of the building department and housing code enforcement department.

F. No dwelling, apartment or other building shall be excluded from the requirement of obtaining a license as a result of its present or pre-existing use. No other city agency shall issue a license, special permit or variance for the rental of a rooming unit without said rentor having first obtained a license as prescribed by this ordinance.

5.34.050 Denial or revocation of license--Appeals. A. Any person whose application for a rooming unit rental license is denied by the building commissioner, shall be notified in writing by the building commissioner. Such person may appeal the denial to a board of appeals comprised of the City Solicitor, who shall act as chair of the board of appeals, the director of planning, and the director of public works, or their selected representatives. A written request for an appeal hearing shall be submitted to the building commissioner within ten (10) days after receipt of the license denial notice.

B. The building commissioner upon the recommendation of the chief of police, housing code director, or their designees, or as a result of his own investigation, may revoke the license issued to any person for the reasons stated in section 5.34.020 of this chapter. Any person whose license has been revoked by the building commissioner shall be notified in writing of the revocation by the building commissioner. Such person may appeal the revocation to the board of appeals created in subsection (A) hereof. A written request for an appeal hearing shall be submitted to the building commissioner within ten (10) days after receipt of the license revocation notice.

C. The board of appeals, as herein established, shall hear any appeal, pursuant to subsections (A) and (B) hereof within thirty (30) days from the date the request for appeal is received by the building commissioner. The board shall have the power to sustain, modify or reverse the decision of the building commissioner. The board's decision shall be in writing and sent to the applicant, or his/her legal representative, within thirty (30) days after the hearing is concluded. The action of the board of appeals is final.

5.34.050 Enforcement--Penalties. A. The building department and the housing code enforcement department, acting independently or jointly, shall have the authority to enforce the provisions of this ordinance and shall cause to be filed with either the district court or the housing court in Hampden County such complaints, either civil or criminal, as will, in their judgment, be in the best interest of the enforcement and shall cause to be served upon the person or persons in violation of this ordinance such notice of the proceedings as prescribed by law and the rules of the court where said complaint is brought.

B. If the police, building or the housing code enforcement departments receive more than five (5) written complaints regarding any particular property, an inspection shall be conducted by said department, and a hearing shall be held with the property owner to determine if the license shall be revoked as set forth in section 5.34.040.

C. The building department or the housing code enforcement department may pursuant to section 1.16.010, dispose of said violation by issuance of a ticket in the amount set forth below.

D. Any person failing to comply with the provisions of this ordinance shall be subject to a fine of one hundred dollars (\$100.00) for the first violation and fifty dollars (\$50.00) per day for as long as said violation shall continue within said one year period; and the sum of two hundred dollars (\$200.00) per day for any violation thereafter and be further subjected to such order of restraint as the enforcing department shall deem necessary to compel compliance with this ordinance. Any person, after receiving said license, who is found to have falsified information in order to obtain said license or otherwise altered the conditions upon which said license was issued shall have rendered said license null and void and thereby fails to comply with said ordinance.

This ordinance shall take effect upon its passage.

Approved:

August 7, 1991

Effective:

August 7, 1991

Attest:

Welle Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-ONE

AN ORDINANCE.

AMENDING TITLE 1, CHAPTER 1.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY ADDING A NONCRIMINAL DISPOSITION TO CHAPTER 6.08 - ANIMAL CONTROL, SECTION 6.08.060

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following language at the end of Section 1.16:

<u>Ordinance</u>	<u>Penalty</u>
6.08.060 Animal Control - Impoundment and violations (Housing Code Inspectors, Animal control officers, and Humane Officers)	First Offense \$25.00 Second Offense \$50.00 Third Offense \$100.00

Approved:

August 7, 1991

Effective:

August 28, 1991

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY ONE

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.66 AND TITLE 12, CHAPTER 12.04 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING CHAPTER 2.66 AND CHAPTER 12.04 IN THEIR ENTIRETY AND INSERTING IN PLACE THEREOF A NEW CHAPTER 2.66 - DEPARTMENT OF CODE ENFORCEMENT.

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Chapter 2.66 and Chapter 12.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, are hereby repealed and a new Chapter 2.66 is hereby inserted as follows:

Chapter 2.66

DEPARTMENT OF CODE ENFORCEMENT

Sections:

- 2.66.010 Establishment - - Qualifications.
- 2.66.020 Commissioner of Code Enforcement.
- 2.66.030 Powers and duties of the commissioner.
- 2.66.040 Assistant commissioner of code enforcement.
- 2.66.050 Deputy director housing code.
- 2.66.060 Sealer of weight and measures.
- 2.66.070 Permits and records.
- 2.66.080 Employees.
- 2.66.090 Restrictions on employees.

2.66.010 Establishment -- Qualifications. A. There is established in the city a municipal department to be known as the department of code enforcement, hereinafter referred to as the department, which shall be under charge and supervision of the commissioner of code enforcement, hereinafter referred to as the commissioner.

B. The commissioner shall be an architect or professional engineer, registered under Chapter 112 of the General Laws and shall be subject to the residency ordinance of the City of Springfield. Said commissioner shall be appointed by the mayor for a term of five years and shall be subject to removal for cause in accordance with the city charter. He shall not be subject to the provisions of section 9A of chapter 30 or Chapter 31 of the General Laws.

2.66.020 Commissioner of code enforcement. A. The commissioner shall have all the power and duties formerly vested in the building commissioner, housing code enforcement director and the sealer of weights and measures.

B. In addition, he shall have such duties as may be established from time to time by ordinance, statute, or rule and regulation, the commissioner or his designee shall enforce the following laws: Chapter 40A, Chapter 94, sections 176 to 180, Chapter 98, Chapter 99, Chapter 111, sections 127 to 127L, Chapter 143, Chapter 166, Chapter 349 of the Acts of 1910, and Chapter 842 of the Acts of 1967.

2.66.030 Powers and duties of the commissioner. A. The commissioner shall have control and supervision of the former building department, housing code enforcement department and the weights and measures department, its personnel, records, and equipment, and all drawings received with applications for permits.

B. It shall be the duty of the commissioner to enforce Chapter 12.08 and this Chapter, the State Building Code, State Sanitary Code, Plumbing Code, Wiring Code, Gas Piping Code, and the laws pertaining to the weights and measures, and all other related laws, regulations and ordinances; or as they may be hereafter amended, as to secure their intent.

C. The commissioners shall have jurisdiction and authority to perform any and all such acts or rights and powers which are prescribed to be so performed and exercised by him under the provisions of Chapter 194 of the Acts of 1991.

D. The commissioner may, subject to the approval of the mayor, engage such expert opinion as he may deem necessary to pass upon unusual issues which may arise.

2.66.040 Assistant commissioner of code enforcement. There shall be a assistant commissioner of code enforcement who shall be appointed by the commissioner in accordance with the civil services law. The assistant commissioner of code enforcement shall, during the absence or disability of the commissioner, exercise all the powers of the commissioner.

2.66.050 Deputy director housing code. A. There shall be a housing code deputy director appointed by the commissioner in accordance with the civil services law. The housing code deputy director shall be responsible for the administration of the housing code enforcement operations of the department of code enforcement under the supervisory direction of the commissioner.

B. It shall be the duty of the housing code deputy director to enforce the provisions of Articles I and II of the Sanitary Code of the Commonwealth of Massachusetts.

2.66.060 Sealer of weight and measures. A. There shall be sealer of weights and measures appointed by the commissioner in accordance with the civil services law. The sealer of weights and measures shall be responsible for the administration of the weights and measures operations under the supervisory direction of the commissioner.

B. It shall be the duty of the sealer of weights and measures to enforce the provisions of Chapter 94, sections 176 to 180, Chapter 98, Chapter 99, sections 1 to 5 and ordinances and regulations relating to the testing, adjustment, sealing, or condemnation and collection of fees for sealing all types of weighting and measuring devices.

2.66.070 Supervision, permits and records. A. All permits issued by the former building commissioner shall bear the signature of the commissioner of code enforcement, which signature shall be affixed by said commissioner or by a member of the department thereunto specifically authorized by the commissioner.

B. The commissioner shall cause to be kept a record of business of the department, and shall submit to the mayor and city council, on or before the first day of September of each year, a report on such business. The records of the department shall be open to public inspection.

2.66.080 Employees. The commissioner may appoint such number of inspectors, assistants, deputy sealers and other employees in accordance with civil service law as shall be authorized by the mayor and city council from time to time.

2.66.090 Restrictions on employees. No officer or employee of the department, except the board of appeals, shall engage in any work on any building or structure located in the city, nor shall he furnish any material for construction, repair, or maintenance, nor prepare plans or specifications therefor, unless he is owner of the building or structure, provided such activity does not interfere with his duties and responsibilities to the department.

This ordinance shall take effect upon passage.

Approved:

September 25, 1991

Effective:

September 25, 1991

Attest:

Wille Zmetger

City Clerk



City of Springfield.

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1995

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-ONE

AN ORDINANCE.

TITLE 3, CHAPTER 3.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED IS HEREBY REPEALED IN ITS ENTIRETY AND THE FOLLOWING NEW CHAPTER 3.08 IS ADDED

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 3, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby repealed in its entirety and the following new Chapter 3.08 is added:

Chapter 3.08

DOMICILE REQUIREMENTS

Sections:

- 3.08.010 Department heads--Deputy--Assistant--Conditions of employment.
- 3.08.020 Factor in evaluation of candidates for employment or promotion.
- 3.08.030 Applicants for appointment--Promotion.
- 3.08.040 Certification for employee.
- 3.08.050 Conflict with collective bargaining agreements and general laws.
- 3.08.060 Board and commission members.
- 3.08.070 Certification for board and commission members.
- 3.08.080 Positions or titles covered.

3.08.010 Department heads--Deputy--Assistant--Conditions of employment. A. The head, deputy and assistant of any department of the city as well as any employee promoted to said positions shall, subject to Section 3.08.030, as a term and condition of employment shall maintain domicile in the city, and each such employee shall continue to maintain domicile in the city, and each such employee shall continue to maintain domicile in the city as a term and condition of employment.

B. If any such employee shall during his or her term of employment remove from the city, such employee shall be deemed to have become disqualified from holding employment with the city as of the date of cessation of domicile. The employee's name shall be stricken from the payroll and no further payments of salary or other compensation for continued employment shall be made thereto.

3.08.020 Factor in evaluation of candidates for employment or promotion. All appointing authorities may consider compliance with the domicile ordinance codified in this chapter, by applicants who are subject to Sections 3.08.010 and 3.08.030, other than members of collective bargaining units, as a factor in evaluating such candidates for employment or promotion.

3.08.030 Applicants for appointment--Promotion. Applicants subject to Section 3.08.010 at the time of appointment or promotion in the city shall not as a condition of such appointment or promotion be required to have a domicile in the city; provided, however that if the person is appointed or promoted he or she shall as a term and condition of employment shall within one (1) year next following the date of the appointment or promotion become domicile in the city, and each such appointee shall maintain domicile in the city during his or her term of employment.

3.08.040 Certification for employees. A. Each employee subject to Sections 3.08.010 or 3.08.030 shall upon acceptance of employment or promotion certify to the personnel director of the city under the pains and penalties of perjury that he or she is domicile in the city or agree that he or she will become domicile in the city and file a certification thereof within the grace period stated in Section 3.08.030.

B. If upon the expiration of the one (1) year next following acceptance of employment such employee has not certified that he or she is domicile in the city, said employee shall be terminated by the appointing authority.

C. For any employee who has been hired or promoted and is required to move into the city within a two (2) year period from the time of their hire or promotion, as stated in repealed ordinance, that time commitment will be honored by the city and the employee will continue to be bound by the two (2) years limitation.

D. Any employee who is currently in violation of this ordinance will have twelve (12) months from the date of implementation of this ordinance to become domicile in the city or shall be terminated by the appointing authority.

E. Any employee employed or promoted initially by the city prior to the May 28, 1976 effective date of the repealed ordinance shall have two (2) years from the date of implementation of this ordinance to officially domicile in the city or shall be terminated by the appointing authority.

3.08.050 Conflict with collective bargaining agreements and general laws. Should the terms of a collective bargaining agreement or general laws conflicts with this chapter, the terms of the collective bargaining agreement or general laws shall prevail.

3.08.060 Board and commission members. A. All persons appointed to membership on boards and commissions of the city shall be domicile in the city during the terms for which they are appointed.

B. This section shall not apply to persons appointed to advisory committees or to committees established under federal or state grant-in-aid programs except where otherwise specified.

3.08.070 Certification for board and commission members. Each board or commission member subject to Section 3.08.060 shall upon appointment to any board or commission certify to the city clerk of the city under the pains and penalties of perjury that he or she is domicile in the city.

3.08.080 Positions or titles covered. A. For the purpose of this chapter the following positions or titles shall be governed by this ordinance unless excluded by law or collective bargaining agreements:

Assessors;
City Auditor and Deputy;
City Clerk and Assistant;
City Treasurer/Collector, Assistant Treasurer and Deputy Collector;
Commissioner Code Enforcement, Assistant and Housing Code Deputy Director;
Commissioner of Community Development and Deputy Commissioners;
Election Commission Secretary and Assistant;
Chief financial officer and Assistant;
Fire Chief and Deputies;
Commissioner Public Health and Deputy;
Human Services Director;
Labor Relation Director;
City Solicitor and Deputy;
Municipal Information System Director and Deputy;
Hospital Director and Assistants;
Park Superintendent, Deputy and Forestry and Horticulture Superintendent;
Personnel Director and Assistants;
Planning Director and Assistant;
Police Chief and Deputies;
Public Building Superintendent and Assistant;
Director Public Works, Assistant Deputy, Deputy Directors and Waste Water Treatment Plant Engineer;
Chief Procurement Officer and Deputy Purchasing Agent;
Retirement System Supervisor and Assistant;
Superintendent of Schools, Deputy and Assistants;
Veterans' Service Director and Deputy;
Water Department Manager, Water Registrar, Supervising Water Engineer and Water Distribution Supervisor.

Approved:

October 21, 1991

Effective:

November 11, 1991

Attest:

Welle Zuehlke

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-ONE

AN ORDINANCE.

AMENDING TITLE 4, SECTION 4.08.040 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED TO CONFORM WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 41, SECTION 17 RELATIVE TO CUSTODY OF CONTRACTS.

Be it ordained by the City Council of the City of Springfield, as follows:

Section 4.08.040 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the following words after "city auditor" in line 3 thereof "as soon as practicable after its execution" and inserting in place thereof the following:

"within one week after its execution; and the city clerk shall keep the contract or copy on file, open to public inspection during business hours."

Approved:

November 19, 1991

Effective:

December 10, 1991

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 6, CHAPTER 6.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY EXEMPTING DOG SHOWS, CIRCUSES AND ANIMAL EXHIBITIONS FROM SECTIONS 6.04.010 AND 6.04.050, "DANGEROUS AND VICIOUS DOGS - PIT DOG - PROHIBITIONS".

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 6.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section thereto:

6.08.090 Performing animal exhibitions. B. The provisions of Sections 6.04.010 and 6.04.050 shall not apply to so called "dangerous and vicious dogs" or so called "Pit Bulls" when said dogs are part of a performing dog show, circus or animal exhibition that meets all of the requirements of state and federal laws regarding such performances or exhibitions.

This Ordinance shall take effect upon passage.

Approved:

February 18, 1992

Effective:

March 10, 1992

Attest:

Walter Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 3, CHAPTER 3.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED - DOMICILE REQUIREMENTS

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 3.08 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by inserting at the end of first sentence in section 3.08.040 (C) the following language thereto:

For any employee whose two (2) year limitation will expire in less than twelve (12) months, said employee will be given twelve (12) months from the date of implementation of this ordinance to become domiciled in the city.

Section 3.08.080 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the following positions or titles therefrom and adding the following position or title thereto:

3.08.080 Position and titles covered.

By deleting the title "Assistant Deputy" from Department of Public Works; and by adding the title "Board of Public Works Engineer";

By deleting the title "Supervising Water Engineer" and adding the title "Supervising Water Sanitary Engineer";

By deleting the title "Assistant" after Public Building Superintendent; and adding the title "Assistants";

By adding the title "Sealer of Weights and Measures";

By adding the title "Director of the Office of Emergency Preparedness";

By adding after the title Chief Procurement Officer "/Purchasing Agent"; and

By adding after the title City Clerk and Assistant the title "Deputy Assistant".

3.08.090 Conflicting sections. Notwithstanding any specific chapter or section of the ordinances of the city of Springfield to the contrary, only the positions and titles listed in section 3.08.080 above or amended hereinafter shall be governed by this domicile ordinance.

(OVER)

Approved:

March 4, 1992

Effective:

March 25, 1992

Attest:

A handwritten signature in cursive script, appearing to read "Walter Zmetzer".

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 11, CHAPTER 11.12, SECTION 11.12.150 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY REPEALED IN ITS ENTIRETY AND THE FOLLOWING NEW SECTION 11.12.150 IS ADDED; LATE CHARGES.

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Section 11.12.150 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby repealed in its entirety and the following new section is added in place thereof:

11.12.150 Authority to collect all charges and payments. A. The director shall forward to the city collector for collection all assessments and charges for wastewater services provided, including, but not limited to, capital, maintenance, operational, and support costs and other payments from industries and municipalities as specified in the contracts, agreements, and amendments thereto, between the city and individual industries and municipalities receiving services from the city and/or participating in sewage works improvements.

B. The city collector shall have the authority to use all legal means available to collect subject assessments, charges, and payments when due, including the collection of delinquent payments through property liens and property tax liens.

C. All applicable charges shall become due within thirty (30) days from the issuance date of the bill. After thirty (30) days from the issuance date of said bill, all unpaid amounts shall become delinquent and shall be subjected to a late charge.

D. The aforementioned late charge for overdue payments shall be assessed daily on all delinquent amounts. Said late charge shall be equal to twelve percent (12%) annually. Late charges on delinquent amounts assessed after the issuance date of the bill shall appear on the next bill. All charges and payments collected shall be deposited to the appropriate account of the wastewater facilities fund established for the operation, maintenance and improvement of the wastewater facilities under the sewers, drains and wastewater treatment division of the department of public works.

Approved:

March 4, 1992

Effective:

March 25, 1992

Attest:

Wally Zuretzka

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.66, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THE FOLLOWING NEW SECTION 2.66.062; ENUMERATION OF FEES

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 2.66 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section thereto:

2.66.062 Enumeration of fees. The fees of the sealer of weighing and measuring devices shall be as enumerated in Massachusetts General Laws Chapter 98, Section 56, except as follows:

A.	<u>Balances and scales</u>	<u>Sealing fees</u>
(1)	Over 10,000 pounds	\$200.00
(2)	5,000 to 10,000 pounds	\$100.00
(3)	1,000 to 5,000 pounds	\$ 75.00
(4)	100 to 1,000 pounds	\$ 60.00
(5)	Under 100 pounds	\$ 30.00
B.	<u>Weights</u>	
(1)	Avoirdupois	\$ 2.00
(2)	Metric	\$ 2.00
(3)	Apothecary	\$ 2.00
(4)	Troy	\$ 2.00
C.	<u>Capacity measures</u>	
(1)	<u>Vehicle tanks</u>	
	(a) Each indicator	\$ 15.00
	(b) Each 100 gallon or fraction thereof	\$ 10.00
(2)	<u>Liquid</u>	
	(a) 1 gallon or less	\$ 5.00
	(b) More than one gallon	\$ 10.00

D. Liquid measuring meters

- | | | |
|-----|---|----------|
| (1) | Inlet ½ inch or less-oil, grease | \$ 15.00 |
| (2) | Inlet more than ½ inch to 1 inch gasoline | \$ 30.00 |
| (3) | Inlet more than 1 inch | |
| | (a) Vehicle tank pump | \$ 60.00 |
| | (b) Vehicle tank gravity | \$ 75.00 |
| | (c) Bulk storage | \$100.00 |

E. Pumps

- | | | |
|-----|-------------------|----------|
| (1) | Each stop on pump | \$ 15.00 |
|-----|-------------------|----------|

F. Other devices

- | | | |
|-----|--------------------------|----------|
| (1) | Taximeters | \$ 30.00 |
| (2) | Odometer--Hubodometer | \$ 30.00 |
| (3) | Fabric measuring | \$ 20.00 |
| (4) | Wire--Rope--Cordage | \$ 20.00 |
| (5) | Timing devices | \$ 40.00 |
| (6) | Mass flow meter--Gaseous | \$ 40.00 |

G. Linear measure

- | | | |
|-----|------------|----------|
| (1) | Yard stick | \$ 10.00 |
| (2) | Tapes | \$ 10.00 |

H. Miscellaneous

- | | | |
|-----|----------------|----------|
| (1) | Dry measures | \$ 10.00 |
| (2) | Minimum charge | \$ 10.00 |

I. Adjusting--Ordered repairs--Not sealed--Condemned charges 25% of sealing fee.

The payment of the fees shall be made at the time of the device sealing. The fine for violating any provision of this ordinance including the non payment of the listed fee shall be three hundred (\$300.00) dollars. Each day on which any violation exists or continues to exist shall be deemed to be a separate offense.

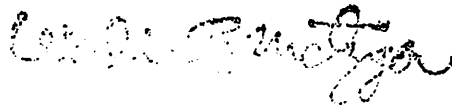
Approved:

April 15, 1992

Effective:

May 6, 1992

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.62, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 2.62.100 (C) AND INSERTING IN PLACE THEREOF THE FOLLOWING NEW SECTION 2.62.100 (C)

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 2.62 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 2.62.100 (C) and inserting in place the following new section 2.62.100 (C) thereto:

2.62.100 Board of appeals--Composition--Appointment, term and qualification of members and associate members, monthly meeting.

C. The board of appeals shall schedule its regular meeting on any Wednesday evening of the month if their business so requires.

Approved:

May 29, 1992

Effective:

June 19, 1992

Attest:

Carol Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY ADDING A NEW CHAPTER 7.17; BULK AND WASTE HAULING SERVICES

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 7.17 thereto:

Chapter 7.17

BULK AND WASTE HAULING SERVICES

Sections:

- 7.17.010 Definitions.
- 7.17.020 License required.
- 7.17.030 License qualifications--License application--
Issuance of license.
- 7.17.040 Record keeping requirements.
- 7.17.050 Disposal of bulk and waste--License prima-facie
liable for illegal dumping.
- 7.17.060 Additional rules.
- 7.17.070 Revocation of license.
- 7.17.080 Notice of revocation.
- 7.17.090 Change of address.
- 7.17.100 Denial or revocation of license--Appeals.
- 7.17.110 Dumping Prohibited.
- 7.17.120 Violation--Penalty

7.17.010 Definitions. For the purpose of this chapter, the following definitions shall be applicable as well as the definitions found in section 7.16.010:

A. "Approved disposal site" means any solid waste disposal facility, licensed pursuant to M.G.L., chapter 111, section 150A or by other appropriate public authority.

B. "Bulky waste" means all large items of refuse such as appliances, furniture, large auto parts, boilers or furnaces.

C. "Dumping" means the discarding, dropping, placing, throwing, depositing or dispensing of waste.

D. "Garbage" means any putrescible animal and vegetable material resulting from the handling, preparation, cooking and consumption of food.

E. "Hazardous waste" means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical or infectious characteristic may cause, or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not including solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atom Energy Acts of 1954.

F. "Homeowner" means the legal owner, tenant, renter, or occupant of a house, apartment, building, structure or mobile home.

G. "License" means a permit granting authority, pursuant to this chapter, for a person to engage in the business of collecting, hauling or disposing of bulk and waste in the city.

H. "Licensee" means any holder of a license issued pursuant to this chapter. Any violation of this chapter by an agent or employee of the licensee shall be deemed a violation of the licensee.

I. "Litter" means "garbage", "refuse" and "rubbish" as defined in section 7.16.010 and all other waste material which if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety, welfare, or appearance.

J. "Person" means any individual, firm, partnership, association, corporation, company, group of individuals acting for a common purpose or organization of any kind, excepting a governmental agency.

K. "Refuse" means all putrescible and nonputrescible solid material (excepting body waste), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles, used motor vehicle parts, tires, bulk waste, construction and demolition waste as defined in section 7.16.010, building materials, solid market and industrial wastes, used chemical and oil waste, and any other similar substance, man-made or otherwise, which no longer serves the functional use for which it was intended.

L. "Rubbish" means all nonputrescible solid material consisting of both combustible and noncombustible material, including but not limited to, paper, wrappings, cigarettes, cardboard, tin and aluminum cans, yard clippings, leaves, wood, glass, concrete, dirt, plaster, plasterboard, roofing material, nails, bedding, crockery and similar material.

M. "Waste" means all "garbage", "refuse" and "rubbish", as defined in this chapter, and in section 7.16.010, and any other similar substance, man-made or otherwise, which no longer serves the functional use for which it was intended at the location it is dumped or which became noxious, offensive, injurious or dangerous to the public health, comfort or safety.

7.17.020 License Required. No person, except duly authorized collectors of the city or bulk and waste haulers licensed by this chapter, shall engage in the business of collecting, removing, hauling or transporting any garbage, refuse, rubbish, hazardous waste, or other waste in the city.

7.17.030 License qualifications--License application--Issuance of license. A. The application for a bulk and waste haulers license shall be made in writing upon blanks furnished by the director of public works or his designee. Each application for license shall include a filing fee of one hundred (\$100.00) dollars, which shall not be refundable and which shall be the annual license fee for the license. The license year shall commence on July 1 and shall expire on June 30.

B. The applicant, at the time of filing the application shall furnish a copy of the applicant's automobile insurance policy declaration page or a certificate of insurance thereof, by an insurance carrier licensed to do business in the commonwealth.

C. Each applicant shall file with the department of public works a bond in the sum of two thousand (\$2,000.00) dollars. Such surety to the city shall be conditioned upon the faithful observance of the provisions of this and other applicable provisions of the ordinances of the city. The principal (applicant) will perform such duties and collect and dispose of waste in strict compliance with all applicable existing statutes, laws, ordinances, rules and regulations of the Commonwealth of Massachusetts and the city.

D. Such bond shall further provide for payment to the city of all persons entitled thereto, for the cost and expense of removal and proper disposal of any waste collected by the applicant including restoration of property caused by disposal of waste by applicant that in the judgment of the director of public works or his designee is not in compliance of this chapter and/or not disposed of in strict compliance with all applicable existing statutes, laws, ordinances, rules and regulations of the Commonwealth of Massachusetts or the city.

E. In lieu of a bond, the applicant may provide the city with an irrevocable letter of credit. The surety on such bond or the bank on such irrevocable letter of credit shall be approved by the director of public works or his designee as to sufficiency and shall be subject to the approval by the law department as to form.

F. The application shall contain the following business information of the applicant:

1. Name and address of the applicant. If the applicant is a corporation or an incorporated partnership, the name shown on the application shall be the name shown on the articles of incorporation.

2. Telephone number(s).

3. Whether the applicant has been convicted of a violation of section 7.17.130 this chapter or chapter 7.16.

4. If the applicant is an individual, social security number and date of birth.

5. Such other information as may be necessary to carry into effect the provisions of this chapter.

6. If the applicant is an individual, the application shall be signed by such individual, and if the applicant is a partnership, the application shall be signed by each individual composing such partnership. If the applicant is a corporation, the application shall be signed by the president thereof.

7. The application shall be verified under oath by the applicant.

G. Every licensee shall:

1. Maintain insurance coverage, for the term of the license, for each vehicle used in hauling bulk or waste items.

2. Ensure that each employee who operates vehicles hauling bulk or waste in the licensee's employ possesses a valid operator's license.

3. Not be licensed if, within one year preceding the date of application, the applicant has been convicted of a violation of section 7.17.130 this chapter or chapter 7.16 of this ordinance.

4. Each vehicle used in the business of hauling bulk or waste shall be maintained in compliance with any applicable local, state, or federal laws.

5. The licensee shall maintain in quadruplicate a manifest or invoice of all items taken from a homeowner as well as the name, address and telephone number of the homeowner, a copy of said manifest or invoice shall be signed by homeowner and given to the homeowner.

6. The licensee shall return to the department of public works a signed copy of the manifest or invoice showing the items taken from the homeowner have been properly deposited at an approved disposal site.

H. The director of public works or his designee shall issue a license to an applicant who has met all the requirements of this chapter, and as evidence hereof, shall issue a license plate for each vehicle bearing thereon an assigned bulk and waste collector's license number. The license plate shall be permanently affixed to the rear of each such vehicle used in hauling and shall be kept clean and clearly visible at all times.

7.17.040 Record keeping requirements. Every licensed bulk and waste hauler shall retain all receipts from approved disposal sites for a period of six (6) year. Such records shall be subject to inspection at all times by the police department and the department of public works.

7.17.050 Disposal of bulk and waste--Licensee prima-facie liable for illegal dumping. A. Any person collecting and hauling bulk and waste items shall deposit such waste only at an approved disposal site.

B. In any hearing on a charge of a violation of this chapter, testimony that a vehicle bearing a certain license plate issued pursuant to this chapter was found illegally dumping bulk or waste items as provided by this chapter, and further testimony that the record of the department of public works shows that the license plate was issued to the defendant, shall be prima-facie evidence that the act of illegally dumping of bulk or waste was committed by the defendant.

7.17.060 Additional rules. The department of public works is hereby empowered to determine the need for and to establish, enforce and rescind regulations necessary to make effective the provisions of this chapter. Such regulations, when established or rescinded, shall be promulgated to ensure a reasonable and efficient system of bulk and waste collection by bulk and waste haulers in the city.

7.17.070 Revocation of license. A. The director of public works or his designee upon the recommendation of the chief of police or his designee, or as a result of his own investigation, may revoke the license issued pursuant to this chapter if he finds that the licensee has:

1. Violated the provisions of this chapter;
2. Made any false statements or misrepresentations in the application; or
3. Violated section 7.17.130 or chapter 7.16;
4. Failed to maintain in full force and effect the necessary bond and evidence of insurance as required by the chapter.

7.17.080 Notice of Revocation. The director of public works or his designee shall notify the licensee of any revocation of this license, and shall require such person to turn in his license and remove his license plate. Such notification shall be by certified mail directed to the last known address of the licensee on file with the department of public works.

7.17.090 Change of Address. Every licensee shall have his address on file with the department of public works, and in the case of change, shall notify the department of public works in writing immediately or no later than five days.

7.17.100 Denial or revocation of license--appeals. A. Any applicant whose application for a bulk and waste hauler license is denied by the director of public works or his designee, shall be notified in writing by the department of public works. Such applicant may appeal the denial to a board of appeals comprised of the city solicitor, who shall act as chair of the board of appeals, the director of planning, and the building commissioner, or their selected representatives. A written request for an appeal hearing shall be submitted to the department of public works within ten (10) days after receipt of the application denial notice.

B. The director of public works or his designee, upon the recommendation of the chief of police, or his designee, or as a result of his own investigation, may revoke the license issued to any person for the reasons stated in Section 7.17.070 of this chapter. Any person whose license has been revoked by the department of public works shall be notified in writing of the revocation by the director of public works or his designee. Such person may appeal the revocation to the board of appeals created in subsection (A) hereof. A written request for an appeal hearing shall be submitted to the director of public works within ten (10) days after receipt of the license revocation notice.

C. The board of appeals, as herein established, shall hear any appeal, pursuant to subsections (A) and (B) hereof within thirty (30) days from the date the request for appeal is received by the director of public works. The board shall have the power to sustain, modify or reverse the decision of the director of public works. The board's decision shall be in writing and sent to the applicant, or his/her legal representative, within thirty (30) days after the hearing is concluded. The action of the board of appeals is final.

D. For purposes of this section, it is presumed that a person knowingly dumped or caused to be dumped bulk or waste items in violation of this chapter if any writing or document is found in or near such waste indicating the name, address or other identifying information of such person or entity or of the homeowner from which said items were taken.

7.17.110 Violation--Penalty. Each day that any person engages in any occupation requiring a license as provided herein, without having obtained such license, shall be punished by a fine of not more than three hundred (\$300.00) dollars, each day shall constitute a separate offense. A conviction for violation of this ordinance shall be reported to the registry of motor vehicles for whatever action they deem necessary.

Approved:

August 18, 1992

Effective:

September 8, 1992

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY TWO

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.64, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION 2.64.030; BUDGET REGULATIONS

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 2.64 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section 2.64.030 thereto:

2.64.030 Budget regulations. A. All line budget items shall be spent by their categories. Any additional monies necessary shall be first submitted with a mayor's recommendation and approved by a majority vote of the city council.

B. Any changes or amendments to the line item budget submitted by the community development department shall be filed with the city auditor and the chief financial officer for their approval prior to any vote by the city council.

C. Any requests for reallocation of monies from the department's budgeted contingency fund shall be approved by the mayor and submitted for approval by a majority vote of the city council.

Approved:

September 8, 1992

Effective:

September 28, 1992

Attest:

Walter Zmetyen

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 5, CHAPTER 5.28, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW SUB SECTION 5.28.240 (C)

Be it ordained by the City Council of the City of Springfield, as follows:

Title 5, Chapter 5.28 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new sub section 5.28.240 (C) thereto:

C. Every taxicab licensee shall maintain within the geographical bounds of the city of Springfield a business location where all records affecting the rules and orders of the traffic commission or ordinances of the city are kept.

Approved:

October 6, 1992

Effective:

October 27, 1992

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 1, CHAPTER 1.16, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NONCRIMINAL DISPOSITION TO CHAPTER 7.20 - NOISE, SECTION 7.20.020.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following language at the end of section 1.16.010:

<u>Ordinance</u>	<u>Penalty</u>
7.20.020 Loud, Disturbing and Unnecessary Noise	\$50.00

Approved: October 6, 1992

Effective: October 27, 1992

Attest: *Wille Zmetger* City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.50 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY REPEALED IN ITS ENTIRETY AND THE FOLLOWING NEW CHAPTER 2.50 IS ADDED

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 2, Chapter 2.50 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby repealed in its entirety and the following new Chapter 2.50 is added thereto:

Chapter 2.50

COUNCIL FOR DISABILITIES AFFAIRS

Sections:

2.50.010 Establishment--Organization--Function

2.50.010 Establishment--Organization--Function. A. There shall be in the city a council to be known as the Springfield council for disabilities affairs, referred to in this chapter as the "council", which will consist of fifteen (15) persons, appointed by the mayor, all of whom shall be residents of the city. In the year of commencement of said council the mayor shall appoint the fifteen (15) members for the following terms of service:

1. Five (5) persons shall be appointed for the term of three (3) years;
2. Five (5) persons shall be appointed for the term of two (2) years;
3. Five (5) persons shall be appointed for the term of one (1) year;

B. All new appointments and reappointments shall be for a three (3) year term of service. Each member appointed shall serve past their term until their reappointment or replacement by the mayor. All council members shall serve without compensation.

C. The mayor shall designate (1) of the members of the council to serve as chairperson. A vice-chairperson shall be elected by a majority vote of the council. The council membership shall be composed as follows:

1. At least fifty (50) percent of the council will be members of the disabled population, being representative of, but not limited to, the physically disabled, mentally disabled, members of the blind and deaf community, and the hidden disabled.

2. The remainder of the council shall be individuals who have a personal or professional interest in one (1) or more of the following areas: education, law, elder affairs, children's services, health services, parent group, and employment and training services.

D. The council shall serve in an advisory capacity to the mayor and the function of the council shall include:

1. Identifying problems and concerns of individuals with disabilities;

2. Serving as a liaison between the disabled community and the city administration;

3. Recommending remedial actions and policies to appropriate city departments, commissions, agencies, etc.;

4. Initiating and implementing program activities in conjunction with city department or in cooperation with public or private agencies;

5. To advise the mayor's office for citizens with disabilities with respect to program, planning, and operational policy.

E. To the extent that private or public sources of funds can be obtained, there shall be established a mayor's office for citizens with disabilities to augment the function of the city in relation to the council.

Approved:

October 21, 1992

Effective:

November 11, 1992

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.20, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 7.20.020 (B) AND INSERTING IN ITS PLACE A NEW SECTION 7.20.020 (B)

*Be it ordained by the City Council of the City of Springfield,
as follows:*

Title 7, Chapter 7.20 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting section 7.20.020 (B) and inserting in its place the following a new section 7.20.020 (B) thereto:

B. Radios, Phonographs, Musical Instruments or other Sound-amplification Devices or Singing or Screaming. The playing of any radio, phonograph, musical instrument or other electronically amplified sound devices or singing or screaming in such a manner or volume, particularly during the hours between ten (10:00) p.m. and seven (7:00) a.m., as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel or other type of residence. The sound created as stated above shall not exceed the intensity in relation to the sound frequency stated in section (F) below.

Approved:

November 24, 1992

Effective:

December 15, 1992

Attest:

Walter Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.66, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SUBSECTION 2.66.050 (C) - STATE SANITARY CODE INSPECTIONS, RENTAL VOUCHER PROGRAM

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, Chapter 2.66 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new subsection 2.66.050 (C) thereto:

C. The state sanitary code inspection user fee for the housing division-code enforcement department to inspect rental dwelling unit as required under the Massachusetts rental voucher program shall be seventy five (\$75) dollars per inspection (including reinspections if necessary) of the same rental dwelling unit. The cost of the inspection shall be borne by the owner or the owner's agent. Payment of the fee must be made before an inspection will be conducted. Upon compliance with the state sanitary code regulations, a letter of compliance shall be issued for said rental dwelling unit to the owner or his agent.

This ordinance amendment shall take effect upon passage.

Approved:

November 24, 1992

Effective:

November 24, 1992

Attest:

Walter Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 8, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 8.24 - LOITERING

Be it ordained by the City Council of the City of Springfield, as follows:

Title 8, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 8.24 thereto:

Chapter 8.24

LOITERING

Sections:

- | | |
|----------|--------------|
| 8.24.010 | Definitions. |
| 8.24.020 | Application. |
| 8.24.030 | Violations. |

8.24.010 Definitions. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

A. "Illegal Drugs" - Any controlled or restricted substance or drug, the sale of which is prohibited by the Massachusetts General Laws.

B. "Known Drug Dealer or Purchaser" - A person who within one (1) year previous to the date of a citation for violation of this ordinance has within the knowledge of the enforcing police officer been convicted of a crime involving the sale or purchase of illegal drugs, or a crime involving the possession of illegal drugs with the intent to sell.

C. "Known Prostitute or Panderer" - A person who, within one (1) year previous to the date of a citation for violation of this chapter, has, within the knowledge of the enforcing police officer been convicted of violating any ordinance of the city or statute of the state, defining and punishing acts of soliciting, committing, or offering, or agreeing to commit prostitution.

D. "Loiter" - Remaining idle in essentially one (1) location, and shall include the concepts of spending time idly, loafing or walking about aimlessly.

E. "Public Place" - Any area within the city of Springfield that is city, state or federally owned or controlled and accessible to the general public, including, but not limited to buildings, streets, sidewalks, bridges, alleys, plazas, parks, driveways and parking lots.

8.24.020 Application. A. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same, hinder, or prevent persons passing or attempting or desiring to pass thereon.

B. No person shall congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do so.

C. No person shall congregate, stand, loiter, or remain in any parking garage, whether publicly or privately owned, so as to interfere with the property of others or with any person's ability to use the services afforded by the garage, unless present there with the intent to park or use any other services afforded by the garage.

D. No person shall stand, loaf, loiter, or remain in, or in the immediate vicinity of, or frequent a public transportation terminal, whether publicly or privately owned, unless there present with the intent to use or to accompany or meet a person or persons using the public transportation there offered or to use one or some of the accessory convenience facilities operated at such terminal for the use of travelers.

E. No person shall congregate, stand, loaf or loiter in or in front of any school, college, university, or community center with the purpose of annoying or molesting the students or employees thereof, or so as to hinder, obstruct, prevent or disrupt the normal functions carried on therein or thereat, or so as to obstruct, hinder or prevent persons passing by or into or out of the same or attempting or desiring to do so. It shall be unlawful for any person to loiter or remain in or about the area of a school not having any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.

F. No person shall loiter or remain in a public place for the purpose of engaging in, or soliciting another person to engage in, sexual activity for hire. The circumstances which may be considered in determining whether such purpose is manifested are: That such person is a known prostitute or panderer, repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing waving of arms or any other bodily gestures.

G. No person shall loiter or remain in a public place in a manner and under circumstances manifesting the purpose of selling or purchasing illegal drugs. The circumstances which may be considered in determining whether such purpose is manifested are: That such person is a known drug dealer or purchaser, repeatedly beckons to, stops or attempts to stop passersby or pedestrians, and engages or attempts to engage them in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or other bodily gestures.

H. No person shall loiter or remain in a vacant or unoccupied building or on any portion of vacant land upon which such vacant building is located, unless with the permission of an authorized agent of said property.

8.24.030 Violations. A. No person shall be arrested for a violation of this chapter unless the arresting officer, by direct demand, first affords such person an opportunity to cease or explain such conduct.

B. No person shall be convicted of a violation of this chapter if it appears at trial that the explanation tendered was true and disclosed a lawful purpose.

C. Any person who violates the provisions of this section shall be punished by a fine of fifty dollars (\$50.00). Each day on which the violation exists shall be deemed to be a separate offense.

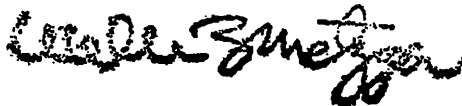
Approved:

December 21, 1992

Effective:

January 14, 1993

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND *Ninety-Two*

AN ORDINANCE.

AMENDING TITLE 5, CHAPTER 5.28, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO THE FOLLOWING NEW LANGUAGE - TAXICABS.

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 5.28 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended as follows:

Section 5.28.040 is hereby amended by deleting the words "five thousand dollars (\$5,000)" and inserting in its place the words;

"twenty thousand dollars (\$20,000)"; and

By deleting the words "ten thousand dollars (\$10,000)" and inserting in its place the words;

"forty thousand dollars (\$40,000)"; and

By deleting the words "one thousand dollars (\$1,000)" and inserting in its place the words;

"fifty thousand dollars (\$50,000)".

Approved:

January 21, 1993

Effective:

February 11, 1993

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND Ninety-Two

AN ORDINANCE.

AMENDING TITLE 2, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 2.90 - HUMAN RELATIONS COMMISSION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 2.90 thereto:

Chapter 2.90

HUMAN RELATIONS COMMISSION

Sections :

- 2.90.010 Establishment--Organization--Function
- 2.90.020 Powers and Duties--Meetings

2.90.010 Establishment--Organization--Function. A. There shall be in the city a commission to be known as the Human Relations Commission, referred to in this chapter as the "Commission", which will consist of nine (9) persons, appointed by the mayor, who shall be residents of the city. In the year of commencement the mayor shall appoint the nine (9) members for the following terms of service:

1. Four persons, including the chairperson, shall be appointed for the term of three (3) years;
2. Three persons shall be appointed for the term of (2) years;

3. Two persons shall be appointed for the term of (1) year.

B. All new appointments and reappointments shall be for a three (3) year term of service. Any vacancy shall be filled for the unexpired term in the same manner in which the original appointment was made. Commissioners shall serve for no more than two terms, and shall serve without compensation.

C. The mayor shall designate one (1) of the members of the Commission as Chairperson.

D. All members of the Commission shall serve with the right of formal vote.

2.90.020 Powers and Duties--Meetings. A. The city Human Relations Commission shall serve in an advisory capacity to the mayor and its function shall be to promote understanding, improve intergroup relations, and advance the objective of creating a more united community reflecting a climate of respect between all people in the public and private sectors.

B. The goal of the Human Relations Commission shall be that in the City of Springfield all citizens shall enjoy:

1. Equal protection of the law and full rights and privileges of citizenship for all people;

2. Full equality of opportunity in the total economic, political and cultural life of the community;

3. Improved communication, understanding and cooperation between and among all the diverse groups that comprise our community; and

4. Equal employment opportunity in all departments and levels of government and equal services available to all citizens.

C. The Commission Chairperson, in consultation with the mayor and with the approval of a simple majority of the Commissioners present, may appoint appropriate subcommittees, such as housing, employment, media, and public safety. The Commission Chairperson shall appoint one Commissioner to chair each such subcommittee. Subcommittees shall consist of no less than five (5) persons. The Commission Chairperson may appoint subcommittee members at large from the community. The function of each subcommittee shall be to make recommendations to the Commission on issues determined by the Commission Chairperson in consultation with the other Commissioners, in accordance with the goals outlined in section 2.90.020, paragraphs (A) and (B).

D. The Human Relations Commission shall meet at least once per month, and otherwise as needed. Minutes of all meetings of the commission shall be submitted to the mayor. All issues proposed for inclusion on the Commission agenda shall be consistent with the goals outlined in this chapter, and shall be submitted in writing to the Chairperson no later than three days before the scheduled meeting. This rule may be waived by a majority of the Commissioners present at the meeting. The final decision on inclusion of items on the agenda shall be the responsibility of the Commission Chair.

Approved:

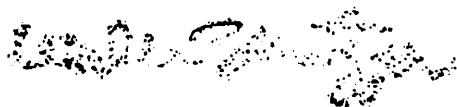
January 21, 1993

Effective:

February 11, 1993

Attest:

City Clerk





City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 9, CHAPTER 9.04.010 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO THE FOLLOWING NEW LANGUAGE - TRAFFIC COMMISSION.

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 9.04 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended as follows:

Section 9.04.010(A) is hereby amended by adding before the words "the chief of the fire department":

"the executive director of the Springfield parking authority or his duly authorized representative,"

Approved:

January 25, 1993

Effective:

February 16, 1993

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-THREE

AN ORDINANCE.

AMENDING TITLE 10, CHAPTER 10.04 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THE FOLLOWING NEW LANGUAGE TO CHAPTER 10.04.250 - NOTICE TO OWNER

Be it ordained by the City Council of the City of Springfield, as follows:

Title 10, Chapter 10.04.250 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following language to the end of section 10.04.250:

However, the city clerk shall not be required to give notice to the owners of estates abutting land on which said sidewalk is proposed to be constructed when there are no city costs or assessments and wherein all costs will be paid by the federal or state government.

This ordinance amendment shall take effect upon passage.

Approved:

March 22, 1993

Effective:

March 22, 1993

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-THREE

AN ORDINANCE.

AMENDING TITLE 10 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 10.20 THERETO - WETLAND PROTECTION REGULATIONS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 10 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 10.20 thereto:

Chapter 10.20

WETLAND PROTECTION REGULATIONS

Sections:

10.20.010	Purpose.
10.20.020	Definitions
10.20.030	Jurisdiction.
10.20.040	Minimum setback.
10.20.050	Exceptions.
10.20.060	Applications for permits.
10.20.070	Notice and hearing.
10.20.080	Coordination with other boards.
10.20.090	Permits--Determination and conditions.
10.20.100	Acquired real estate.
10.20.110	Enforcement order.
10.20.120	Regulations.
10.20.130	Burden of proof.
10.20.140	Relation to wetland protection act.
10.20.150	Security.
10.20.160	Severability.

10.20 010 Purpose. The purpose of this ordinance is to protect the wetlands, related water resources, and adjoining land areas in the in the city by prior review and control of activities deemed by the conservation commission to have, or likely to have, an effect or cumulative effect upon wetland values including but not limited to the following: public water supply, private water supply, ground water and ground erosion and sedimentation control, storm damage prevention, prevention of water pollution, fisheries, endangered species, wildlife and wildlife habitat, and aesthetics. (collectively, the "interests protected by this ordinance"). This

ordinance is further intended to provide a means for review and correction of activities performed by any person in violation of any provision contained herein.

10.20.020 Definitions. A. The following definitions shall apply in the interpretation and implementation of this ordinance.

1. The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political sub-division thereof to the extent subject to city ordinance, administrative agencies, public or quasi-public corporations or bodies, this municipality, and any other legal entity, its legal representatives, agents or assigns.

2. The term "alter" shall include, without limitation, the following actions when undertaken in resource areas subject to this ordinance:

a. Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;

b. Changing of preexisting drainage characteristic, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;

c. Drainage or other disturbance of water level of water table;

d. Dumping, discharging, or filling with any material of in any manner which may degrade water quality or interfere with any of the interests protected by this ordinance;

e. Driving of piles, erection of building, or structures of any kind;

f. Placing of obstructions or objects in water;

g. Destruction of plant life including cutting of trees;

h. Changing water temperature, biochemical oxygen demand, or their physical or chemical characteristics of water;

i. Any activities, changes, or work which pollute in any way any body of water or groundwater.

B. "Applicant" shall mean a person giving notice of intention to build, remove, fill, dredge or alter or making a request for determination.

C. "Banks, bordering fresh water wetland, flat, marsh, wet meadow, bog, swamp estuary, creek, river, pond, lake and bordering and isolated land subject to flooding" shall unless otherwise defined in this ordinance, have the same meaning as in the Wetlands Protection Act and the regulations thereunder.

D. "Isolated wetlands" are areas of wetland vegetation (as defined above in this ordinance) which are subject to flooding and consists of isolated depressions or closed basins which serve as a ponding area for run-off or high ground water. Such areas must be at least 400 square feet in area and may include kettle holes and bogs.

E. "Temporary wetlands" are those areas of at least 400 square feet in areas which are periodically flooded on a purely seasonal basis by high ground water and/or run-off and include vernal and autumnal ponds. These areas can be either natural or artificial. If artificial they must support vegetative community that has naturally populated the subject area.

F. "Significant effect", an activity has a significant effect on the interests protected by this ordinance and tends to reduce the capacity of that resource area to support or sustain the interests protected by this ordinance.

G. "Cumulative effect", an activity has cumulative effect on the interests protected by this ordinance if such activity, added to or in conjunction with similar activity which has occurred or has been proposed and which affects the same resource area, has a measurable impact on a resource area covered by this ordinance and tends to reduce the capacity of that resource area to support or sustain the interests protected by this ordinance. The applicant shall have the burden of proving by a preponderance of credible evidence that the activity has no cumulative effects on the values protected by this ordinance.

H. Other Definitions: The commission may adopt additional definitions not inconsistent with this ordinance in its regulation.

10.20.030 Jurisdiction. Except as permitted by the conservation commission or as provided in this ordinance, no person shall remove, fill, dredge, alter, or build upon or within any of the following resource areas: On or within 100 feet of any bank, beach, or flat; on or within 100 feet of any fresh water wetland, marsh, meadow, bog, or swamp; upon or within 100 feet of any lake, pond, river, stream whether intermittent or permanent natural or man-made; upon any land subject to flooding or inundation by ground water or surface water or storm flowage and upon or within hundred (100) feet of any seasonal or temporary wetland including certified or uncertified but known verbal pools. Any activity proposed or undertaken outside any area specified above shall be subject to regulation under this ordinance if, in the judgment of the conservation commission or its agent, said activity may result or has resulted in the removing, filling, altering, or building upon any area specified above.

10.20.040 Minimum setback. A. A minimum of a fifty (50) foot undisturbed buffer shall be established adjacent to any vegetated wetland, bank, lake, stream or river, intermittent or continuous, natural or artificial and certified or uncertified vernal pools. No work, structures or alterations will be allowed within the fifty (50) foot buffer.

B. Variances may be granted by the commission allowing work closer than fifty (50) feet when it can be demonstrated by the applicant that work or alterations within the fifty (50) foot buffer will enhance the wetland interests specified under this ordinance.

10.20.050 Exceptions. A. The permit and application required by this ordinance shall not be required for maintaining, repairing, or replacing an existing and lawfully located structure or facility which is used in the service of the public to provide electric, gas, water, sanitary sewer, storm drainage, public roadways, telephone, telegraph or other telecommunication services, provided that any work done conforms to the performance standards and design specifications in regulations adopted by the conservation commission.

B. The permit and application required by this ordinance shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that the conservation commission certified by the conservation commission for the limited purpose necessary to abate the emergency. Within twenty-one (21) days of commencement of an emergency project, a permit application shall be filed with the conservation commission for review as provided in this ordinance.

C. The commission may exempt by regulation the application of this ordinance to work performed for normal maintenance or improvement of land actively devoted to agricultural use at the time of the application, provided that such regulations are consistent with the provision applying to agricultural exemptions in the regulations promulgated under the Wetland Protection Act.

D. Other than stated in this section, the exemptions provided in the Wetlands Protection Act and the regulations promulgated thereunder shall not apply.

10.20.060 Applications and permits. A. Written application shall be filed with the conservation commission to perform any work which will or which, in the opinion of the conservation commission, may effect resource areas within the jurisdiction of this ordinance. The application shall include such plans as are deemed necessary by the conservation commission to describe the proposed activities and their effects on the environment. No work or alteration shall commence without receiving and complying with a permit issued pursuant to the Wetland Protection Act. M.G.L. C. 131, § 40.

B. At the time of application, the applicant shall pay a filing fee specified in the regulations of the conservation commission promulgated pursuant to this ordinance, which shall be in addition to any fee required by the act. The commission may waive the filing fee and costs and expenses for any application or request filed by a government agency.

C. In addition, the commission is authorized to assess the applicant any costs and expenses associated with the retaining of an expert consultant by the commission for necessary and appropriate reviews of an application or request. A fee schedule will be established under the regulations. The schedule will be commensurate with the size of the project.

D. Any person desiring to know whether or not proposed work or an area is subject to this ordinance may request a determination in writing from the conservation commission. Such a request for determination shall contain data and plans as specified by the regulations of the conservation commission promulgated pursuant to this ordinance. All requests shall be subject to the policies and fee schedules established under the regulations. The fee shall not exceed the reasonable cost of investigation or determination, and shall be uniform for everyone.

10.20.070 Notice and hearing. A. Any person filing an application or request for determination with the commission at the same time shall give written notice thereof, by certified mail or hand delivery of all abutters according to the most recent records of the assessors. An abutter shall be defined as all persons whose property is directly abutting the project site or is directly across a street or right of way from the project area, and to all other persons, boards or agencies as the conservation commission shall in writing require. The notice shall enclose a copy of the application or request with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered and listing of those abutters notified shall be filed with the commission prior to the commencement of the public hearing. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the commission to the owner as well as to the person making the request.

B. The commission shall conduct a public hearing on any application or request for determination, with written notice, published at the expense of the applicant five (5) working days prior to the hearing, in a newspaper of general circulation in the city.

C. The commission shall commence the public hearing on any application or request for determination within twenty-one (21) days from the receipt of a properly completed application or request.

D. The commission shall issue its permit or other action, or determination, in writing within twenty-one (21) days of the close of the public hearing thereon, or within twenty-one (21) days of the close of any continuance of the prior public hearings.

E. The commission may combine its hearing under this ordinance with the hearing conducted under the Wetland Protection Act.

F. For reasons announced by the conservation commission at the hearing, the commission shall have authority to continue or postpone the hearing to a certain date announced at the hearing, either for receipt of additional information offered by the applicant or others, or for information required of the applicant, deemed necessary in the conservation commission's discretion, or comments and recommendations of boards, officials and/or agencies of the city.

G. The conservation commission shall take action on the application at the continuance date, provided that the applicant has complied in all respects with the request of the conservation commission for further information pursuant to this section unless further continuances are consented to by the applicant.

H. The commission shall develop a set of pre-submission requirements for the assistance of persons making application before the commission, a current copy of which shall be on file with the commission. Any person filing a request for determination or a notice of intent with the commission shall complete the filing in accordance with such of those requirements which are necessary as determined by the commission or its staff. The commission reserves the right to ask for any additional information it deems necessary to evaluate a project.

10.20.080 Coordination with other boards. A. Any person filing a permit application or request for determination with the commission shall, if requested in writing by the conservation commission or its agent, provide a copy thereof at the same time, by certified mail or hand delivery, to the mayor, planning board, board of appeals, department of public works, board of health, and department of code enforcement, building division, who shall if requested by the conservation commission in writing file written comments and recommendations with the commission.

B. The commission shall not take final action until such boards and officials have had fourteen (14) days from the receipt of notice to file said written comments and recommendations with the commission, which the commission shall take into account but which shall not be binding on the commission.

10.20.090 Permit--Determinations and conditions. A. If the commission after a public hearing determines that the area which is subject to the application is likely to be significant to the interests protected by this ordinance, the commission, within twenty-one (21) days of the close of the hearing or a continuance thereof, shall issue or deny a permit for the work requested. If it issues a permit, the commission shall impose conditions which the commission deems necessary or desirable to protect those interests, and all work shall be done in accordance with those conditions.

B. If the commission determines that the activities which are the subject to an application are not likely to have a significant or cumulative effect upon the interests protected by this ordinance, the commission shall so inform the applicant that the activities do not require a permit.

C. The commission is empowered to deny a permit for failure to meet the requirements of this ordinance, the reasons include but are not limited to, failure to submit necessary information and plans requested by the commission; failure to meet the design specification, performance standards and other requirements which the commission may adopt in regulations of the commission; failure to avoid or prevent unacceptable significant or cumulative effects upon the interest protected by this ordinance; and where no conditions are adequate to protect those values.

D. A permit shall expire three (3) years for the date of issuance, and all work shall be completed prior to expiration. The commission may extend a permit for additional one (1) year periods.

E. For good cause the commission may revoke or modify a permit issued under this ordinance.

F. The conservation commission shall issue permits under this chapter in addition to any order of conditions issued under the Wetlands Protection Act.

G. No work proposed in any application shall be undertaken until the permit or determination issued by the commission with respect to such work has been recorded in the Hampden County Registry of Deeds, and the holder of the permit has certified in writing to the commission that the permit has been so recorded, or, court for the district wherein the land lies, by the holder of the permit until the holder of the permit certifies in writing to the commission that the permit has been so recorded.

10.20.100 Acquired real estate. Any person(s) who purchases, inherits or otherwise acquires real estate upon which work has been performed in violation of the provisions of this ordinance shall forthwith comply with any order of conditions or restore such land to its conditions prior to any such violation provided, however, that unless the violation is found by the commission, after notice and hearing, to pose a substantial and material threat to the interests protected by this ordinance, no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years of following the recording of the deed or the date of the death by which such real estate was acquired by such person and the order of conditions which is being violated or any enforcement order relating to the violation was appropriately recorded.

10.20.110 Enforcement order. A. Any person(s) who receive an enforcement order from the commission for a violation of this ordinance shall within ten (10) working days of receipt of the order, file said order at the Registry of Deeds or if registered land, in the registry section of the Land Court as an attachment on the deed of the property on which said violation occurred.

B. The commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may make or cause to be made such examinations, surveys or sampling as the commission deems necessary.

C. The police department and the conservation commission shall have authority to enforce this ordinance, its regulations, permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

D. Upon request of the commission, the city solicitor shall take whatever legal action is necessary for enforcement under civil and criminal court actions.

E. In the alternative to criminal prosecution the commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L., c. 40, § 21D.

F. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the conservation commission in enforcement.

G. Any person who violates any provisions of this ordinance, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than three hundred dollars (\$300.00). Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the ordinance, regulations, or permit violated shall constitute a separate offense.

10.20.120 Regulations. A. After public notice and public hearing the commission shall promulgate the rules and regulation to effectuate the purposes of this ordinance. Public notice shall include publication of all proposed regulations in a newspaper of general circulation in the city not less than twenty-one (21) days prior to public hearing. Failure by the commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this ordinance.

B. At a minimum these regulations shall define key terms in this ordinance not inconsistent with this ordinance.

C. Unless otherwise stated in this ordinance or in the rules and regulations promulgated under this ordinance, the definitions, procedures and performance standards of the Wetlands Protection Act and associated regulations, 310 CMR 10.00 in effect as of the effective date of this ordinance shall apply.

10.20.130 Burden of proof. The applicant for a permit shall have the burden of proving by clear and convincing evidence that the work proposed in the application will not harm the interests protected by this ordinance. Failure to provide adequate evidence to the commission supporting a determination that th proposed work will not harm the interests protected by this ordinance shall be sufficient cause for the commission to deny a permit.

10.20.140 Relation to the Wetland Protection Act. This ordinance is adopted under the M.G.L., c. 21, independent of the Wetland Protection Act, M.G.L., c. 131, § 40, and regulations thereunder.

10.20.150 Security. A. As part of a permit issued under this ordinance, in addition to any security required by any other town or state board, agency or official, the commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

1. By a proper bond or deposit of money or negotiable securities sufficient in the opinion of the commission.

2. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded (or registered in the case of registered land), running with the land to th benefit of this municipality and members of the public, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by a mortgage deed.

10.20.160 Severability. A. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any order of conditions which previously has been issued.

B. If any court of the Commonwealth shall invalidate any provision of this ordinance or any regulation promulgated thereunder, the conservation commission shall present to the next city council meeting after such invalidation amendments to this ordinance which are designed to comply with any court decision invalidating such provision, and shall amend the regulations pursuant this ordinance to comply with such decision.

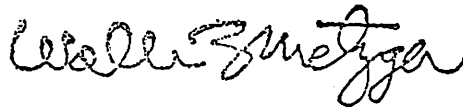
Approved:

May 5, 1993

Effective:

May 26, 1993

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-TWO

AN ORDINANCE.

AMENDING TITLE 5, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 5.42; BIOMEDICAL RESEARCH REGULATIONS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 5, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 5.42 thereto:

Chapter 5.42

BIOMEDICAL RESEARCH REGULATIONS

Sections:

- 5.42.010 Definitions
- 5.42.020 Scope
- 5.42.030 Restrictions
- 5.42.040 Regulations
- 5.42.050 Administrative requirements
- 5.42.060 Health department permits and inspection
- 5.42.070 Environmental surveillance programs
- 5.42.080 Penalties
- 5.42.090 Enforcement

5.42.010 Definitions. For the purpose of this chapter, the words set out in this section shall, unless the context otherwise requires, have the following meanings:

A. "DNA" means deoxyribonucleic acid.

B. "Institution" means any single individual, group of individuals, partnership, association, organization, corporation, educational institution or medical facility.

C. "Recombinant DNA" or "Recombinant DNA Molecules" (RDNA) means either (1) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (2) DNA molecules which result from the replication of a molecule described in (1) above.

D. "NIH" means the National Institute of Health of the United States Department of Health and Human Services.

E. "NIH guidelines" means the following:

1. Guidelines for research involving recombinant DNA molecules promulgated by the NIH and found at 46 CFR 34463-34487, on July 1, 1981, as may be amended by the NIH.

2. Recombinant DNA research physical containment recommendations for large-scale uses of organisms containing recombinant DNA molecules (NIH large scale recommendations) promulgated by the NIH and found at 45 CFR 24968-24971, on April 11, 1980, as may be amended by the NIH.

5.42.020 Scope. This chapter shall apply to all institutions of the city of Springfield which experiment with or use RDNA technology.

5.42.030 Restrictions. RDNA use classified by NIH guidelines as requiring P4 level of containment shall be prohibited in the city of Springfield.

5.42.040 Regulations. All use of RDNA by institutions in the city of Springfield shall be undertaken only in conformity with current and applicable NIH or by any successor agency.

5.42.050 Administrative requirements. Each institution in the city of Springfield which experiments with or uses RDNA technology shall comply with the administrative practices as set forth in the NIH guidelines, including but not limited to the following:

A. The establishment of an institutional biosafety committee (IBC) which shall contain seven (7) members as follows:

1. The commissioner of public health who shall serve as chairman;
2. The chairman of the public health council or his/her alternate;
3. One (1) member of the neighborhood council from the area affected by the institution (to be selected by the mayor);
4. Two (2) members of the institution;
5. One (1) person not affiliated with the institution, representing the interests of the community as to health and environment;
6. The chairman of the local emergency planning committee;

B. The non-affiliated representatives on the IBC shall be bound by the same rules prohibiting use and disclosure of proprietary information and trade secrets as other members of the IBC;

C. The IBC shall establish a set of rules and administrative procedures governing its operation in accordance with the NIH guidelines.

D. The provision of safety plans and manuals which shall be subject to the approval of the IBC.

E. The provision of proper training and appropriate safeguards and procedures for minimizing potential environmental and personal exposure.

F. If the institution is engaged in RDNA research at the P3 containment level, it shall appoint a biological safety officer who shall be a member of the IBC.

G. If the institution is engaged in RDNA use on a "large scale" (as defined in the NIH large scale recommendations), compliance with all additional administrative requirements contained in the NIH large scale recommendations.

5.42.060 Department of public health permits and inspection.

A. No institution may engage in RDNA technology in the city of Springfield without a permit to do so, issued by the health department.

B. Such permit shall be issued upon certification by the IBC to the commissioner of public health or his designee that the institution is in compliance with the provisions of this chapter and the NIH guidelines. No other special permit or certification shall be required, provided, however, that the IBC shall every six months, renew the certification that the institution is in compliance with this chapter and the NIH guidelines.

C. Anyone aggrieved by a final decision of the health department to deny or to grant a permit may seek relief in any court of competent jurisdiction, as provided by the laws of this commonwealth.

D. The department of public health shall inspect at least annually each institution holding such a permit to ensure compliance with the provisions of this chapter and the NIH guidelines.

E. The commissioner of public health or his designee may require from an institution such information and data as is necessary to ensure compliance with this chapter.

5.42.070 Environmental surveillance programs.

A. All institutions employing RDNA technology within the city of Springfield shall provide appropriate medical and environmental surveillance programs in accordance with the NIH guidelines and which have been reviewed by the Springfield conservation commission and the Springfield department of public works.

B. The environmental surveillance program shall include a plan for the systematic monitoring of waste to ensure that recombinant organisms will not be released into the environment.

C. The environmental surveillance program shall include a plan to train representatives of the department of public health, the fire department, the police department and the office of emergency preparedness in the procedures to be used in the event of an emergency.

D. Any release into the environment of recombinant organisms posing a threat to public health shall be immediately reported to the commissioner of the department of public health or his designee.

5.42.080 Penalties. A. Any person or institution who violates any provisions of this chapter shall be punishable by a fine of up to \$300.00 for each separate violation.

B. Once a permit has been issued, it may be revoked, suspended or modified by the commissioner only upon a determination after due notice and hearing that the institution has materially failed to comply with this chapter or NIH guidelines.

5.42.090 Enforcement. Enforcement of this chapter shall be the duty of the department of public health of the city of Springfield.

Approved:

June 23, 1993

Effective:

July 14, 1993

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-THREE

AN ORDINANCE.

AMENDING TITLE 4 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 4.22 THERETO - PUBLIC HEARINGS ON FEE OR RATE INCREASES

Be it ordained by the City Council of the City of Springfield, as follows:

Title 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 4.22 thereto:

Chapter 4.22

PUBLIC HEARINGS ON FEE OR RATE INCREASES

Sections:

- 4.22.010 Public hearings required.
- 4.22.020 Procedures--Exception.
- 4.22.030 Effective date--Voters protest.

4.22.010 Public hearings required. A. Any department, board, commission or agency which has proposed a fee or rate increase shall conduct two (2) public hearings prior to increasing the fee or rate as follows:

B. The department, board, commission or agency shall file with the city clerk's office a notice stating the reasons for the increase, the amount of revenue to be generated, the specific uses for the increased revenues and the services which would be affected by the increase.

4.22.020 Procedures--Exception. A. The city clerk shall establish two public hearing dates for the purpose of soliciting public comments on the fee or rate increase. One public hearing shall be at a location other than city hall and one hearing shall be at city hall.

B. Public notice of the hearings shall include publication of the proposed increase in fees or rates in a newspaper of general circulation in the city not less than fourteen (14) days prior to the first public hearing.

C. The public hearings requirement stated above shall not apply to fee or rate increases requested by any department, board, commission or agency pursuant to a statute authorized by the General Laws of the Commonwealth.

4.22.030 Effective date--Voters protest. A. The proposed increase shall take effect twenty (20) days after its approval by the city council, if required, or within twenty (20) days after the department, board, commission or agency, approves said fee or rate increases.

B. If, within twenty (20) day after the final passage of any such fee, rate, ordinance, resolution, order or vote as stated in section 4.22.030 (A) above, a petition signed by registered voters of the city, equal in number to at least twelve (12) percent of the total number of registered voters, and addressed to the city council, protesting against the fee, rate, ordinance, resolution, order or vote, or any part thereof taking effect, is filed with the city clerk, the same shall thereupon and thereby be suspended from taking effect in accordance with section 42 of Chapter 43 of the General Laws of the Commonwealth.

Approved:

July 27, 1993

Effective:

August 17, 1993

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-THREE

AN ORDINANCE.

AMENDING CHAPTER 7, SECTION 7.16.120(R) OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SUBSECTION (2) TO SECTION 7.16.120(R) - LITTER ON OCCUPIED PRIVATE PROPERTY

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 7, Section 7.16.120(R) of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new subsection (1) as follows:

1. Litter in Common Areas of Multiple Dwelling Unit Buildings. No person shall throw or deposit or cause to have thrown or deposited any litter in or on the common areas of any building which contains two or more dwelling units, except that the owner or person responsible for the building, or any tenant with the approval of the owner or person responsible for the building may maintain private receptacles for the collection in such common areas. The owner or person in control of any building which contains two or more dwelling units shall at all times maintain the common areas of that building free from litter. Common areas shall include but not be limited to hallways, cellars, garages, sheds, and porches.

This ordinance amendment shall take effect upon passage.

Effective:

August 18, 1993

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-THREE

AN ORDINANCE.

AMENDING CHAPTER 7, SECTION 7.20.020 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, - NOISE

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 7, Section 7.20.020(A) of the Revised Ordinances of the City of Springfield, 1986, as amended is hereby further amended by adding the following language to the end of this section:

Sound from motor vehicle sound systems, such as tape players, radios, compact disc players or other similar devices shall not be audible at a distance greater than one hundred (100) feet from the source.

Chapter 7, Section 7.20.020(B) of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting the last sentence thereof and adding the following new sentence in its place:

The sound created as stated above shall not be audible at a distance greater than one hundred (100) feet from the source.

Approved:

August 18, 1993

Effective:

September 8, 1993

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND **NINETY-THREE**

AN ORDINANCE.

AMENDING TITLE 2, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW SECTION 2.66.100 - HOUSING CODE RESTRICTIONS ON EMPLOYEES

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, Chapter 2.66 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section 2.66.100 thereto:

2.66.100 Housing code restrictions on employees. No housing code inspector whose principal work involves the inspections of dwelling units under the Massachusetts State Sanitary Code or the Ordinances of the city of Springfield, as amended, shall be involved in the inspection of any dwelling unit owned by himself, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee within the boundaries of the city of Springfield. No housing code inspector shall be involved in the property management operations of any dwelling unit, building or structure located within the boundaries of the city of Springfield, unless it is his principal residence.

Approved:

September 30, 1993

Effective:

October 21, 1993

Attest:

City Clerk



*repealed
2/6/2002*

City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-THREE

AN ORDINANCE.

AMENDING TITLE 7, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 7.32 - HERBICIDES AND PESTICIDES CONTROL

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.32 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 7.32 thereto:

Chapter 7.32

PESTICIDES/HERBICIDES CONTROL

Sections:

7.32.010	Purpose.
7.32.020	Definitions.
7.32.030	Jurisdiction.
7.32.040	Exceptions.
7.32.050	Application for permits.
7.32.060	Fees.
7.32.070	Regulations.
7.32.080	License required.
7.32.090	Burden of proof.
7.32.100	Severability.
7.32.110	Violations.

7.32.010 Purpose. The purpose of this ordinance is to control the use of aquatic pesticides/herbicides in the lakes and ponds in the city of Springfield deemed by the conservation commission to have a negative impact by its application as to public safety, wildlife safety and water quality. This ordinance is further intended to provide a means for review and correction of this activity performed by any person in violation of any provision contained herein.

7.32.020 Definitions. The following definitions shall apply in the interpretation and implementation of this ordinance:

A. "Person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political sub-division thereof to the extent subject to City ordinance, administrative agencies, public or quasi-public corporations or bodies, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

B. "Alter" shall include without limitation, the following actions when undertaken in resource areas subject to this ordinance:

1. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution or flow patterns.

2. Discharging any material or in any manner which may degrade water quality or interfere with any of the interests protected by this ordinance.

3. Destruction of plant life.

4. Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water.

5. Any activities, changes, or work which pollute in any body of water or groundwater.

6. Applicant shall mean a person giving notice of intention to alter or making a request for determination.

7. Significant effect an activity has a significant effect on the interests protected by this ordinance and tends to reduce the capacity of that resource area to support or sustain the interests protected by this ordinance.

8. Cumulative effect and activity has a cumulative effect on the interests protected by this ordinance if such activity, added to or in conjunction with similar activity which has occurred or has been proposed and which affects the same resource area, has a measurable impact on a resource area covered by this ordinance and tends to reduce the capacity of that resource area to support or sustain the interests protected by this ordinance. The applicant shall have the burden of proving by a preponderance of credible evidence that the activity has no cumulative effects on the values protected by this ordinance.

B. "Commission" shall mean the conservation commission of the city of Springfield.

C. Other definitions. The commission may adopt additional definitions not inconsistent with this ordinance in its regulation.

7.32.030 Jurisdiction. Except as permitted by the conservation commission or as provided in this ordinance no chemical aquatic pesticide/herbicide shall be applied to any lake or pond within the city of Springfield. Any such activity proposed or undertaken outside any area specified above shall be subject to regulation under this ordinance if, in the judgment of the conservation commission or its agent, said activity may result or has resulted in an alteration of a water resource.

7.32.040 Exceptions. The permit an application required by this ordinance shall not be required if the public health and safety are endangered and provided that the application is done in conformance with the standards specified in regulations adopted by the conservation commission.

7.32.050 Applications for permits. A. Written application for permits to use aquatic pesticides/herbicides shall not be considered unless the public health and safety is at risk or unless no other feasible alternative is necessary. Written application shall be filed with the conservation commission to perform application which will or which, in the opinion of the conservation commission, may affect the resource area within the jurisdiction of this ordinance. The application shall include pre-analysis of the flora, fauna, and water quality of the resource to be affected by treatment and potential short and long-term impacts on the existing aquatic system associated with the herbicide/pesticide application. Upon completion of the treatment a post analysis of the flora, fauna and water quality shall be submitted for review by the Commission. All feasible alternatives other than aquatic pesticide/herbicide application shall be considered. There shall be indisputable evidence that such an application will not harm the public health and/or wildlife habitat and that such application is the best and safest way to treat the water resource.

B. The application and plan shall contain data as required by this ordinance and any regulations adopted pursuant thereto by the conservation commission.

C. The conservation commission may require application and plans under this ordinance in addition to the notice of intent and plans filed pursuant to the Wetlands Protection Act, M.G.L. Ch. 131, Section 40 and the Wetland Protection Regulations, chapter 10.20 of the revised ordinances of the city of Springfield.

7.32.060 Fees. All applications shall be subject to state and local filing fees. A surety bond may be required by the commission and held until the post analysis review is completed.

7.32.070 Regulations. After public notice and public hearing the commission shall promulgate the rules and regulations to effectuate the purposes of this ordinance. Public notice shall include publication of all proposed regulations in a newspaper of general circulation in the city not less than 21 days prior to public hearing. Failure by the commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this ordinance.

7.32.080 License required. No person except duly authorized applicators of chemical aquatic pesticides/herbicides shall engage in the business of aquatic weed control in the lakes and ponds of the City.

7.32.090 Burden of proof. The applicant for a permit shall have the burden of proving by clear and convincing evidence that the work proposed in the application will not harm the interests protected by this ordinance. Failure to provide adequate evidence to the commission supporting a determination that the proposed work will not harm the interests protected by this ordinance shall be sufficient cause for the commission to deny a permit. The applicant

must show that all other feasible alternatives have been considered and that application of chemical aquatic pesticides/herbicides is the best method with the least negative impact to the resource area and no significant effect.

7.32.100 Severability. A. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any order of conditions which previously has been issued.

B. If any court of the commonwealth shall invalidate any provision of this ordinance or any regulation promulgated thereunder, the conservation commission shall present to the next city council meeting after such invalidation amendments to this ordinance which are designed to comply with any court decision invalidating such provision, and shall amend the regulations to comply with such decision.

7.32.110 Violations. Any person who violates the provisions of this section shall be punished by a fine of three hundred dollars (\$300.00). Each day on which the violation exists shall be deemed to be a separate offense.

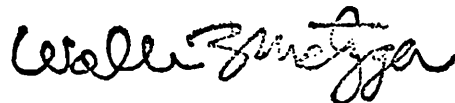
Approved:

October 19, 1993

Effective:

November 9, 1993

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND **NINETY-THREE**

AN ORDINANCE.

AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THE FOLLOWING NEW SECTION 7.20.020 (G) - CONSTRUCTION NOISE

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.20.020 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section 7.20.020 (G) thereto:

G. Operating or permitting the operation of any equipment or tools used in construction, drilling or demolition work should not be allowed between the hours of seven (7:00) p.m. and seven (7:00) a.m. on any day such that the sound therefrom is plainly audible at a distance of one hundred (100) feet from the lot line of the lot on which said construction activity is located, except for emergency work of public service utilities or general public works repairs of an emergency nature. Other special exceptions can only be authorized by the Code Enforcement Commissioner in a written format.

Approved:

November 10, 1993

Effective:

December 1, 1993

Attest:

Walter Zmetzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FOUR

AN ORDINANCE.

AMENDING TITLE 3 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 3.28 THERETO - FAMILY LEAVE BENEFIT PROGRAMS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 3 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 3.28 thereto:

Chapter 3.28

FAMILY LEAVE BENEFIT PROGRAMS

Sections:

- 3.28.010 Definitions.
- 3.28.020 Granting generally.
- 3.28.030 Parent shift program.
- 3.28.040 Part-time work program.
- 3.28.050 Parental and adoption leave programs.
- 3.28.060 School release policy program.

3.28.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self care because of a mental or physical disability.

B. "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

C. "School related activities" means parent/teacher conferences, classroom presentations, classroom activities (e.g. field trips) requiring additional adult/parent supervision, and observing/monitoring a child's class activities.

D. "Spouse" means husband or wife as the case may be.

3.28.020 Granting generally. Each department head may grant family leave benefits to employees of the city as provided in this chapter.

3.28.030 Parent shift program. A. The parent shift shall consist of working hours between 9:00 a.m. to 2:00 p.m., whenever possible, with provisions for time off whenever a parent needs it, subject to the provisions of this section.

B. Positions which qualify to be filled under a parent shift program shall be determined by work necessity so as not to cause an undue hardship to the city. The final decision to grant a parent shift shall rest with the department head based upon maintaining the efficiency of the department for the public good.

C. Parent shift workers shall be paid their hourly rate for the respective position titles. They may be granted all school holidays and school vacation days off, if desired. However, employees working fewer than twenty (20) hours a week shall not be eligible for the parent shift program.

3.28.040 Part-time work program. A department head may whenever possible hire two (2) part-time employees to fill one full-time position, with the combined hours not to exceed the total hours of the full-time position. When the two (2) positions are created only one can be greater than fifteen (15) hours per week. The part-time working hours must be approved by the department head so as not to interfere with the work to be performed in the department.

3.28.050 Parental and adoption leave programs. A. In accordance with the provisions of chapter 149, section 105D, of the General Laws, an employee who has completed the initial benefit probationary period of six (6) months and is employed on a regular basis for twenty (20) hours or more per week may request an unpaid parental leave not to exceed sixteen (16) weeks, following the birth of a baby, unless otherwise provided for by a collective bargaining agreement or this ordinance, for the purpose of giving birth, care of a newborn, placement for foster care, or the adoption of a child under the age of eighteen (18), or the adoption of, or placement for foster care of a child eighteen (18) or over if the child is mentally or physically disabled, shall give at least a two (2) week written notice, except in the case of an emergency, to his department head of the anticipated date of departure and intention to return.

B. If an employee is disabled due to pregnancy or childbirth, she may use sick leave in accordance with the prescribed sick leave policy. The employee shall submit a physician's statement which indicates the expected return to work date should the illness exceed the parental leave or as specified in the respective collective bargaining agreement.

C. Parental leave shall neither affect the employee's right to receive any benefits which he/she is eligible for at the commencement of the leave nor affect any other rights and benefits to which he/she may be entitled to under a collective bargaining agreement.

3.28.060 School release policy program. A. All employees working twenty (20) hours or more per week who are parents and/or legal guardian of school-age children (preschool through high school) shall be allowed to use four (4) hours per school year for school related activities.

B. The words "school related activities" shall not cover volunteerism in schools.

C. It shall be the responsibility of the employee to make appropriate arrangement with his/her department head for each such absence to ensure adequate coverage.

Approved:

November 21, 1994

Effective:

December 12, 1994

Attest:



City Clerk



City of Springfield.

NINETY-FOUR

IN THE YEAR ONE THOUSAND NINE HUNDRED AND

AN ORDINANCE.

AMENDING CHAPTER 7, SECTION 7.16.010 AND SECTION 7.16.120 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING NEW SUBSECTION THERETO - OVERGROWTH ON PARCEL OF LAND

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 7, Section 7.16.010 Definitions and Section 7.16.120 Litter of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new definition and inserting a new section "Overgrowth on Parcel of Land" thereto as follows:

7.16.010 Definitions. O.(1) "Overgrowth" means any grass, grass clippings, weeds, prunings, leaves, tree branches, general yard or garden waste in excess of six inches (6") high located on any parcel of land whether occupied or vacant including a vacant lot.

7.16.120 V. Overgrowth on Parcel of Land. The owner or person in control of any parcel of land including a vacant lot shall at all times maintain said parcel of land free from overgrowth. The owner or person in control of any parcel of land or vacant lot shall cut and/or remove said overgrowth. Failure to comply shall result in a non-criminal fine of fifty dollars (\$50) as set forth in chapter 1.16.010 of these ordinances.

Approved:

December 21, 1994

Effective:

January 11, 1995

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FOUR

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING CHAPTER 2.76 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 2.76 THERETO - DEPARTMENT OF FACILITIES MANAGEMENT

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Chapter 2.76 in its entirety and inserting in its place a new Chapter 2.76 thereto as follows:

Chapter 2.76

DEPARTMENT OF FACILITIES MANAGEMENT

Sections:

- 2.76.010 Division of department and persons in charge thereof.
- 2.76.020 Director--Head of Department--Appointment.
- 2.76.030 Director--Duties generally.
- 2.76.040 Director--Construction of public buildings.
- 2.76.050 Director--Architectural services, plans, and specifications.
- 2.76.060 Director--Keeper of the master key system.
- 2.76.070 Director--As to energy conservation.
- 2.76.080 Director--As to telecommunications.

2.76.010 Division of department and persons in charge thereof.

A. The department of facilities management shall be structured into such divisions as the director of facilities management deems administratively and operationally necessary.

B. Major functions of architectural, building, services, repairs, operations and preventative maintenance shall be in the charge of a person who shall be an expert in the duties which may be delegated to him, and shall be appointed by the director.

C. Each such person in charge shall devote his entire time to the work of his office, or such duties as the director may assign.

2.76.020 Director--Head of Department--Appointment.

A. The department of facilities management shall be under the charge of the director of facilities management.

B. There shall be a director of facilities management who shall be appointed by the mayor to hold office for a term of five (5) years, or until his successor is appointed.

C. The director of facilities management shall be a person fitted by education, training and experience to perform duties of the office.

D. The director shall devote his entire time to the work of such department.

2.76.030 Director--Duties generally. A. The director of facilities management shall:

1. Exercise a general supervision and direction over all matters pertaining to the care, maintenance, control and operations of all public buildings and grounds, except property under the control of the fire department, water department and facilities associated with the waste water treatment plant.

2. Exercises direct supervision and control over all matters pertaining to the structural, mechanical and electrical integrity of all public buildings.

3. In the constructions of this section, "control" does not include the power to sell any real estate of the city without specific order of the city council.

B. The director of facilities management shall supervise and control all work performed by journeymen, tradesmen, craftsmen, or technicians, in support of public buildings, including contracting for labor and materials to be supplied by others than the department of facilities management.

C. The director of facilities management shall supervise the receptions of billings, scheduling, accounts payable and development of building utilization data for all utilities necessary in support of public buildings, including, electricity, fuel oils and gas, except in those public buildings under the control of the Springfield municipal water department and the waste water treatment plant under the control of the department of public works.

D. The director of facilities management shall investigate, study, render reports and recommendations on all matters pertaining to public buildings in the city, including: new construction, additions and/or renovations of current public buildings and other matters pertaining directly or indirectly to public buildings in the city.

E. The director of facilities management shall:

1. When duly authorized by order of the city council, with the advice and assistance of other municipal departments, cause to be prepared plans, specifications and information for bidders and contracts for construction, renovation and additions of all public buildings and structures and the preparation of grounds connected therewith for any purpose directly or indirectly concerned with such building.

2. In coordination with the school building commission, perform all project management functions in support of new construction, additions and renovations to school buildings and grounds including: cause to be prepared, plans, specifications and pertinent contract documentation. The director of facilities management shall be a voting member of the school building commission.

F. The director of facilities management shall:

1. Except as otherwise provided by General Laws, have the power to assign quarters in the buildings of the municipal group and in other properties within his control, to the several city departments, and such power to assign quarters shall include the power to remove a department from any part or all of the space that has been previously assigned to it.

2. Have charge of the use and rental of rooms and halls in the municipal group as well as the grounds and exterior including steps, ramps and esplanade.

3. Have charge of assigning parking spaces on all grounds under his control and clearly showing nine (9) marked spaces for city councilors automobiles in the area known as the "horseshoe".

4. Have charge and control of all parcels of land now owned or hereafter acquired by the city and not devoted or adapted to any public use. Such director shall keep accurate records and plans of all such parcels of land.

G. The director of facilities management is authorized to negotiate for the sale or lease of any property owned by the city not devoted or adapted to any public use and recommend such sale or lease to the city council. He shall have the power to rent any such properties, without order of the city council, for a period not exceeding six (6) months, but all leases of such properties for periods exceeding six (6) months shall be authorized by order of the city council. No sale of any such properties shall be affected except by order of the city council authorizing the mayor in the name and behalf of the city to execute a quitclaim deed of the parcel to be sold at such price as is stated in the city council order.

H. This section shall not apply to property acquired by the city by the foreclosures of tax titles.

2.76.040 Director--Construction of public buildings. Unless otherwise provided, the director of facilities management, either by himself or by his deputies, shall take charge of the construction of all public buildings of the city which come under his department.

2.76.050 Director--Architectural services, plans and specifications. The director of facilities management shall perform all architectural services and make all examinations and make and prepare all statements, plans, and specifications which any department head may need in the discharge of his duties.

2.76.060 Director--Keeper of the master key system. The director of facilities management shall maintain and control the master key system for all public buildings, including: security of building grand master keys; reproduction and distribution of keys and over all maintenance of system which come under his department.

2.76.070 Director--As to energy conservation. The director of facilities management shall develop and control all matters pertaining to energy conservation efforts with public buildings; including, but not limited to: investigations, reporting, preparation of federal, state and local grants, implementation of energy conservation measures and maintenance of all records and supporting documents.

2.76.080 Director--As to telecommunications. The director of facilities management shall perform all functions associated with the telephone services in support of public buildings, including, development, implementation, system adjustment repairs, and scheduling accounts payable which come under his department.

Approved:

January 24, 1995

Effective:

February 14, 1995

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 7, SECTION 7.24.010 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 7.24.010 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW SECTION 7.24.010 THERETO - SNOW AND ICE

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Section 7.24.010 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting section 7.24.010 and inserting in place thereof the following:

7.24.010 Removal of snow or ice from sidewalks, hydrants and curb cuts. A. The tenants or occupants of any single parcel of real estate which contains only one rental or dwelling unit, and in case there is more than one rental or dwelling unit on a parcel, or where there is no tenant or occupant, the owner or person having the care of any real estate abutting upon any street, avenue, lane, court or square within the city, where there is a sidewalk, fire hydrant or a curb cut shall, after ceasing to fall of any snow or ice thereon, within twenty-four (24) hours cause the same to be removed therefrom.

Approved:

February 14, 1995

Effective:

March 7, 1995

Attest:

Walter Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FOUR

AN ORDINANCE.

AMENDING TITLE 3 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING CHAPTER 3.08 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 3.08 THERETO - RESIDENCY REQUIREMENTS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 3 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Chapter 3.08 in its entirety and inserting in its place a new Chapter 3.08 thereto as follows:

Chapter 3.08

RESIDENCY REQUIREMENTS

Sections:

- 3.08.010 Condition of employment.
- 3.08.020 Condition of promotion.
- 3.08.030 Certificate of residence.
- 3.08.040 Conflict with collective bargaining agreements and general laws.
- 3.08.050 Board and commission members.
- 3.08.060 Waivers.
- 3.08.070 Actual principal residence.
- 3.08.080 Residency compliance commission.
- 3.08.090 Residency compliance unit.
- 3.08.100 Residency for former positions or titles.

3.08.010 Condition of employment. A. Every person first employed by the city of Springfield on or after the effective date of this ordinance, shall be a resident of the city of Springfield and shall not cease to be a resident during his employment by the city.

B. For the purpose of this ordinance, an employee shall be any person receiving monies from the city or any city department subject to withholding taxes by the state or federal government.

3.08.020 Condition of promotion. All person promoted by the city on or after the effective date of this ordinance, shall be or within one (1) year of such promotion become, a resident of the city as defined herein. Failure to do so shall be determined to be voluntary termination of employment.

3.08.030 Certificate of residence. A. Upon taking employment with the city, and annually on February first thereafter, every person subject to this section shall file with his or her department head, or like officer, a certificate, signed under the pains and penalties of perjury, stating his or her name and place of residence. A copy of every such certificate shall be transmitted by the department head or like officer to the residency compliance commission within five (5) business day of filing.

B. Upon receipt of a certificate indicating a place of residence not within the city, or if no such certificate is filed, the department head or like officer shall forthwith strike the name of the employee from the payroll, that person shall cease to be employed by the city, and the department head or like officer shall give notice of his or her action to the city clerk, who shall transmit the same to the city council, mayor, and collector-treasurer.

C. No person so stricken from the payroll, shall be re-employed by the city for a period of one year following the cessation of his or her employment.

D. Every employee shall be furnished a copy of the residency ordinance when hired and annually thereafter, but failure to receive a copy shall not be held to excuse any violation.

3.08.040 Conflict with collective bargaining agreements and general laws. A. To the extent permissible by law, no collective bargaining agreement hereafter entered into by the city of Springfield shall contain any provision contrary to the provisions hereof, nor shall the absence of any provision with respect to the residency of any person hired after the date of such contract be deemed to prevent enforcement of this section.

B. To the extent permissible by chapter thirty one of the General Laws, every examination held to establish a civil service list for employment by the city of Springfield shall be restricted to the city of Springfield residents. In the event this section shall be deemed to be in conflict with a provision of any general or special law, the provisions of that general or special law shall govern, and shall not defeat the application of this ordinance with respect to any position not governed by that law.

3.08.050 Board and commission members. A. All persons appointed to membership on boards and commissions of the city shall be residents of the city during the terms for which they are appointed.

B. This section shall not apply to persons appointed to advisory committees or to committees established under federal or state grant-in-aid programs except where otherwise specified.

3.08.060 Waiver. The provisions hereof shall not be waived by the mayor nor the city council with respect to a particular person or position.

3.08.070 Actual principal residence. In construing this ordinance, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or his normal personal and household effects. This ordinance shall be deemed to affect both civil service and non-civil service employees of the city.

3.08.080 Residency compliance commission. A. There shall be a residency compliance commission ("commission") comprising seven (7) commissioners, five to be appointed by the mayor of city of Springfield so long as one is a city union representative and two other members one being the city's affirmative action officer and one being the president of the city council, or such other councilor designated from time to time by the council president.

B. The purpose of the commission shall be to investigate and make findings relative to compliance with Springfield's residency ordinance.

C. All commissioners, with the exception of the council president shall serve co-terminous with the mayor and any vacancies shall be filled by the mayor of the city of Springfield for the unexpired term. The commission shall elect annually a commissioner as chairperson. Commissioners shall serve without compensation and shall be classified as special municipal employees for the purposes of the State Ethics law, General Laws chapter 268A.

D. The commission shall have the power to investigate, conduct hearings, administer oaths, take testimony of any person under oath and in connection therewith to require the production for examination of any documents, books, papers, or evidence relating to any other matter in question or under investigation by the commission. The commission may appoint from within or without its membership a hearing officer to conduct particular hearings upon a majority vote of the commission. The employees who is the subject of a hearing shall be afforded notice and an opportunity to provide testimony, witnesses, documents and to have counsel present.

E. Should the commission, after hearing, find that an employee, who is subject to the residency ordinance, does not reside within the city of Springfield, the commission shall issue its findings to the employee's department head. The commission shall also, with its findings advise that the employee's termination of employment under the residency ordinance and said department head or appointing authority shall, consistent with the residency ordinance, notify the treasurer to remove the employee from the payroll.

F. Semiannually, the commission shall provide a written report to the mayor who shall file a copy with the city council. This report shall include all investigations and findings by the commission with respect to the residency ordinance.

3.08.090 Residency compliance unit. A. There shall be a residency compliance unit ("compliance unit") within the personnel department, which shall also have the power to conduct investigations of city employees and officers where there is reason to believe that an employee or officer may be in violation of the residency ordinance. The Springfield police department shall serve as investigators for both the compliance unit and the commission.

B. The compliance unit shall ensure, pursuant to the residency ordinance, the filing of residency affidavits and submission of additional documentation to verify residency. It shall also serve as a vehicle whereby employees and the general public may report those who are believed to be in violation of the residency ordinance. Where questionable claims of residency exist, the compliance unit shall forward such to the compliance commission for further investigation as delineated in the above section.

3.08.100 Residency for former positions or titles. For the purpose of this ordinance all positions or titles listed in former section 3.08.080 shall be governed by this ordinance, unless excluded by law or collective bargaining agreements.

Approved:

February 24, 1995

Effective:

March 17, 1995

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 3, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING TWO NEW SECTIONS TO CHAPTER 3.24 - PAID HOLIDAY AND JURY DUTY

Be it ordained by the City Council of the City of Springfield, as follows:

Title 3, Section 3.24 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new section 3.24.040 "Personal Leave" and a new section 3.24.050 "Incentive Leave" as follows:

Chapter 3.24

PAID HOLIDAY AND JURY DUTY

Sections:

3.24.040 Personal leave.
3.25.020 Incentive leave.

3.24.040 Personal leave. A. An employee shall have the limited option to use up to three (3) days annually of the unused sick leave accumulated pursuant to chapter 3.20 herein in the form of personal leave.

B. An employee who fails to exercise the option for the full amount of days hereunder in any one calendar year, will not accumulate from year to year the option not exercised in that calendar year.

C. Such personal leave shall be granted by the employer at such time as in its' opinion will cause the least interference with the performance of the regular work of the city.

3.24.050 Incentive leave. A. The calendar year is hereby broken down to consist of three (3) incentive periods:

1. Period one: The period between January 1 and April 30 inclusive.
2. Period two: The period between May 1 and August 31 inclusive.

3. Period three: The period between September 1 and December 31 inclusive.

B. An employee who is not absent more than one (1) day due to a disqualifying absence or who is tardy not more three (3) instances in excess of fifteen (15) minutes per instance in an incentive period, shall earn an incentive day that incentive period.

C. Such earned incentive day shall be taken within the next succeeding incentive period. There shall be no accumulation of an earned incentive day to any succeeding incentive period. Such incentive leave shall be granted by the employer at such a time as in its' opinion will cause the least interference with the performance of the regular work of the city. In no event will days earned hereunder be convertible into monetary buyback.

D. For purposes hereunder, the following are to be categorized as disqualifying absences:

1. Absence due to sick leave beyond one (1) day in the incentive period.

2. Absence due to workmen's compensation lost time within a period.

3. Absence due to unauthorized leave within a period.

4. Absence due to a leave of absence or maternity leave within a period.

E. For purposes hereunder, the following are to be categorized as qualifying absences:

1. An absence due to authorized vacation leave or a day taken pursuant to this program.

2. An absence due to jury duty leave.

3. An absence due to authorized bereavement leave.

4. An absence due to holiday leave.

5. An absence due to personal leave.

6. An absence due to authorized military leave, authorized time for civil service examination, and time lost to attend an industrial accident board meeting.

Approved:

March 30, 1995

Effective:

April 20, 1995

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND FIVE

AN ORDINANCE.

AMENDING TITLE 8 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING CHAPTER 8.16, CURFEW, IN ITS ENTIRETY AND INSERTING IN ITS PLACE THE FOLLOWING NEW CHAPTER 8.16 THERETO - CURFEW HOURS FOR MINORS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 8 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Chapter 8.16 and inserting in its place the following new Chapter 8.16 thereto:

Chapter 8.16

CURFEW HOURS FOR MINORS

Sections:

8.16.010	Purposes.
8.16.020	Definitions.
8.16.030	Offenses.
8.16.040	Defenses.
8.16.050	Enforcement.
8.16.060	Violations--Penalties.

8.16.010 Purposes. A. The city council of the city of Springfield has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of eighteen (18) in the city of Springfield.

B. Persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime.

C. The city of Springfield has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of incidence of juvenile criminal activities.

D. A curfew for those under the age of eighteen (18) will be in the interest of public health, safety, and general welfare and help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the city of Springfield.

8.16.020 Definitions. For the purpose of this chapter, the following definitions shall be applicable:

A. "Curfew hours" means 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

B. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

C. "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

D. "Guardian" means a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

E. "Minor" means any person under eighteen (18) years of age.

F. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

G. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of another person or at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

H. "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

I. "Remain" means to linger or stay or fail to leave premises when requested to do so by a police officer of the owner, operator, or other person in control of the premises.

J. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

8.16.030 Offenses. A. A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

B. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

C. The owner, operator, or any employee of any establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

8.16.040 Defenses. A. It is a defense to prosecution under section 8.16.030 that the minor was:

1. Accompanied by the minor's parent or guardian;
2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
3. In a motor vehicle involved in interstate travel;
4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Springfield, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Springfield, a civic organization, or another similar entity that takes responsibility for the minor;
8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
9. Married or had been married in accordance with chapter 207, section 7 of the Massachusetts General Laws.

B. It is a defense to prosecution under section 8.16.030 (C) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

8.16.050 Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.16.040 is present.

8.16.060 Violations--Penalties. A. Criminal Disposition. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed three hundred dollars (\$300).

B. Noncriminal Disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under chapter 1.16.010. This chapter shall be enforced by the police department. The penalty for each violation shall be fifty dollars (\$50) for each day or part of a day during which the violation is committed, continued, or permitted.

This Ordinance shall take effect on July 1, 1995.

Approved:

June 27, 1995

Effective:

July 1, 1995

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 3, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING NEW LANGUAGE TO CHAPTER 3.20 - SICK LEAVE

Be it ordained by the City Council of the City of Springfield, as follows:

Title 3, Section 3.20.010 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting subsection (B) in its entirety and inserting in its place the following new subsections:

B. "Sick leave" means the absence from duty of any employee due to a serious health condition of the employee, employee's spouse, employee's parents, spouse's parents, employee's child, and any other relative actually living in the household at the time of the illness. Absence due to an employee's sickness commencing during the hours of employment will be charged to his sick-leave credit, if any. The period of time actually worked will not be charged to accumulated sick-leave credit, but will be paid for by the city as time actually worked.

C. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider.

Section 3.20.080 is hereby amended by adding a new subsection (D) as follows thereto:

D. If an employee is terminated for reasons other than fault of his own and subsequently reinstated or reemployed, he/she shall be credited with accrued sick leave due at the time of such termination.

Approved:

June 27, 1995

Effective:

July 18, 1995

Attest:

Walter Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 7, SECTION 7.13.060(20) OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING SECTION 7.13.060(20) IN ITS ENTIRETY

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Section 7.13.060(20) of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Section 7.13.060 (20) "Dumpsters" in its entirety as follows:

Section 7.13.060(20) "Dumpsters" is hereby repealed in its entirety.

A true copy of an Ordinance passed by the City Council notwithstanding the Mayor's veto on July 17, 1995.

Effective:

August 7, 1995

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 1, CHAPTER 1.16, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY ADDING NONCRIMINAL DISPOSITION TO THE FOLLOWING CHAPTERS AND SECTIONS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following noncriminal disposition at the end of section 1.16.010:

GENERAL ORDINANCES

<u>Ordinance</u>		<u>Penalty</u>
5.12	Hawkers and Peddlers (Public Health Department)	\$50.00
5.36	Charitable Solicitations	\$50.00
5.56	Transient Vendors (Public Health Department)	\$50.00
6.04.040	Removing Dog Wastes (Park Department, Public Health Department, Animal Control Officers)	\$50.00
6.04.050	Dangerous Dogs (Animal Control Officers)	\$50.00
6.08.020	Licensing Dogs (Park Department, Public Health Department, Animal Control Officers)	\$50.00
6.08.050	Restraining Dogs (Park Department, Public Health Department, Animal Control Officers)	\$50.00
6.08.060	Dog Control (Park Department, Public Health Department, Animal Control Officers)	\$50.00
7.16.040	Recycling Collection (Department of Public Works)	\$50.00
7.16.041	Leaves and Yard Waste Collection (Department of Public Works)	\$50.00

7.16.060	Rubbish Collection (Department of Public Works)	\$50.00
7.16.120	Litter (Public Health Department, Department of Public Works, Park Department, Conservation Commission)	\$50.00
7.16.135	Shopping Carts (Park Department)	\$50.00
7.17	Bulk and Waste Hauling Services (Public Health Department, Department of Public Works)	\$50.00
7.20	Noise (Park Department)	\$50.00
7.24	Snow and Ice Removal (Department of Public Works)	\$50.00
8.04.020	Alcoholic Beverage (Park Department)	\$50.00
8.20.060	Tag Sales	\$50.00
8.20.070	Significant Trees (Park Department)	\$50.00
8.20.080	Spray Paint Cans	\$50.00
8.24	Loitering (Park Department)	\$50.00
9.16.020	Emergency Park Ban (Department of Public Works)	\$50.00
9.21	Permit Parking (Department of Public Works)	\$50.00
9.24.010	Abandoned Motor Vehicles (Department of Public Works)	\$50.00
9.24.011	Crossing to Avoid Traffic Signals	\$50.00
10.04.300	Maintenance of Tree Belts (Public Health Department, Department of Public Works)	\$50.00
10.12.030	Cutting Trees on Public Property (Park Department, Department of Public Works,	\$50.00
10.16.085	Motor Vehicle Repairs on Sidewalks or Streets (Department of Public Works)	\$50.00
10.16.090	Vehicles Crossing Curbs (Department of Public Works)	\$50.00
10.16.130	Sales in Streets (Department of Public Works, Public Health Department)	\$50.00

10.16.140	Sales from Motor Vehicles (Public Health Department)	\$50.00
10.16.200	Gates and Doors (Department of Public Works)	\$50.00
10.16.220	Playing in Streets	\$50.00
12.12.130	Handbills and Signs (Department of Public Works, Park Department)	\$50.00
12.16.030	Numbers on Buildings (Department of Public Works, Fire Department, Code Enforcement)	\$50.00

Approved:

July 21, 1995

Effective:

August 11, 1995

Attest:

Walter Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.06 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY FURTHER AMENDING SECTION 2.06.030; CITY CLERK -- ENUMERATION OF FEES

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, Chapter 2.06 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by changing the following clauses in section 2.06.030 to read as follows:

(13)	For furnishing certificate of birth	\$6.00 to \$8.00
	For furnishing laminated certificate of birth	\$7.00 to \$10.00
(20)	For filling a certificate of a person conducting business under any title other than his real name	\$25.00 to \$30.00
(21)	For filling by a person conducting business under the title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business	\$20.00 to \$25.00
(22)	For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business	\$6.00 to \$8.00
(30)	For furnishing a certificate of death	\$6.00 to \$8.00
(42)	For entering notice of intention of marriage and issuing certificate thereof	\$20.00 to \$25.00
(44)	For issuing certificate of marriage	\$6.00 to \$8.00

- (62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase of number of wires and cable or attachments under the provisions of Section 22 of Chapter 166 \$75.00 to \$100.00
- additional for each street or way included in such order \$15.00 to \$20.00

The fee for certification of any document not previously enumerated shall be eight dollars (\$8.00).

Approved:

August 8, 1995

Effective:

August 29, 1995

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND FIVE

AN ORDINANCE.

AMENDING TITLE 7, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 7.36 - ANTI - BLIGHT PROGRAM

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.36 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 7.36 thereto:

Chapter 7.36

ANTI-BLIGHT PROGRAM

Sections:

- 7.36.010 Declaration of policy.
- 7.36.020 Creation or maintenance of blighted premises prohibited.
- 7.36.030 Definitions.
- 7.36.040 Enforcement.
- 7.36.050 Repairs and other corrective action--Recovery of costs.
- 7.36.060 Procedures for demolition.
- 7.36.070 Violations and penalties.

7.36.010 Declaration of policy. It is hereby found and declared that there exists within the city of Springfield a large number of real properties which are vacant and in a blighted condition and that the existence of such vacant and blighted properties contributes to the decline of neighborhoods, It is further found that the existence of vacant and blighted properties adversely affects the economic well being of the city of Springfield and is adverse to the health, safety and welfare of the residents of the city of Springfield. It is further found that many of the vacant and blighted properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities and that such rehabilitation, reconstruction, demolition, and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

7.36.020 Creation or maintenance of blighted premises prohibited. No owner of real

property located in the city of Springfield shall allow, create, maintain or cause to be create or maintained any blighted premises.

7.36.030 Definitions. For the purpose of this Chapter, the following words, terms, and phases shall have the following ascribed meanings, unless the context clearly indicates otherwise:

A. "Blighted Premises" shall mean any vacant building, structure or parcel of land in which at least one of the following conditions exist:

1. It is becoming dilapidated as documented by the code enforcement department;
2. It is attracting illegal activity as documented by the police department;
3. It is a fire hazard as determined by the fire marshall or as documented by the fire department;
4. It is determined by the code enforcement department that the building, structure or parcel of land is in a condition which poses a serious threat to safety, health, morals and general welfare of the city.

B. "Building" shall mean a fixed construction with walls foundation and roof, such as a house, factory, or garage, which is either vacant or used for any type of occupancy or use.

C. "Code Enforcement Department" shall have the meaning defined in Massachusetts General Laws or in the chapter 2.66 in the city of Springfield ordinances.

D. "Legal Occupancy" shall mean human habitation that is legal by virtue of compliance with State Building, State Fire Safety, local zoning, local housing and all other pertinent codes and shall further be demonstrated by proof of occupancy evidenced through a bona fide lease agreement, rent receipt or utility statement.

E. "Neighborhood" shall mean a area of the city comprising premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the city.

F. "Structure" shall mean that which has been or is built or constructed and which is or should be fastened, anchored, attached or rests on a building, foundation or on the ground including any buildings, fences, fire escapes, railings, towers, sidewalk or stairways.

G. "Vacant" shall mean a period of sixty (60) days or longer during which space subject to this chapter is not legally occupied.

7.36.040 Enforcement. A. Complaints. Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of the chapter, any civic organization, neighborhood council, and any appropriate agency may file, in writing, a complaint of violation of any of these sections with the code enforcement department.

B. Investigation. The code enforcement department shall undertake an investigation of the complaint by conducting an inspection forthwith of the property. If, in the course of such inspection, the code enforcement inspector observes a condition which he/she believes may constitute a violation of a code which falls under the jurisdiction of another city agency or department, he/she shall notify the appropriate agency or department and that agency or department shall conduct an inspection forthwith and provide the code enforcement department which a copy of said report together with any actions which are

necessary to abate conditions which constitute a violation(s) of the provision of this chapter.

C. **Orders to Take Corrective Action.** The Code enforcement department shall serve notice of violation and order to correct such violation on the owner of record of the property by certified mail. The order shall require the owner of record to bring the property into compliance with the requirements of the chapter in a manner specified in said order within thirty (30) days of receipt of such order. A copy of the order shall be placed on the land records and any subsequent purchaser of the property shall be subject to such order.

7.36.050 Repairs and other corrective actions--Recovery of Costs. A. Whenever a property owner fails, neglects or refuses to make repairs or take other corrective action specified in the order, or modified order, the city may undertake such repairs or actions, when in its judgment a failure to make them will endanger the public health, safety and welfare; and the cost of such repairs as determined by the code enforcement department will not exceed fifty (50) percent of the fair market value as determined by the city assessor of the structure to be repaired.

B. Notice of the intention to make such repairs or other corrective action shall be served on the owner by certified mail.

C. When repairs are made or other corrective action taken by the city, the cost of such repairs shall constitute a debt in favor of the city of Springfield against the owner of the repaired structure. In the event of the owner fails, neglects or refuses to pay the city of Springfield the amount of the debt within thirty (30) days of the receipt of the notice of the debt, the city may place a lien on the property for such debt and/or/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt.

7.36.060 Procedures for demolition. A. Determination of need to demolish; order; appeal. When the code enforcement commissioner, or n official vested with the jurisdiction to enforce any health or safety code determines, based upon the condition of the building or structure, that the building or structure is beyond repair, that conditions exist which constitute a violation of this chapter, and that efforts to secure the building or structure so as abate any condition constituting a violation have failed to abate the violation, such official may issue an order that the building or structure be demolished. The order be issued in accordance with the procedure set forth in section 7.36.040 of this chapter.

B. **Failure to Comply with Order to Demolish.** Whenever the property owner fails, neglects or refuses to comply with an order to demolish the property, the City may take any or all of the following actions to enforce the order:

1. Institute an action in a court of competent jurisdiction for criminal prosecution of the owner for violation of this action seeking an order from the court for the demolition of the building or structure and/or for payment of fines for violation of the provision of this chapter;

2. Institute a civil action in a court of competent jurisdiction seeking an induction for abatement of the violation and an order from the court for demolition of the building or structure and/or for payment of fines for violation of the provision of this chapter;

3. When in the judgment of the code enforcement commissioner, the fire marshal, or chief of police the conditions of the structure constitutes an imminent danger to

the public health, safety or welfare of the neighborhood or general public so as to present an emergency situation, the city may undertake the demolition of the building or structure after giving notice to the owner of the property and shall recover the costs incurred in accordance with the provisions for recovery of costs set forth in section 7.36.050 of this chapter. The city shall make every best effort to mitigate expenses by using its own employees and equipment to fulfill the demolition order.

7.36.070 Violations and penalties. A. Each violation of any provision of the chapter shall be considered a separate offense hereunder.

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

C. Each separate offense of this chapter shall be punishable by a fine of not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars. The code enforcement commissioners shall establish by regulation a fine schedule for each standard described in this chapter.

D. The total cumulative fine any case shall not exceed three hundred (\$300.00) dollars per day.

E. The owner of any premises which has received proper notice of violation of this chapter and failed to correct such violation by the date specified in such notice shall be punishable by a cumulative fine for each separate offense and shall be liable for payment to the City within thirty (30) calendar days of receipt of the request for payment thereof sent by certified mail.

F. The imposition of any fine shall not be constructed to prevent the enforcement of other laws upon the premises nor prevent the initiation of other enforcement measures or penalties.

G. Failure to pay any fine arising from the enforcement of this chapter shall constitute a debt in favor of the city of Springfield. The city may bring a civil or criminal action against the debtor in court for payment such fine.

H. Upon failure to correct any violation of this chapter is found by the specified date, the code enforcement commissioner may, in addition to other penalties and actions bring civil or legal action against the violation, may institute a civil action for injunctive relief to require abatement, may initiate enforced abatement, or demolition procedures.

Passed by the City Council September 25, 1995 and presented to the Mayor for approval on September 27, 1995. After ten (10) days, the ordinance not having been approved or vetoed by the Mayor passed without his signature on October 7, 1995 and becomes effective on October 18, 1995.

Attest:

Walter Zmetger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING CHAPTER 2.02, SECTION 2.02.010, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, RELATIVE TO THE COMPENSATION OF THE CITY COUNCIL

Be it ordained by the City Council of the City of Springfield, as follows:

Chapter 2.02 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by striking Section 2.02.010 in its entirety, effective January 1, 1998, and inserting in lieu thereof the following:

2.02.010 City Council Compensation.

The annual compensation of the President of the City Council shall be Fifteen Thousand Dollars (\$15,000), and the annual compensation of all other members of the City Council shall be Fourteen Thousand Five Hundred Dollars (\$14,500) per annum, effective January 1, 1998 and thereafter. Said sums shall be paid in equal monthly installments at the end of each month of service.

APPROVED:

JANUARY 24, 1997

EFFECTIVE:

FEBRUARY 14, 1997

ATTEST:

Walter Metzger

CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING TITLE 2, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING CHAPTER 2.80 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 2.80 THERETO - SCHOOL BUILDING COMMISSION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, Chapter 2.80 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 2.80 in its entirety and inserting in its place the following new Chapter 2.80 thereto:

Chapter 2.80

SCHOOL BUILDING COMMISSION

Sections:

- 2.80.010 Composition.
- 2.80.020 Power and duties.

2.80.010 Composition. A. The city school building commission shall consist of seven (7) voting members of which three (3) are appointed by the mayor, who shall serve at the pleasure of the mayor and will continue to serve until a successor is appointed. One voting member shall be the city council president or designee and one voting member shall be the vice-chairperson of the school committee or designee. All members so appointed shall be residents of the city. The mayor shall designate the chairperson of the city school building commission.

B. The director of facilities management and the code enforcement commissioner shall each be voting members of the city school building commission.

C. Serving as a member of the city school building commission but without the right of a formal vote shall be the superintendent of schools. All members of the city school building commission shall serve without receiving compensation.

2.80.020 Powers and duties. A. After the school committee has approved a site for a school building, the city school building commission, after the land has been acquired by the city for such a site, or after being so authorized by a vote of the city council with the approval of the mayor, shall cause to be prepared plans, specifications and information for bidders and contract forms for the erection and reconstruction of all school building, and for the preparation of plans and specifications for site-work connected therewith.

B. No plans for the construction of a school building shall be accepted, and no work shall be begun on the construction of a school building, unless the approval of the mayor is first obtained.

C. Ordinary repairs and alterations of school building are the responsibility of the department of facilities management under chapter 2.76 of the ordinances of the city of Springfield. Notwithstanding any ordinance to the contrary, the city school building commission shall have primary jurisdiction and responsibility regarding the building of, and/or the remodeling of, school buildings whose estimated projected costs are in excess of three million dollars (\$3,000,000.00).

D. Notwithstanding chapter 2.76.030(E)(2) of the ordinances of the city of Springfield or any other ordinance to the contrary, the city school building commission with the approval of the mayor is specifically authorized to hire under a contract a construction management company or a project management company reporting to the city building commission and responsible for overall project management of a given project or projects. The company, if retained shall see that duplicative efforts are minimized so that state reimbursement will be available to pay all or the major part of their fee.

E. Notwithstanding chapter 2.76.030(E)(2) of the ordinances of the city of Springfield or any other ordinance to the contrary, the city school building commission with the approval of the mayor and the superintendent of schools is specifically authorized to hire a project management individual or individuals. Said individual or individuals shall have the education, training, and experience to perform the project management functions, and may be hired for a given project or projects. The school department budget shall support the salary and fringe benefits of said individual or individuals. The individual or individuals so hired shall see that duplicative efforts are minimized so that the cost of said individual will be reimbursable out of bond monies and the use of school department funds will be minimized.

F. Should the city school building commission choose to contract or hire a project management company or individual(s) to oversee a project for school construction or major renovations the director of facilities management shall work cooperatively with said company or individual(s) to see that efforts are not duplicated and that concerns of the city are addressed in all phases of the project.

Approved:

March 18, 1996

Effective:

April 8, 1996

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 11 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY DELETING THE FOLLOWING SECTIONS 11.12.010 (D), (I) AND (R) AND TABLE 11.12.110, RATES, SURCHARGES, AND SERVICE CHARGES IN THEIR ENTIRETY AND INSERTING IN PLACE THEREOF THE FOLLOWING

Be it ordained by the City Council of the City of Springfield, as follows:

Title 11 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting sections 11.12.010 (D), (I) and (R) and inserting in their place the following new sections:

I. GENERAL PROVISIONS

11.12.010 Definitions.

D. "Commercial" means a classification of users which includes all retail and wholesale establishments, businesses, and offices, including but not limited to office buildings, retail and wholesale outlets, service agencies, agents, brokers, professional offices, etc.

I. "Institutional" means a classification of users which includes all schools, churches, governmental buildings and offices, religious organizations, and similar facilities, both profit and nonprofit.

R. "Wet industry" means a classification of users which includes all industries which produce large volumes of wastewater; or which produces a wastewater of greater strength than residential wastewater (or contains constituents which require pretreatment in accordance with Chapter 11.08) shall be classified as a wet industry for purposes of this chapter.

Title 11 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Table 11.12.110 in its entirety and inserting in lieu thereof a new Table 11.12.110 as follows:

IV. USER CHARGES

TABLE 11.12.110

RATES, SURCHARGES, SERVICE CHARGES, AND ADJUSTMENTS

A. Rates:

The sewer use fee rate for all classes of users including but not limited to, residential, commercial, institutional, industrial, governmental, charitable, and non-profit as set forth in the following categories shall become effective on January 1, 1996:

1. Residential Rate:

This rate shall be for all classes of residential dwellings and shall include governmental, charitable, and non-profit users:

Jan. 1-June 30, 1996 Rate per 100 cu. ft. of wastewater \$1.23

2. Commercial Rate:

This rate shall be for all classes of "Commercial" users as defined in section 11.12.010, excepting that this rate shall not apply to restaurants and food processors, and shall be 1.1 times the residential rate in effect.

3. Dry Industry Rate:

This rate shall be for all classes of "Dry Industry" users as defined in section 11.12.010, and shall be 1.2 times the residential rate in effect and shall be subject to the surcharges specified in this section.

4. Industry Rate:

This rate shall be for all classes of "Industry" users as defined in section 11.12.010, and shall be 1.2 times the residential rate in effect and shall be subject to the surcharges specified in this section.

5. Institutional Rate:

This rate shall be for all classes of "Institutional" users as defined in section 11.12.010, except this rate shall not apply to hospitals and laboratories, and shall be 1.0 times the residential rate in effect.

6. Restaurant Rate:

This rate shall be for all restaurants and food processors and shall be 1.3 times the residential rate in effect and shall be subject

to Fats, Oils and Greases (F.O.G.) surcharges specified in this section.

7. Hospital Rate:

This rate shall be for all hospitals and all laboratories and shall be 1.1 times the residential rate in effect and shall be subject to the surcharges specified in this section. The laboratory rate shall apply to the entire flow of the building in which it is located.

8. Septage Disposal Rate:

The rate for all septage disposal or holding tank waste disposal at the Indian Orchard pumping station, or any other septage disposal site designated by the department of public works as follows:

Rates shall be calculated based on the following formula:

$$(\$X / Y \text{ gallons}) \times Z = \text{Current Fiscal Year Rate in \$/gallon}$$

X = Prior fiscal year actual total expenditures including overhead for the Springfield Regional Wastewater Treatment Plant (SRWTP).

Y = Prior fiscal year actual total gallons of sewage treated at the SRWTP influent sewage.

Revised rates shall be calculated by the department of public works annually beginning FY 1994, and provided to all disposal companies who historically deliver septage to the disposal site, and will be made available to the public within one month of the effective date of the increase or decrease (i.e., one 1 month prior to July 1).

9. Sewer Cleaning Rate:

The rate for cleaning of all building drains, building sewers, private drains, or private sewers as defined in section 11.08.010 shall be sixty dollars (\$60.00) per cleaning. This rate shall apply to all cleaning services provided during normal business hours. All cleaning services required overtime shall be charged at a rate 2.0 times the cleaning rate in effect.

10. Sewer Construction and Repair Rate:

The sewer construction and repair rate to be charged for all building drains, building sewers, private drains, or private sewers as defined in section 11.08 shall be twenty-five dollars (\$25.00) per linear foot for new building connections and forty-three (\$43.00) per linear foot for repairs to building connections. All new connections and repairs to existing connections for commercial and industrial buildings and all private sewer and drain work shall be charged for all labor, material, and equipment costs plus a fee for administration and overhead costs, as established by the director.

B. Surcharges

When applicable surcharges will be calculated as follows:

1. Biochemical oxygen demand (BOD₅) surcharge per 1 lb. of BOD₅ shall be: \$0.068

A surcharge may be applied for BOD₅ as defined in section 11.08.010. Pounds of BOD₅ subject to a surcharge are calculated by the following equation:

$(C_1 - 240) \times 0.00624 \times Q =$ pounds of BOD₅ subject to surcharge where:

C_1 = the concentration of BOD in mg/l of the wastewater, and

Q = the actual metered water use or wastewater discharge measured in units of 100 cu. ft.

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

2. Suspended Solids (SS) surcharge per 1 lb. of SS shall be: \$0.049

A surcharge may be applied to SS as defined in section 11.08.010. Pounds of SS subject to a surcharge are calculated by the following equation:

$(C_2 - 300) \times 0.00624 \times Q =$ Pounds of SS subject to surcharge where:

C_2 = the concentration of SS in mg/l of the wastewater, and

Q = the actual metered water use or wastewater discharge measured in units of 100 cu. ft.

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

3. Fats, Oils, and Greases (F.O.G.) surcharge per 1 lb. of F.O.G. shall be: \$0.068

A surcharge may be applied for F.O.G. as defined in section 11.08.250. Pounds of F.O.G. subject to a surcharge are calculated by the following equation:

$(C_3 - 100) \times 0.00624 \times Q =$ pounds of F.O.G. subject to surcharge where:

C_3 = the concentration of total F.O.G. in mg/l of the wastewater, and

Q = the actual metered use or wastewater discharge measured in units of 100 cu. ft.

All measurements shall be rounded to the closest unit. This surcharge shall not apply to normal residential use.

C. Service Charge:

1. An annual administrative service charge set forth as follows will be divided equally into the number of billing periods, and shall become effective on July 1 of the fiscal year specified:

Fiscal Year 1996 \$8.00

2. A service charge set forth as follows for reading secondary water meters and the administrative service provided for adjusting bills may become effective on July 1 of the fiscal year specified.

Fiscal Year 1996 \$31 per meter reading

D. Adjustments:

1. In the event that federal, state and/or any other source of third party financial participation in the planned costs intended to be financed from revenue raised under section A of this amendment become available said rates will be reduced dollar for dollar to reflect the net reduction in cost realized.

2. If the inflation index as reported by the United States Bureau of Labor Statistics for Water & Sewage Maintenance is less than an increase of .025 in any fiscal year the rate will be adjusted by the difference between .040 and the increase.

3. In the event the actual surplus exceeds two million dollars (\$2,000,000.00) the rate will be adjusted for the ensuing years to reduce the actual surplus to as close to the two million dollars (\$2,000,000.00) or less as may be practical. At no time should this adjustment cause a deficit in the Local Wastewater account.

This ordinance amendment shall take effect as of January 1, 1996.

Approved:

March 18, 1996

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-FIVE

AN ORDINANCE.

AMENDING TITLE 8, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 8.28 - PANHANDLING

Be it ordained by the City Council of the City of Springfield, as follows:

Title 8, of the Revised Ordinance of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 8.28 thereto:

Chapter 8.28

PANHANDLING

Sections:

- 8.28.010 Generally.
- 8.28.020 Definitions
- 8.28.030 Unlawful acts.
- 8.28.040 Interpretation.
- 8.28.050 Violations--Penalties.

8.28.010 Generally. The purpose of this chapter is to regulate certain behavior to preserve the public order, to protect the citizens of the city of Springfield and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression, or conduct.

8.28.020 Definitions. For purposes of this chapter, the following words, terms, and phases shall have the following meanings:

- A. "Aggressive manner" means to do any of the followings:

1. Approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or

2. Touching another person without that person's consent in the course of asking for alms; or

3. Continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or

4. Following the person solicited before, after, or while asking, begging, or soliciting alms; or

5. Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle take evasive action to avoid physical contact; or

6. Directing abusive or profane language toward the person solicited, either while asking, begging, or soliciting alms, or following a refusal by the person solicited.

B. "Ask, beg, or solicit alms" includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value.

C. "False or misleading manner" includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value through utilization of any of the following representations:

1. Stating or expressing that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact; or,

2. Stating that the donation is needed to meet a need that does not exist; or,

3. Stating that the solicitor is from out of town and stranded when that is not true; or,

4. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or,

5. Use of any makeup or device to simulate deformity.

D. "Solicitor" means anyone who asks, begs, or solicits alms, including money and other things of value.

8.28.030 Unlawful acts. A. No person may ask, beg, or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline

service stations and the grounds enclosing buildings.

B. No person may ask, beg, or solicit alms, including money and other things of value in a false or misleading manner.

C. No person may ask, beg, or solicit alms in any public transportation vehicle; or within twenty-five feet of any bus or train station or stop.

D. No person may ask, beg, or solicit alms within twenty-five (25) feet of any automatic teller machine (ATM) or bank.

E. No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.

8.28.040 Interpretation. A. No provision of this chapter shall be interpreted or construed to prohibit speech, expression, or conduct protected by the laws of the United States or the Commonwealth of Massachusetts.

8.28.050 Violations--Penalties. A. Criminal Disposition. Any person who violates a provision of this chapter is guilty of a separate offense for each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine of fifty dollars (\$50.00).

B. Noncriminal Disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under chapter 1.16.010. The police department shall enforce this chapter. The penalty for each violation shall be fifty dollars (\$50.00) for each day or part of a day during which the violation is committed, continued, or permitted.

Approved:

April 10, 1996

Effective:

May 1, 1996

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 2.92 - SPRINGFIELD TECHNOLOGY COMMISSION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 2.92 thereto:

Chapter 2.92

SPRINGFIELD TECHNOLOGY COMMISSION

Sections:

- 2.92.010 Establishment--Appointment and composition.
- 2.92.020 Meeting and minutes.
- 2.92.030 Powers and duties.

2.90.010 Establishment--Appointment and composition. A. There shall be in the city a commission to be known as the Springfield Technology Commission, referred to in this chapter as the "commission," which shall advise the mayor on issues related to improving and expanding technology in the city.

B. The commission shall consist of fifteen (15) members, appointed by the mayor, of which ten (10) members shall be residents of the city and five (5) may be non city residents. All members shall serve for a period co-terminus with the term of the mayor and shall serve without compensation. The members shall consist of the following:

1. The superintendent of schools or his/her designated representative;
2. The chief of police or his/her designated representative;
3. The chief of fire or his/her designated representative;
4. The director of data processing or his/her designated representative;
5. The president of the city council or his/her designated representative;
6. The vice chairperson of the school committee or his/her designated representative;
7. A representative from an employer in the city with more than two hundred (200) employees;

8. A representative from an employer in the city with less than two hundred (200) employees;

9. A representative from one (1) of the colleges in the city including Springfield Technical Community College; and

10. Six (6) private citizens of which five (5) may be non city residents.

C. An appointment to fill a vacancy shall be for the unexpired term of the vacating member.

D. The mayor shall designate one (1) of the members of the commission as chairperson.

E. All members of the commission shall serve with the right of a formal vote.

2.92.020 Meeting and minutes. A. The commission on technology shall meet at least once a month, and otherwise as needed, and shall elect a vice chairperson and secretary and such other officers as it deems necessary. The secretary shall keep minutes of the meeting.

B. The commission on technology shall hold its annual meeting in January at which time the mayor shall appoint a chairperson and the members shall elect other officers for the ensuing year.

2.92.030 Powers and duties. A. The power and duties of the commission shall be:

1. Review and recommend plans for significant technology upgrading of city departments, including the school department;

2. Review and recommend strategies to attract high technology industries to Springfield;

3. Review and recommend ways to bring more technology to all public safety departments with an emphasis on police and fire;

4. Review and recommend ways to make high technology more accessible to the general public;

5. Review and recommend ways to improve and expand the high technology infra-structure in the city of Springfield; and

6. Make recommendations to the mayor and city council for the enactment of such ordinances and other legislation or action as in the judgment of the commission will improve and expand technology in the city.

B. The city on behalf of the commission, may accept grants, gifts and donations from foundations and others for carrying out the commission's functions.

Approved:

April 10, 1996

Effective:

May 1, 1996

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING AT THE END OF SECTIONS 2.04.020 THE FOLLOWING NEW LANGUAGE THERETO - MAYOR'S COMPENSATION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding at the end of section 2.04.020 the following new language thereto:

2.04.020 Mayor's compensation. Adding after the words "sixty-five thousand dollars."

The annual compensation of the mayor shall be decreased by three (3%) percent during the period between January 1, 1997 and December 31, 1997.

Approved:

May 30, 1996

Effective:

June 20, 1996

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.13 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY FURTHER AMENDING SECTION 7.13.010 (B)(1) - ALARM SYSTEMS REGULATIONS.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.13, Section 7.13.010 (B)(1) of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by striking Section 7.13.010 (B)(1) in its entirety and substituting the following:

Section 7.13.010 (B)(1) - Pioneer Valley Transportation Authority, Springfield Library and Museums Association and the Department of Facilities Management;

Approved:

June 25, 1996

Effective:

July 16, 1996

Attest:

Walter Metzger

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING TITLE 9, CHAPTER 9.20 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY FURTHER AMENDING SECTION 9.20.140 - II. OFF-STREET PARKING AREAS - PARKING METER ZONES ESTABLISHED.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 9, Chapter 9.20, Section 9.20.140 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following language at the end of Section 9.20.140:

II. OFF-STREET PARKING AREAS

Section 9.20.140 - Parking meter zones established. Certain area in the municipal grouping known as the "horseshoe," bounded on the north side by the southerly street of Pynchon Street, easterly by City Hall, southerly by the Campanile, and westerly by Symphony Hall.

Approved:

July 25, 1996

Effective:

August 15, 1996

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING TITLE 2, SECTION 2.04.020, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, RELATIVE TO THE MAYOR'S COMPENSATION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by striking Section 2.04.020 in its entirety and substituting the following new section:

2.04.020 Mayor's Compensation.

The annual compensation of the Mayor shall be sixty-five thousand dollars and thereafter, effective the first Monday in January, 1998, the annual compensation of the Mayor shall be ninety-five thousand dollars.

Effective:

October 11, 1996

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY FURTHER AMENDING SECTIONS 2.16.020, 2.16.130, 2.16.140 - DEPARTMENT OF LAW.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, Chapter 2.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by striking Sections 2.16.020, 2.16.130, 2.16.140 in their entirety and substituting the following therefore:

2.16.020 City solicitor head of department—Appointment. The city solicitor shall be the head of the department of law. Annually, during the month of January, or whenever a vacancy occurs, the mayor shall appoint a city solicitor. The city solicitor shall be a full-time position.

2.16.130 Deputy city solicitor. A. There shall be one (1) deputy city solicitor. During the month of August, 1996, and during the month of August of every fifth year thereafter, the mayor shall appoint a deputy city solicitor for a term of five (5) years. The person thereto appointed shall hold office until his successor is appointed and qualified. In case of a vacancy in the office of deputy city solicitor, it shall be filled in the manner of an original appointment for the remainder of the unexpired term. The person so appointed shall be a resident of the city, and an admitted attorney and counselor of the courts of the Commonwealth. In addition, the person so appointed shall have been engaged in the actual practice of law for at least eight (8) years. The deputy shall perform such duties as the city solicitor requires, and when requested to do so, shall perform the duties of the city solicitor. The deputy shall, under the direction of the city solicitor, be the administrator of the department. The person so appointed may be removed at any time by the mayor.

B. The deputy city solicitor shall devote his entire time during normal business hours to the duties of the office.

2.16.135 Associate city solicitors. A. There may be ten (10) associate city solicitors appointed by the mayor for the terms specified below:

1. One (1) first associate city solicitor to be appointed for a term of four years during the month of August, 1996, and in every fourth year thereafter;
2. Four (4) second associate city solicitors to be appointed for a term of three (3) years beginning upon the expiration date of the appointments of the current associate city

solicitors and in every third year thereafter and one (1) second associate city solicitor to be appointed for a term of three (3) years beginning October 1, 1996 and in every third year thereafter;

3. Three (3) third associate city solicitors to be appointed for a term of two years during the month of August, 1996 and in every second year thereafter;

4. Two (2) fourth associate city solicitors to be appointed for a term of one (1) year during the month of August, 1996 and every year thereafter.

B. The persons thereto appointed shall hold office until their successors are appointed and qualified. Any vacancy in the office of associate city solicitor shall be filled in the manner of an original appointment for the remainder of the unexpired term. The persons so appointed shall be residents of the city. They shall perform such duties as the city solicitor requires, and when requested by him to do, shall perform the duties of the city solicitor. The persons appointed may be removed at any time by the mayor. The associate city solicitors shall devote their entire time to the duties of the office. In addition, the persons so appointed shall have the following minimum qualifications:

1. The person appointed first associate city solicitor shall have been engaged in the actual practice of law for five (5) years;

2. The persons appointed second associate city solicitors shall have been engaged in the actual practice of law for three (3) years;

3. The persons appointed third associate city solicitors shall be admitted attorneys and counselors of the courts of the Commonwealth;

4. The persons appointed Fourth Associate City Solicitors shall be admitted attorneys and counselors of the courts of the Commonwealth.

2.16.140 Assistant city solicitors. A. Three (3) assistant city solicitors shall be appointed by the mayor annually in the month of January, or whenever a vacancy occurs.

B. The persons so appointed shall be residents of the city, and admitted attorneys and counselors of the courts of the Commonwealth.

C. They shall perform such duties as the city solicitor requires.

D. Any assistant city solicitor may be removed at any time by the mayor.

E. In case of a vacancy in a position of assistant city solicitor, it shall be filled in the manner of an original appointment for the remainder of the unexpired term.

F. Each assistant city solicitor shall hold office until his successor is appointed and qualified.

Approved:

September 30, 1996

Effective:

October 21, 1996

Attest:



City Clerk

1997

1. Amending Chapter 2.02, Section 2.02.010, of the revised Ordinances of the City of Springfield, 1986, as amended, Relative to the Compensation of the City Council.

Re:--CITY COUNCIL COMPENSATION

2. Amending Title 7, of the Revised Ordinances of the City of Springfield, 1986, as Amended, by deleting section 7.20.020(F)(2) in its entirety and inserting in its place a new section 7.20.020 (F)(2) thereto - NOISE

Re:--NOISE

3. Amending Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding a new chapter 7.40 thereto Smoking and Tobacco Sales Regulations.

Re:--SMOKING AND TOBACCO SALES REGULATIONS

4. Amending Title 5, of the Revised Ordinances of the City of Springfield, 1986, as amended, by adding thereto a new chapter 5.64 - Revocation or Suspension of Licenses and Permits

Re:--REVOCATION OR SUSPENSION OF LICENSES AND PERMITS

5. Amending Title 6, Section 6.04.030 of the Revised Ordinances of the City of Springfield, 1986, as amended, by deleting section 6.04.030 in its entirety and inserting in its place a new section 6.04.030 - Dogs on School Premises

Re:--DOGS ON SCHOOL PREMISES



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SEVEN

AN ORDINANCE.

AMENDING TITLE 7, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 7.20.020 (F)(2) IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW SECTION 7.20.020 (F)(2) THERETO - NOISE

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by striking Section 7.20.020(F)(2) in its entirety and substituting the following new sections:

2. For any violation enumerated in 7.20.020, sections A through F above the sound levels may be measured with a hand held "A" rating sound meter prescribed by the American Standards Association and approved by the city.

3. The using, operating, or permitting to be played, used or operated of any motor vehicle sound system, radio, phonograph, musical instrument, tape player, compact disc player or other sound amplification devices in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or is plainly audible at a distance of one hundred feet (100') from the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this section,

and by further amending Title 1, Chapter 1.16 of the Revised Ordinances of the City of Springfield, 1986, as amended by striking the language in said Section 1.16.010 as relates to violations of Section 7.20.020 and substituting the following:

<u>ORDINANCE</u>	<u>PENALTY</u>
7.20.020 Loud, Disturbing and unnecessary Noise	\$50.00
	\$100.00 (Second Offense)

Approved: **June 19, 1997**

Effective: **July 10, 1997**

Attest: *Wally Zmetger* **City Clerk**



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SEVEN

AN ORDINANCE.

AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 7.40 THERETO SMOKING AND TOBACCO SALES REGULATIONS.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7 of the Revised ordinances of the City of Springfield, 1986, as amended is hereby further amended by adding the following new Chapter 7.40 thereto as follows:

Chapter 7.40

TOBACCO SALES REGULATIONS

Sections:

7.40.010	Purpose.
7.40.020	Definitions.
7.40.030	Sales to minors.
7.40.040	Posting state law.
7.40.050	Self service displays prohibited.
7.40.060	Free distribution or sampling prohibited.
7.40.070	Lockout device required on vending machines.
7.40.080	Out of package sales prohibited.
7.40.090	Permits.
7.40.100	Sales by employees.
7.40.110	Penalties, fines and suspension of permits.
7.40.120	Severability.

7.40.010 Purpose. A. Tobacco use is a leading public health problem in the United States. There exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, various cardiac diseases, negative birth outcomes, allergies and irritations to the eyes, nose and throat of both the smoker and nonsmoker exposed to secondhand smoke.

B. More than eighty percent (80%) of all smokers begin before age eighteen (18)

and more than three thousand (3,000) young people begin smoking every day in the United States. Tobacco use by minors is a continuing problem with grave public health consequences. In recognition of the Surgeon General's conclusions that nicotine is as addictive as cocaine or heroin, action is needed to curtail the easy access of tobacco products to minors.

C. Therefore, this ordinance implements a strict and enforceable system to prevent access to and the illegal sale of tobacco products to minors.

7.40.020 Definitions. For the purpose of this chapter, the following definitions shall be applicable:

A. "Employee" means any individual who performs services for an employer in return for wages or profit or performs services as a volunteer.

B. "Employer" means any individuals, partnerships, association, corporation, trust or other organized group of individual, including the city of Springfield or any agency thereof, which uses the services of two or more employees.

C. "Individual" means any person who patronizes an area where tobacco products are sold.

D. "Self service display" (also known as free standing displays) means a display from which individual packs or cartons of tobacco products may be physically selected by a customer.

E. "Vending machines" means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins or other forms of payment

7.40.030 Sales to minors. A. In conformance with Massachusetts General Laws, Chapter 270, section 6, whoever sells a cigarette, or any cigarette paraphernalia, chewing tobacco, snuff, or any tobacco in any of its forms to any person under the age of eighteen (18) or, not being his parent or guardian, gives a cigarette, or any cigarette paraphernalia, chewing tobacco, snuff or tobacco in any of its forms to any person under the age of eighteen (18), shall be punished according to the provisions of section 7.40.110.

B. No person or entity shall sell or permit cigarettes or other tobacco products to be sold to an individual without requesting and examining photographic identification establishing the purchaser's age as eighteen (18) years or greater except that no such verification of age is required for any purchased over the age of twenty-six (26) or for mail order sales.

7.40.040 Posting state law. A. In conformance with Massachusetts General Laws, Chapter 270, section 7, a copy of Massachusetts General Laws, Chapter 270, section 6 shall be posted conspicuously by the owner or other person in charge thereof, in the shop or other place used to sell cigarettes at retail. The Massachusetts Department of Public Health shall provide the notice to be posted. Such notice shall be at least forty-eight (48) square inches and shall be posted at the cash register which receives the greatest volume of single cigarette package sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall

directly face the purchaser and shall not be obstructed from view or placed at a height of not less than four (4) feet or greater than nine (9) feet from the floor. For any other cash register that sell cigarettes, a notice shall be attached which is no smaller than nine (9) square inches, which is the size provided by the Massachusetts Department of Public Health. Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of not less than four (4) feet or more than nine (9) feet from the floor.

B. The Springfield department of health and human services director' designee, environmental health division, the tobacco control division and police department shall enforce this ordinance.

C. Whoever violates this provision shall be punished by a fine of fifty dollars (\$50.00). Any person unlawfully removing a copy so posted while said premises are used for the sale of cigarettes shall be punished by a fine of ten dollars (\$10.00).

7.40.050 Self serviced displays prohibited. Self service displays (also known as free standing displays) of tobacco products, from which individual packages or cartons may be physically selected by the customer, must be within ten feet (10') of the regular location and in plain view of the person designated to supervise the sale of tobacco products from self service displays.

7.40.060 Free distribution or sampling prohibited. No person or entity shall in or upon any part of the streets, parks, public grounds, public buildings, or other public places within the city of Springfield distribute free of charge any products containing tobacco for any promotion or other commercial purpose.

7.40.070 Lockout device required on vending machines. Mandatory lockout devices required on all vending machines which sell or distribute tobacco products within the city of Springfield, except where patrons are required to twenty-one (21) years of age or older (i.e., adult entertainment establishments).

7.40.080 Out of package sales prohibited. The sale and distribution of loose cigarettes in any form other than an original factory-wrapped package is prohibited.

7.40.090 Permit for location and sales of tobacco required. a. After December 1, 1997, the Springfield department of health and human services will issue a "Permit for Location and Sales" that will specify the name, address and approved location per the Springfield department of health and human services or their designated agent(s) for retailers who are required to be licensed by the state to sell tobacco products.

B. After December 1, 1997, all retailers who are required to hold a state license to sell cigarettes or other tobacco products, will also be required to hold and maintain a valid "Permit for Location and Sales" from the city of Springfield for each location at which tobacco products are sold.

C. After receiving the permit, the merchant will receive signage from the Springfield

department of health and human services which states "Sales of cigarettes or any tobacco products to persons under age eighteen (18) is illegal, M.G.L. Chapter 270, Sections 6 & 7". Any merchant not posting said signage will be in non compliance of this ordinance and subject to penalties per Section 7.40.110 of this ordinance.

D. The term of the permit shall be one (1) years if the licensee complies with the provisions of this ordinance.

E. The fee for a one (1) year tobacco retailer's "Permit for Location and Sales" is fifteen dollars (\$15.00) for each tobacco retail location.

F. A "Permit for Location and Sales" is non-transferable, except a new permit will be issued to a tobacco retailer who changes locations and has shown compliance pertaining to the provisions of this ordinance.

G. Any person or entity selling any tobacco products without a said permit shall be fined fifty dollars (\$50.00) per day until the Springfield department of health and human services receives an application and payment requesting issuance of a permit.

7.40.100 Sales by employees. No commercial entity selling tobacco products at retail shall allow any employee to sell cigarettes or other tobacco products until such employee reads the Springfield tobacco sales ordinance and state laws regarding the sale of tobacco and signs a statement which indicates that he or she has read the materials.

7.40.110 Penalties, fines and suspension of permits. A. Any person or entity who fails to comply with sections 7.40.050-7.40.080 of this ordinance shall be punished by a fine of one hundred dollars (\$100.00).

B. It shall be the responsibility of the permit holder in charge of the area where tobacco products are being sold to ensure compliance with all sections of this ordinance pertaining to their place of business.

C. The permit holder in charge of the area permitted for tobacco sales involved in violation of section 7.40.030 of the provisions of this ordinance may receive:

1. In the case of a permit holder in charge of the area permitted for tobacco sales having been found to have sold cigarettes/tobacco products to a minor for the first time, the Springfield department of health and human services shall give the permit holder notification of the ordinance, educational information and make the permit holder aware of the Springfield department of health and human services availability to conduct workshops related to the Massachusetts state laws and the local ordinance on the illegal sales of cigarettes/tobacco products to minors. The permit holder shall also be informed of what constitutes a violation, fine, penalties and enforcement of the ordinance.

2. In the case of a first violation, the permit holder in charge of the area permitted for tobacco sales, or persons not in compliance with the provisions of this ordinance shall receive a fine of one hundred dollars (\$100.00).

3. In the case of the second violation, the permit holder in charge of the area permitted for tobacco sales, or persons not in compliance with the provisions of this ordinance shall receive a fine of two hundred dollars (\$200.00).

4. In the case of the third violation, the permit holder in charge of the area permitted for tobacco sales, or persons not in compliance with the provisions of this

ordinance shall receive a fine of three hundred dollars (\$300.00).

5. If within one (1) year a fourth violation occurs, then the Springfield department of health and human services shall provide notice to the permit holder of the intent to revoke its tobacco sales permit, which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing. Such hearing shall be held before the environmental subcommittee of the city of Springfield Public Health Council. If after a hearing, the permit holder is found in violation, the permit to sell tobacco may be revoked by the subcommittee for the remainder of the permit year and all tobacco products shall be removed from the premises. Permit holders must re-apply for a new permit each year. After the permit year all existing violations are terminated and a new record established.

6. As an alternative to initiating criminal proceedings, violations of this ordinance may be enforced in the manner provided in M.G.L. Chapter 40, section 21D.

7. Criminal Disposition. Any person who violates a provision of this chapter is guilty of a separate offense for each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine as set forth in sections 7.40.040, 7.40.090, and 7.40.110 above or one hundred dollars (\$100).

8. Noncriminal Disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under chapter 1.16.010. The police department and health and human services officers shall enforce this chapter. The penalty for each noncriminal violation shall be one hundred dollars (\$100.00) for each day or part of a day during which the violation is committed, continued, or permitted.

7.40.120 Severability. If any part or parts, section or subsection, sentence, clause or phrase, paragraph or provision of this revised ordinance is for any reason declared to be illegal or against public policy or unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this revised ordinance from being enforced.

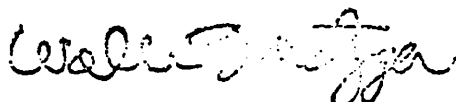
Approved:

June 19, 1997

Effective:

July 10, 1997

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SEVEN

AN ORDINANCE.

AMENDING TITLE 5, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 5.64 - REVOCATION OR SUSPENSION OF LICENSES AND PERMITS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 5, Chapter 5.64 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 5.64 thereto:

Chapter 5.64

REVOCATION OR SUSPENSION OF LICENSES AND PERMITS

Sections:

- 5.64.010 Purpose.
- 5.64.020 Tax collector or other municipal officials responsibilities.
- 5.64.030 Denials, revocations or suspensions of local licenses or permits.
- 5.64.040 Evidence--Findings.
- 5.64.050 Payment agreements--Failure to comply.
- 5.64.060 City council waivers.
- 5.64.050 Exemptions.

5.64.010 Purpose. The purpose of this ordinance is to control the denials of any application for, or revocation or suspension of any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

5.64.020 Tax collector or other municipal officials responsibilities. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

5.64.030 Denials, revocations or suspensions of local licenses or permits. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on a said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on a said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice.

5.64.040 Evidence--Findings. A. The said list shall be prima facie evidence for the denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.

B. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

5.64.050 Payment agreements--Failure to comply. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

5.64.060 City council waivers. The city council may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

5.64.060 Exemptions. This ordinance shall not apply to the following licenses and Permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

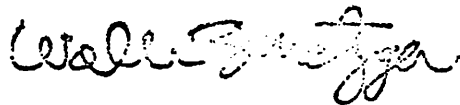
Approved:

June 19, 1997

Effective:

July 10, 1997

Attest:



City Clerk



Repealed
c 6 of 1997

City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SEVEN

AN ORDINANCE.

AMENDING TITLE 6, SECTION 6.04.030 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 6.04.030 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW SECTION 6.04.030 - DOGS ON SCHOOL PREMISES.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 6, Chapter 6.04, Section 6.04.030 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting section 6.04.030 in its entirety and inserting in its place the following new sections thereto:

6.04.030 Dogs on school premises. A. Notwithstanding any other ordinance, rule or regulation to the contrary, no person either the owner or keeper of a dog or other animal shall allow his dog or other animal to be upon any school grounds, [between the hours of eight (8:00) a.m. to four (4:00) p.m. on any day that schools are in session or during any athletic event or contest, regardless of the time of day or whether school in session or not (except for a school team mascot or a so-called seeing-eye or hearing aide dog).

B. Any owner or keeper of a dog or other animal who fails to comply with the provisions of this ordinance shall be subject to a non-criminal ticket in the amount of fifty (\$50.00) dollars. The police department, animal control officers and humane officers may enforce this ordinance. Further, any police officer, animal control officer or humane officer may remove the offending dog or other animal to a suitable animal shelter and any charges to recover said animal shall be payable by the said owner or keeper.

Approved:

June 19, 1997

Effective:

July 10, 1997

Attest:

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SEVEN

AN ORDINANCE.

*Repeated
C.9/2001*

AMENDING TITLE 6 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING CHAPTER 6.04 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 6.04 - VICIOUS DOGS AND ANIMALS REGULATIONS

Be it ordained by the City Council of the City of Springfield, as follows:

Title 6 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 6.04 in its entirety and inserting in its place the following new Chapter 6.04 thereto as follows:

Chapter 6.04

VICIOUS DOGS AND ANIMALS REGULATIONS

Sections:

6.04.010	Definitions.
6.04.020	Vicious dogs.
6.04.030	Control of dogs.
6.04.040	Dogs on school premises.
6.04.050	Removal of dog waste.
6.04.060	Impoundment--Notice of violation and emergency care.
6.04.070	Animal Care.
6.04.080	Keeping of wild animals.
6.04.090	Animal control officer.
6.04.100	Issuance of citations.
6.04.110	Advisory committee.
6.04.120	Enforcement.
6.04.130	Violations--Penalty.

6.04.010 Definitions. For the purpose of this chapter, the following definitions shall be applicable:

- A. "Animal" means any live, vertebrate creature, domestic or wild.
- B. "Animal-domestic" means any dog, cat, horse, cow, sheep, goat, pig or domestic fowl.

C. "Animal-wild" means any racoon, skunk, fox, leopard, panther, tiger, lion, lynx or other similar warm-blooded animal wild by nature, or poisonous reptiles, normally found in the wild.

D. "Animal control center" means any facility operated by or for the City or the authorized agents thereof for the purpose of impounding or caring for animals held under the authority of this chapter or Massachusetts General Laws.

E. "Animal control officer" means any person designated by the city, including representatives of the Thomas J. O'Connor Animal Control Center, to handle and manage issues dealing with domestic animals.

F. "Animal exhibition" means any display containing one or more animals which are exposed to public view for entertainment, instruction or advertisement, excluding state and county fairs, livestock shows, rodeos, purebred dog and pedigreed cat shows, obedience trials and competitions, field trials, and any other fairs and exhibitions intended to advance agricultural arts and sciences.

G. "Auction" means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This term does not apply to isolated sales of individual animals by owners.

H. "Circus" means a commercial variety show featuring animal acts for public entertainment.

I. "Dealer" means any person who, for compensation or profit, buys for resale any animals, whether alive or dead, for research, experimentation, testing, or exhibition (except as an exhibitor as herein defined) or for use as pets.

J. "Commercial animal establishment" means any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, or kennel.

K. "Grooming shop" means a commercial establishment where animals are: bathed, clipped, plucked, or otherwise groomed.

L. "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or a place where four or more cats or dogs or any combination of four (4) such animals are kept, whether by the owners of the animals or by other persons, with or without compensation.

M. "Licensing authority" is the city clerk as provided by the General Laws of the Commonwealth of Massachusetts.

N. "Owner" means any person, firm, corporation, organization, or department owning, keeping, having an interest in, or having care, custody, or control of, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. If the owner of an animal is a minor, the parent or guardian of said minor shall be considered the owner.

O. "Performing animal exhibition" means any spectacle, display, act, exhibit, or event other than circuses, in which performing animals are used.

P. "Pet" means any animal kept for pleasure rather than utility.

Q. "Pet shop" means any person, partnership or corporation, whether operated separately or in connection with any other business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals.

R. "Physical restraint" means muzzled and on a leash not to exceed six (6) feet

and controlled by an adult physically capable of controlling such dog. The muzzle must not cause injury to the dog but must prevent it from biting any person or animal.

S. "Potentially vicious dog" means any dog that:

1. When unprovoked, inflicts bite(s) on human or domestic animals on public or private property;
2. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

T. "Public nuisance" means any animal which:

1. Molests or attacks passersby or passing vehicles;
2. Attacks other animals;
3. Trespasses on school grounds or private property;
4. Is repeatedly at large five (5) or more times;
5. Damages private or public property;
6. Barks, whines, howls, or makes any noise natural to its species in an excessive, continuous, or untimely fashion so as to disturb the peace;
7. Creates excessive offensive odor.

U. "Restraint" means any leash, lead, or other physical restraint.

V. "Secure enclosure" means a secure enclosure shall be a minimum of five (5) feet wide, ten (10) feet long, and five (5) feet in height above the grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting posts. To prevent escape of the animal, the floor shall be at least three (3) inches of poured concrete with the bottom edge of said fencing embedded in the concrete or extending at least one (1) foot below grade. The gate must be of the same material as the fencing, fit closely and be securely locked or otherwise deemed secured by the animal control center. The Owner shall post the secure enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The enclosure must contain and provide protection from the elements for the dog or other animals mentioned before and shall comply with Massachusetts General Laws Chapter 272, section 77 (Cruelty to Animals).

W. "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member or organ.

X. "Veterinary hospital or clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries of animals.

Y. "Vicious dog" means any dog that has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. Killed a domestic animal without provocation while of the owner's property; or
3. Been found to be potentially dangerous, and after the owner has

notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Z. "Wildlife control officer" means any person designed by the City to handle and control issues dealing with wild animals or any dangerous rabid or potentially rabid animal.

AA. "Zoological park" means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domestic animals operated by any person, partnership or corporation or any governmental agency.

6.04.020 Vicious dogs. A. To consider declaring a dog vicious or potentially vicious, the animal control officer will call a special hearing to consider any evidence collected. The center shall notify the owner of the dog by certified letter of such hearing and may attend and have an opportunity to be heard. At this hearing the animal control officer will determine whether to declare such dog vicious or potentially vicious. If the dog is declared vicious or potentially vicious the owner shall notify his abutter next door and across the street of such finding by certified mail return receipt requested at the owner's sole expense. If a dog owned by a resident of the city of Springfield has been found to be vicious, the ownership of the dog cannot be transferred. If the owner chooses not to build the dog a secure enclosure or if said dog is found on the property not owned or controlled by its owner or not restrained in the secure area, an order that the dog be euthanized will be issued. No dog shall be declared vicious or potentially vicious if the threat, injury or damage was sustained by a person committing a crime, or was provoked by a person cruelly abusing the dog.

B. If the dog is declared vicious or potentially vicious, the owner will have a two (2) week period in which to have a secure enclosure constructed to house the dog when it is in the owner's yard. During such period, the dog will be publicly impounded, at an animal shelter or a private veterinary hospital until the secure enclosure is constructed before the dog is released. The effectiveness of the secure enclosure shall be subject to periodic inspections by such officer, as deemed necessary. The fee for said inspection shall be seventy-five dollars (\$75.00). If the owner is found violating the secure enclosure requirements, immediate public impoundment of the dog(s) shall be taken by the Center during the time the violation continues to exist, the owner shall bear all cost for such public impoundment. The said fine for such violation shall be two hundred dollars (\$200.00) per day or part of the day the violation is allowed to exist.

C. If the owner of a vicious or potentially vicious dog does not have a secure enclosure constructed during the two (2) week period, the dog may be destroyed unless, during the same two (2) week period, unless the owner file an appeal with the Thomas J. O'Connor Animal Control Center ("Center"). If such an appeal is filed, it will be heard within three (3) weeks of the appeal. The determination by the Center shall be final and binding subject to appeal only under the provisions of chapter 30A of the General Laws.

D. Any and all costs for the impounding of the dog involved will be borne by the owner unless determined otherwise by the Center or court of final appeal.

E. If a vicious or potentially vicious dog bites or attacks a person, the dog shall be impounded and quarantined for the proper length of time for rabies observation. Confinement of the animal may be accomplished at the owner's home, an animal shelter,

or at a private veterinary hospital and any charges incurred shall be the responsibility of the owner. A summons shall be issued to the owner of such dog. The dog may be destroyed within ninety (90) days unless an appeal is taken by the owner involved to the Center within thirty (30) days of the impoundment. Any determination by the Center shall be final and binding subject to appeal only under the provisions of chapter 30A of the General Laws.

F. Any costs of impoundment will be borne by the owner absent a contrary decision by the Center or the courts. This provision shall not apply if the threat, damage or injury was sustained by a person committing a crime, or was provoked by a person cruelly abusing the dog.

G. Any dog, whether or not it has been declared vicious, which attacks a person and thereby caused death or serious bodily injury will be impounded and quarantined for the proper period of time for rabies observation. A summons shall be issued to the owner of such dog. The dog must be destroyed within ninety (90) days unless an appeal is taken by the owner involved to the Center within thirty (30) days of the impoundment. Any determination by the Center shall be final and binding subject to appeal only under the provisions of chapter 30A of the General Laws.

H. Any costs of impoundment shall be borne by the owner absent a contrary decision by the Center or the courts.

I. This provision shall not apply if the threat, damage, or injury was sustained by a person who was committing a crime, or was provoked by a person cruelly abusing the dog.

J. An owner may transport a vicious dog within city limits for medical or veterinary care provided said animal is properly restrained by being both muzzled and leashed, with the leash not to exceed the length of six (6) feet.

K. Any person under whose name a vicious dog is licensed, shall at all times that he or she possesses the dog, maintain in full force and effect, a liability insurance policy of at least one hundred thousand dollars (\$100,000) for the benefit of the public safety.

L. The owner of a vicious dog, if said animal is found on property not owned or controlled by its owner, or not restrained in a secure area per paragraph B of this section, shall be subject to a fine of fifty dollars (\$50.00), and said animal shall be forever banned from within the limits of the city of Springfield and the license for such dog cannot be transferred from the city to another city or town.

M. Owners of vicious dogs found within the city of Springfield and not properly licensed shall be subject to a fine of one hundred dollars (\$100.00), and said animal shall be forever banned from within the limits of the city of Springfield and cannot be transferred from the city to another city or town.

N. Each day or part of a day there exists a violation of any of the provisions of this ordinance shall constitute and be punishable as a separate offense.

O. Compliance with the requirements of this chapter shall not be a defense to an order of disposal for a vicious dog pursuant to Chapter 140, section 157 of the General Laws.

6.04.030 Control of dogs and other animals. A. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

B. Every female dog in heat shall be confined in a building or enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding.

C. It shall be unlawful for any owner to keep, harbor or maintain on or off their premises any vicious or potentially vicious dog or domestic animal, unless such dog or domestic animal is within the owner's house, in a secure enclosure, on physical restraint or unless such dog or domestic animal is under the control of a law enforcement officer on or about their official duties. Any domestic animal found in violation hereof shall be immediately impounded. A summons shall be issued to the owner of the dog or domestic animal.

D. It shall be unlawful for any person owning, keeping, harboring, or possessing any cats, rabbits, horses, goats, llama, buffalos, hogs, sheep, cattle, or other animals, chickens, ducks, geese or any other birds or poultry, to permit or allow the same to go at large any time within the limits of the city, to the damage or annoyance of any of the residents of the city. The keeping of wild animals must meet all requirements of Massachusetts General Laws and federal laws.

6.04.040 Dogs on school premises. A. Notwithstanding any other ordinance, rule or regulation to the contrary, no person either the owner or keeper of a dog or other animal shall allow his dog or other animal to be upon any school grounds, between the hours of eight (8:00) a.m. to four (4:00) p.m. on any day that schools are in session or during any athletic event or contest, regardless of the time of day or whether school in session or not (except for a school team mascot or a so-called seeing-eye or hearing aide dog).

B. Any owner or keeper of a dog or other animal who fails to comply with the provisions of this ordinance shall be subject to a non-criminal ticket in the amount of fifty (\$50.00) dollars. The police department, animal control officers and humane officers may enforce this ordinance. Further, any police officer, animal control officer or humane officer may remove the offending dog or other animal to a suitable animal shelter and any charges to recover said animal shall be payable by the said owner or keeper.

6.04.050 Removal of dog waste. A. The owner of every dog or person(s) who possess or control the dog or other animal shall be responsible for the removal of any fecal matter deposited by his animal(s) on public walks, recreation areas or private property. "Owner" includes person(s) who possess or control the dog.

B. The owner or person(s) who possess or control the dog or other animal when appearing with the dog on any public walk, street, recreation area or private property shall possess the means of removal of any fecal matter left by such dog or other animal.

C. For the purposes of this ordinance, the means of removal shall include any tool, implement or other device carried for the purpose of picking up or containing such fecal matter. Disposal shall be accomplished by transporting such fecal matter to a place suitable and regularly reserved for the disposal of human fecal matter specifically reserved for the disposal of dog or other animal fecal matter or otherwise designated as appropriate

by the director of health and human services.

D. Any owner or person(s) who possess or control the dog or other animal who fails to comply with the provisions of this section shall be subject to a non-criminal ticket in the amount of fifty (\$50.00) dollars. The police department, animal control officers, health and human services department and humane officers may enforce this ordinance.

6.04.060 Impoundment--Notice of violation and emergency care. A. Any domestic animal determined to be a nuisance by a police officer, or wildlife or animal control officer shall be taken by the police, animal control officer or wildlife control officer and impounded and confined in a humane manner.

B. Unclaimed impounded domestic animals or nuisance animals must be kept for not less than ten (10) days, after which if not reclaimed, adopted or released for adoption, the impounded domestic or nuisance animals may be humanely euthanized. The city shall not be liable for any disposition of such animals in accordance with this ordinance. If not reclaimed, adopted or released for adoption after a reasonable length of time, as determined by the animal control authorities involved, the domestic or nuisance animals shall be humanely euthanized.

C. If by a license tag or by other means the owner of the impounded animal can be identified, the animal control officer involved, immediately upon impoundment, or as soon as practical thereafter, shall attempt to notify the owner by telephone or by prepaid certified mail.

D. An owner claiming an impoundment animal shall pay reasonable fees and expenses as the city or the center may from time to time adopt or approve by appropriate administrative ordinance or resolution. It is the intent that all costs, including medical care, for care of an impounded animal area to be the responsibility of the owner of the animal.

E. Minimal emergency medical care means:

1. Any sick or injured animal found at large within the city may be taken to any veterinarian for minimal emergency care or euthanasia; in which case the veterinarian shall notify the animal control center, or animal control officer immediately.

2. If the owner of such animal can be identified, the animal control officer shall attempt to notify the owner immediately or as soon as practical thereafter. In any case, such owner shall be liable for any expense incurred with respect to such animal.

3. If the owner of such animal cannot be identified within twenty-four (24) hours, the animal shall become the property of the impounding authority. If, during the initial twenty-four (24) hour period, it is recommended, in writing, by a veterinarian that the animal is in such pain and has no reasonable hope of recovery, the animal may be humanely euthanized. The city shall not be liable for any expense with respect to such animal at any time unless expressly authorized by the city or its agents.

4. If after minimal emergency care such animal can be safely impounded, the animal control officer may impound such animal subject to disposition in accordance with this ordinance.

6.04.070 Animal care. A. Every owner shall provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather,

veterinary care when needed to prevent suffering, and provide humane care and treatment.

B. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, or bullfight, or any other combat between animals or between animals and humans.

C. No owner of an animal shall abandon such animal.

D. Chickens or ducklings younger than eight (8) weeks of age shall not be sold by any person in quantities of less than twenty-five (25).

E. No person shall give away any live animal, reptile, fish, or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter, any place of amusement; or offer any vertebrate as an incentive to enter into any business agreement wherein the offer was for the purpose of attracting trade.

F. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by an animal, provided that it shall not be unlawful for a person to expose to his own property common rat poison mixed only with vegetable substances.

G. The animal control officer, a health and human services employee, or any humane officer or police officer may initiate before a district court judge a search warrant for any premises upon a showing of probable cause to believe that a violation of any provision of this section is occurring or has occurred within a reasonable time thereon; and take charge of and impound the animals or fowl involved in such violations. The matter of disposition of any such animal shall be determined by a district court judge.

6.04.080 Keeping wild animals. A. No person shall keep or permit to be kept on his premises any wild or vicious animals for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing wild animal exhibitions or circuses.

B. No person shall keep or permit to be kept on his premises any wild animal as a pet.

C. The animal control officer may issue a temporary permit for the keeping of any wild animals native to this area which has been deemed to be homeless and incapable of survival in the wild.

D. The animal control officer shall have the power to release or order the release of any wild animal kept under temporary permit which is deemed to be capable of survival in the wild.

6.04.090 Animal control officer. The city shall designate an animal control officer and deputy animal control officers and/or shall delegate such responsibility and authority to the Center, or like facility, whose primary responsibilities shall include the enforcement and implementation of this ordinance or any rules and regulations promulgated thereunder. The animal control officer shall co-ordinate and administer the activities involving the animal control program in accordance with any goals, policies, and procedures established by the Springfield city council or department of health and human services as the circumstances dictate, and shall be under the direction and supervision of the city clerk or

the mayor.

6.04.100 Issuance of citations. A. The animal control director involved or any duly appointed deputy under his/her jurisdiction is hereby authorized to issue a citation to any individual who, in his/her opinion, is in violation of the terms and conditions of this chapter. Said fines may be contested to the Center by filing a protest within ten (10) days of the date of the citation, with the city clerk. The decision of the Center shall be final and binding although subject to appeal under the provisions of chapter 30A of the General Laws.

B. All dogs or cats six (6) months of age or older shall be immunized against rabies by a licensed veterinarian. The owner must have in his possession a current vaccination certificate subject to the inspection of the animal control officer, or designated agent of the city.

C. If any dog or cat has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, the animal control officer or the state animal inspector may cause such dog or cat to be confined or isolated for such period of time as he deems necessary. Confinement of the animal may be accomplished at the owner's home, an animal shelter, or at a private veterinary hospital and any charges incurred shall be the responsibility of the owner.

6.04.110 Advisory committee. A. There is established in the city a committee to be known as the dog advisory committee hereinafter the "committee."

B. The committee shall be composed of nine (9) members consisting of the director of the Thomas J. O'Connor Animal Control Center or a duly authorized representative, the chief of police or a duly authorized representative, the city clerk or a duly authorized representative, the city council president or a duly authorized representative, and five (5) members to be appointed by the mayor, of which all five (5) shall be residents of the city. Appointments are for a three (3) year term with the initial appointments staggered so that one (1) member shall be appointed for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Any vacancy shall be filled for the unexpired term, and the mayor may remove any member with or without cause in according to the city charter. The three (3) members of the public health and safety subcommittee of the city council shall serve as *ex officio* members of the dog advisory committee.

C. The members of the committee shall elect one (1) member as a chairperson and such other officers as they may deem necessary.

D. The dog advisory committee shall the right and duty to:

1. To meet monthly or at such times as the chairperson or a majority of the committee deems necessary.

2. To study, review and issue written reports on issues dealing with dogs and other animals in the city.

3. To make recommendations to the mayor and the city council for the improvement of ordinances of the city as they relates to dog and other animals.

4. To act in an advisory capacity to the city council as it relates to the issues of dogs and other animals in the city.

6.04.120 Enforcement. The provisions of this chapter shall be enforced by the police officers, animal control officers, domestic or wildlife control officers and health and

human services department officers. It shall be a violation of this chapter to interfere with any such person in the performance of their duties, or to take any animal from the person without designated authority.

6.04.130 Violations--Penalties. For violations not set forth in the chapter the penalties shall apply. A. Criminal disposition. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed three hundred dollars (\$300).

B. Noncriminal disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under chapter 1.16.010. This chapter shall be enforced by police officers, animal control officers, domestic or wildlife control officers and health and human services officers. The penalty for each violation shall be fifty dollars (\$50) for each day or part of a day during which the violation is committed, continued, or permitted.

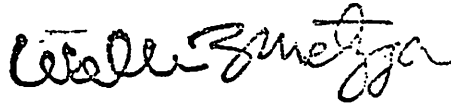
Approved:

August 18, 1997

Effective:

September 11, 1997

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SEVEN

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 2.94 THERETO - HOUSING COMMISSION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended is hereby further amended by adding the following new Chapter 2.94 thereto as follows:

Chapter 2.94

HOUSING COMMISSION

Sections:

2.94.010	Purpose and intent.
2.94.020	Establishment.
2.94.030	Membership terms.
2.94.040	Advising members.
2.94.050	Leadership.
2.94.060	Meetings.
2.94.070	Staffing.
2.94.080	Expenditures.
2.94.090	Public hearings.
2.94.100	Review of housing projects--Requiring government support.

2.94.010 Purpose and intent. A. The purposes of the housing commission in this chapter shall be to assist the mayor and designated municipal departments by advising, informing and creating a forum for the development of a comprehensive housing plan. The commission shall also recommend the allocation and procurement of resources essential for the development of necessary and appropriate housing within the city of Springfield.

B. The housing commission shall endeavor to reach a consensus on a range of housing and homeless services issues facing the community including but not limited to physical condition, financial resources.

C. The housing commission shall recommend realistic and achievable objectives, seek broad participation from those most likely to be affected by the implementation of housing development including neighborhood representatives, housing providers, advocates and consumers; and identify the tools and strategies which can be used to address the issues and achieve the objectives.

2.94.020 Establishment. A housing commission, consisting of seven (7) members, shall be appointed by the mayor, which members shall hold office for the term for which they are appointed and until their successors have been appointed. Members shall be representative of the various and diverse sections of the housing industry who bring unique perspective or special expertise to the issues in question.

2.94.030 Membership terms. Appointments are for a three-year term with the initial appointments staggered so that approximately one-third shall be appointed for one year; one third for two years; and one-third for three years. Any vacancy shall be filled for the unexpressed term, and the mayor may remove any member for cause.

2.94.040 Advising members. The director of housing for the city's office of community development or an authorized representative, the director of the Springfield housing authority or an authorized representative, the city's planning director or an authorized representative, the president of the city council or his/her designee, and a member of the Springfield homebuilder association shall serve as local advisory members, *ex officio*, of the housing commission. Regional advisory members, *ex officio*, shall include representatives from the United States Department of Housing and Urban Development, Massachusetts Housing Finance Agency, the Commonwealth's Department of Housing and Community Development, and the Massachusetts Housing Partnership Fund.

2.94.050 Leadership. The housing commission shall organize annually in the month of January and elect a chairperson, vice-chairperson and clerk. The chairperson shall be responsible for the overall leadership and direction of the housing commission as well as management of the meetings.

2.94.060 Meetings. The housing commission shall meet quarterly or as circumstances arise, throughout the year. The meetings shall be structured to provide ample opportunity for discussion of collaborative approaches to problem solving and issue management. The meeting shall begin with a staff report on pending issues or projects. Each member shall be provided an opportunity to raise issues pending with neighborhoods or sectors. Minutes shall be kept and distributed to the membership in advance of the next meeting. An annual report shall also be prepared and distributed to the mayor, city council and city clerk in January of each year.

2.94.070 Staffing. The housing commission shall rely on the director of housing as the principal staff professional to carry out the day to day functions of the organization. The director of housing shall utilize the staff resources of the various departments, agencies, organizations, development corporations, and neighborhood councils engaged in housing related activity to assure that members are provided equal access to information and equitable support.

2.94.080 Expenditures. The housing commission may expend such money as may be appropriated therefore by the city council.

2.94.090 Public Hearing's. The housing commission shall have power's relative to the holding of public hearings or any matter within its area of review.

2.94.100 Review of housing projects-- Requiring government support. The housing commission shall have the right to review any housing development utilizing public financial resources for consistency within the city's consolidated plan, housing plan (to be developed), neighborhood plans or any other recognized or adopted planning document and to make recommendations to the mayor relative to the necessity and appropriateness of the project.

Approved:

August 18, 1997

Effective:

September 11, 1997

Attest:



City Clerk

City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SEVEN

AN ORDINANCE.

AMENDING TITLE 4 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER 4.14 - RESPONSIBLE GENERAL BIDDERS, FILED SUB-BIDDERS, GENERAL CONTRACTORS AND FILED SUBCONTRACTORS ON PUBLIC PROJECTS.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 4 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 4.14 thereto:

Chapter 4.14

RESPONSIBLE GENERAL BIDDERS, FILED SUB-BIDDERS, GENERAL CONTRACTORS AND FILED SUBCONTRACTORS ON PUBLIC CONSTRUCTION PROJECTS

Sections:

- 4.14.010 Purposes.
- 4.14.020 Contractor qualifications and sanctions.
- 4.14.030 Springfield area resident job goals.

4.14.010 Purposes. The city expends substantial municipal funds for public construction projects, a large portion of said money being derived from taxes paid by city residents; that accordingly it is in the public interest, health, welfare and safety to ensure that the employees on such projects are paid at the lawfully required wage rates, have been trained in bona fide apprenticeship training programs, have hospitalization and medical coverage, and industrial accident insurance coverage, and are classified according to the law; and further that in light of the unemployment in the city of Springfield, and its deleterious effects upon the neighborhoods of the city, and the economic loss to the city when general bidders, filed sub-bidders, general contractors and filed subcontractors who perform work in connection with the aforesaid public construction projects are not from the Springfield area and/or hire workers not from the Springfield area, it is in the public interest to establish goals for the hiring of Springfield area residents on public construction projects; and it is found and determined that the requirements of this chapter will serve the public interest, health, welfare and safety as described hereinabove.

4.14.020 Contractor qualifications and sanctions. A. All general bidders and filed sub-bidders for city construction projects subject to M.G.L. chapter 149, section 44A (2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations, and such obligations hereby are incorporated by reference into the specifications for the city construction project:

1. The general bidder and all filed sub-bidders shall comply with the obligations established under M.G.L. chapter 149 to pay the appropriate lawful prevailing wage rates to their employees.

2. The general bidder and all filed sub-bidders shall have a written apprenticeship training program in place as defined by M.G.L. chapter 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries, or its successor, before it shall submit a bid and shall use good faith best efforts to abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

3. The general bidder and all filed sub-bidders shall use good faith best efforts to make available hospitalization and medical benefits for all their employees employed on the city construction project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. chapter 149, section 26 in establishing minimum wage rates.

4. The general bidder and all filed sub-bidders shall maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. chapter 152.

5. The general bidder and all filed sub-bidders shall classify employees and independent contractors in accordance with applicable law and shall treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. chapter 149, section 148B.

6. This chapter shall only apply to projects costing two hundred fifty thousand dollars (\$250,000) or higher.

B. All general contractors and filed subcontractors who are awarded or who otherwise obtain contracts on city construction projects subject to M.G.L. chapter 149, section 44A (2) shall comply with the obligations numbered (1) through (6) as set forth in paragraph A above for the entire duration of their work on the city construction project, and an officer of each such general contractor or filed subcontractor shall certify under oath in writing, in a form of certificate provided or approved by the city, that they are in compliance with such obligations. Such certificate shall accompany any application for payment or direct payment, and the receipt by the city of such certificate shall constitute a condition precedent to any payment obligation of the city.

C. Any general contractor or filed subcontractor who fails to comply with any one of the obligations (1) through (6) as set forth in paragraphs A and B above for any period of time shall be, at the sole discretion of the awarding authority, subject to one or more of the following sanctions:

1. Cessation of work on the project until compliance is obtained;
2. Withholding of payment due under any contract or subcontract until compliance is obtained;
3. Permanent removal from any further work on the project;
4. Liquidated damages payable to the city in the amount of five percent (5%) of the total dollar value set forth in the contract.

4.14.030 Springfield area resident job goals. A. All general bidders and filed sub-bidders subject to M.G.L. chapter 149, section 44a (2) shall, as a condition for bidding, agree in writing that if awarded the contract, they shall make good faith best efforts on a craft-by-craft basis to provide at all times at least twenty percent (20%) of the total employee worker hours in each trade, at every tier, to be performed by bona fide residents of either the city of Springfield or a city or town within ten (10) miles of the city limits of the city of Springfield. For purposes of this paragraph, work performed by persons filling apprenticeship and on-the-job training positions shall be included.

B. The general contractor shall submit to the city's contract compliance officer in the purchase department workforce charts, listing each of its workers, and those of its filed subcontractors of all tiers, by name, residential address, craft, job category, and hours worked. Such workforce charts shall accompany any application for payment or direct payment, and the receipt by the city of such certificate shall constitute a condition precedent to any payment obligation of the city.

C. Any person who provides false information regarding his or her residential address, or in the case of a bidder or contractor who knowingly provides false information regarding the residential address of an employee, shall be subject to a fine of three hundred dollars (\$300) for each violation.

D. The chief procurement officer and the contract compliance officer shall establish criteria and procedures for compliance herewith, and shall report to the mayor and the city council on the same at least annually.

E. Where the provisions of any federal or state statute or regulation provide that no procedure or requirement shall be imposed which will operate to discriminate against the employment of labor from any other state, possession, or territory of the United States, the terms of this section shall not apply.

F. With respect to the entirety of this ordinance, if any provision thereof, or the application of any provision thereof to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

APPROVED:

NOVEMBER 14, 1997

EFFECTIVE:

DECEMBER 5, 1997

ATTEST:

Walter Zurejka

CITY CLERK

**City of Springfield.**

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-EIGHT

AN ORDINANCE.

AMENDING TITLE 7, SECTION 7.12.150 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION 7.12.150 (B) - INSTALLATION REQUIREMENT OF SMOKE DETECTORS IN SINGLE OR TWO-FAMILY BUILDING OR STRUCTURE.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.12, Section 7.12.150 (B) of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following a new section thereto:

7.12.150 (B)

1. Installation Requirements of Smoke Detectors in Single or Two-Family Residential Buildings or Structures. Every house, building or structure in the city containing one and two family dwelling units occupied in whole or in part for residential purposes and not otherwise regulated by Chapter 148, Sections 26A or 26B of the Massachusetts General Laws, shall within ninety (90) days of the effective date of the ordinance codified in this section, be equipped with approved smoke detectors. Owners of such buildings or structures shall install either an approved monitored battery powered smoke detector or an approved primary power smoke detector on each level of habitation and on the basement level; provided, however, that the head of the fire department shall allow the installation of approved monitored battery powered smoke detectors. Such approved smoke detectors shall be installed in the following manner: an approved smoke detector shall be installed on the ceiling of each stairway leading to the floor above; near the base of, but not within each stairway; and an approved smoke detector shall be installed outside each separate sleeping area. The responsibilities of the fire department under this section shall be to enforce the provisions contained in this section and to test installed smoke detector systems.

Approved:

February 11, 1998

Effective:

March 4, 1998

Attest:

[Handwritten Signature]

City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-EIGHT

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.04 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY FURTHER AMENDING BY ADDING A NEW SECTION 7.04.080 - HAZ-MAT ALERT NOTIFICATION REGULATIONS.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.04, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new Section 7.04.080 as follows:

Section 7.04.080 Hazmat alert notification regulations. A. Each person or facility in the city of Springfield, engaged in the business of manufacturing, storage, disposal, selling, or the use of chemical, biological, radioactive materials which is a physical or health hazard as determined by the Commonwealth of Massachusetts or the federal government shall additionally provide notification to the city of Springfield of a hazardous materials release or threat of a release when a reporting requirement under state or federal requirement is triggered. Each person or facility shall notify the city of Springfield fire department operator, by telephone via 9-1-1, within fifteen (15) minutes to the city, except for those reports required under section D below, of its discovery of a reportable release, real or threatened of known or unknown chemical, biological, or radioactive materials spilled, released or discharged within the premises, from the premises, into the air, ground or water. This report shall also satisfy the notification requirements to the Springfield Local Emergency Planning Committee.

B. Immediate threat or risk to life releases. Immediate threat or risk to life releases or spills that may pose an immediate threat or risk to life, property of the surrounding area or environment, the person or facility shall also give to the fire department operator the following information to the extent known at the time of the telephone call:

1. The caller shall indicate that a release or threatened release has occurred;
2. Location/address of the spill or release;
3. Caller's name and job title, telephone number, company's name;
4. Chemical name or identification (UN number, if known) of any substance(s) involved in the spill or release;

5. Description of known injuries;
6. Any specified instruction, (e.g., wind direction, entry approach, personal protection gear requirements, etc.);
7. If available, estimate of the quantity of the substance spilled or released into the environment;
8. Medium or media into which the spill or release occurred, (e.g., air, ground, water, etc.);
9. Time when release was discovered;
10. Any known or anticipated acute or chronic health risks associated with the spilled or released substance, to the extent known;
11. Any actions taken to stop the spill or release and contain any spilled or released materials; and
12. Names and telephone numbers of the person(s) to be contacted for future information.

C. Release of a hazardous material(s) that does not pose an immediate risk to life. Release of a hazardous material that does not pose an immediate risk to life, property, or environment but are still reportable to either a federal or state agency, the person or facility shall provide the following information to the 9-1-1- fire department operator to the extent known at the time of the telephone call:

1. Location/address of release;
2. Caller's name and title, telephone number, facility name;
3. Hazardous material name(s) released or spilled;
4. Quantity of material(s) released or spilled;
5. Time of the release or discovery;
6. State and federal law/regulation(s) requiring the report;
7. Actions taken to mitigate release or spill;
8. Any known or anticipated health risk associated with the spill or release, to the extent known; and
9. Names and telephone numbers of persons to call for further information.

D. Release reports required by permitting agency requirements. Release reporting for facilities operating with state or federal agency permits which have provisions to notify the permit granting agency when specified release situations occur shall not be subjected to the provisions of this ordinance.

E. Retraction. If the person or facility engaged in the business of manufacturing, storage, selling, or the use of chemical, biological, or radioactive materials determines, after submitting an initial report, the spill did not require a state or federal notification, the person or facility shall be allowed to withdraw its reports by requesting such in writing. The request shall include the reasons and justifications for the withdrawal. Said request shall be submitted to the Springfield office of emergency preparedness within sixty (60) days of initial report. The office of emergency preparedness shall have sixty (60) days to approve or deny the request.

F. The office of emergency preparedness shall be the oversight department for

the purpose of this ordinance.

G. Violations--Penalties.

1. Criminal Disposition. Any person or facility who violates a provision of this ordinance is guilty of a separate offense for each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine of three hundred dollars (\$300.00).

2. Noncriminal Disposition. A noncriminal disposition may penalize any person or facility who violates any provision of this ordinance as provided for under chapter 1.16.010. The office of emergency preparedness, fire department and the police department shall all enforce this ordinance. The penalty for each violation shall be three hundred dollars (\$300.00) for each day or part of a day during which the violation is committed, continued, or permitted.

APPROVED:

MARCH 12, 1998

EFFECTIVE:

APRIL 2, 1998

ATTEST:



CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-EIGHT

AN ORDINANCE.

AMENDING TITLE 1, SECTION 1.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NON-CRIMINAL DISPOSITION AND PENALTY FOR VIOLATIONS OF THE ZONING ORDINANCES OF THE CITY OF SPRINGFIELD, AS AMENDED.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 1, Chapter 1.16, Section 1.16.010 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following a language at the end of section 1.16.010 thereto:

<u>Ordinance</u>	<u>Penalty</u>
Any violation of the provisions of the Zoning Ordinances of the City of Springfield, as amended, including any condition attached to a special permit or to a Board of Appeals decision.	\$ 50.00

These zoning ordinances may be enforced by the commissioner of code enforcement, any assistant commissioner of code enforcement, building inspectors, housing inspectors or a zoning administrator.

APPROVED:

APRIL 21, 1998

EFFECTIVE:

MAY 12, 1998

ATTEST:

Walter Zmeger

CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-EIGHT

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY REPEALING CHAPTER 2.08, SECTIONS 2.08.010, 2.08.015 and 2.08.060 AND BY ADDING THE FOLLOWING NEW SECTIONS 2.08.010 and 2.08.060 THERETO - CITY AUDITOR.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 2.08, Sections 2.08.010, 2.08.015 and 2.07.060 and adding the following new section thereto:

2.08.010 Appointment and term--Oath--Qualifications. The present city auditor shall hold office during the term for which he/she was appointed.

B. There shall, during the month of January and each third year thereafter, and whenever a vacancy may occur, the mayor shall appoint, subject to the approval and the removal of the city council by majority vote, a city auditor, the incumbent city auditor shall continue in office for three (3) years from the first day of the current January and until his/her successor is appointed and qualified.

C. Before entering upon the duties of the office the person shall be sworn to faithfully discharge the duties thereof.

D. The person appointed city auditor shall comply with the residency requirements and shall be a graduate of an accredited college or university, with a degree in business administration or accounting or especially suited by education, training and experience to perform the duties of the office.

2.08.060 Duties of the city auditor. A. The city auditor shall have such powers and duties as may be vested in the office by general or special law, and in addition thereto, such powers and duties as are provided for herein.

B. The city auditor shall, in addition to his/her other duties, provide upon a majority vote and at the written request of the city council, within a reasonable time period from such request, an oral or written assessment, or both, as the city council may request, of the current and future financial impact of the cost of any proposed appropriation order, lease arrangement for a term in excess of one (1) year, collective bargaining agreement or borrowing authorization, particularly, but not limited to, as such cost item would relate to the continuous provision of the existing level of municipal services. To the extent reasonable, such assessment shall include such analysis or other information of a financial nature as is specifically requested by vote of the city council. Such assessment and analysis shall be provided by the auditor as his/her

professional opinion and he/she shall not be obligated to represent the position of the mayor or the chief financial officer.

C. The city council by majority vote may request such assessment, analysis or other financial information, without otherwise limiting its general authority to request such, at any time it receives formal or informal notice of: (i) an expenditure which is or may be in excess of an appropriation; (ii) a condition where an allotment is or may be exceeded; (iii) a certification of the chief financial officer as provided for in subsection 2.07.020; or (iv) any actions with respect to temporary or permanent indebtedness.

APPROVED:

October 13, 1998

EFFECTIVE:

November 3, 1998

ATTEST:



CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-EIGHT

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY REPEALING CHAPTER 2.07 AND ADDING A NEW CHAPTER 2.07 THERETO - DEPARTMENT OF FINANCE.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 2.07 and adding a new Chapter 2.07 thereto:

Chapter 2.07

DEPARTMENT OF FINANCE

Sections:

- | | |
|----------|--|
| 2.07.010 | Establishment--Head of the department--Appointments--Oath. |
| 2.07.020 | Qualifications and duties. |
| 2.07.030 | Financial information. |
| 2.07.040 | Financial activities and consolidation. |
| 2.07.050 | Stabilization fund. |
| 2.07.060 | Violation--Penalties. |

2.07.010 Establishment. A. There is established in the city a municipal department to be known as the "department of finance." The department of finance shall be responsible for the overall budgetary and financial administration of the city of Springfield.

B. The department of finance shall be under the charge and control of a chief financial officer who shall be appointed by the mayor for a term of three (3) years. The chief financial officer shall report to and be under the direction of the mayor. Before entering upon the duties of the office the person shall be sworn to faithfully discharge the duties thereof.

2.07.020 Qualifications and powers and duties. A. The person appointed chief financial officer shall comply with the residency requirements and shall be a graduate of an accredited college or university, with a degree in business administration or accounting or especially suited by education, training and experience to perform the duties of the office.

B. The powers and duties of the chief financial officer shall include the following: coordination, administration, and supervision of all financial services and activities; assistance in all matters related to municipal financial affairs; implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the school department, or boards, commissions, agencies or other units of city government the operations of which have a financial impact upon the general fund of the city, and including but not limited to maintenance of all financial and accounting data and records; implementation and maintenance of uniform financial data processing capabilities for all departments; supervision of all financial data processing activities; implementation and maintenance of uniform budget guidelines and procedures; assistance in development and preparation of all department budgets and spending plans; review of all proposed contracts and obligations with a term in excess of one (1) year; monitoring of the expenditure of all funds, including periodic reporting by and to appropriate agencies of the status of accounts; review of the spending plan for each department as provided for herein. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure, and preserve the financial interests of the city.

C. The chief financial officer shall not at any time assumes the duties or responsibilities of the city auditor or city collector/treasurer, nor shall he/she or the city auditor or the city collector/treasurer hold any elective office or engage in any other business or occupation.

D. The mayor may appoint the members of the board of assessors, a collector/treasurer and a director of municipal information systems for a term of three (3) years, and the aforementioned appointees shall have such powers and duties as may be vested in their respective offices expressly by general or special law, which powers or duties shall not be limited or altered by this ordinance, together with such powers not inconsistent with this ordinance which may be vested in those offices by ordinance, but shall otherwise report to and be under the direction of the chief financial officer and the mayor on matters relating to the financial operation of the city.

E. Notwithstanding the repeal of Chapter 656 of the Acts of 1989, all incumbents in the positions of chief financial officer, collector/treasurer, board of assessors and director of municipal information systems shall continue to serve in such capacity after the effective date of this ordinance, provided, however, that the mayor may remove such incumbents at any time, and without cause upon written notice.

F. All department budgets and requests for budget transfers shall be submitted to the chief financial officer for review and recommendation prior to submission to the mayor, city council or school committee, as appropriate.

G. For each and every proposed appropriation order, and with respect to any proposed city council vote necessary to effectuate a financial transfer, ordinance revision, or special legislation which may require the expenditure of funds or otherwise financially obligate the city for a period in excess of one (1) year, or with respect to a vote to authorize a borrowing pursuant to a provision of law other than sections four, six or six A of chapter forty-four of the General Laws, the chief financial officer shall, if it be the case, submit in writing to the mayor and city council a certification that it is his/her professional opinion, after an evaluation of all pertinent financial information reasonably available, that the city's financial resources and revenues are and will continue to be adequate to support such proposed expenditures or obligations without a detrimental impact on the continuous provision of the existing level of municipal services. If

the chief financial officer fails to provide a certification as aforementioned within seven (7) days of a request for such certification from the city council or mayor, such appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, provided that the absence of the certification the chief financial officer is expressly noted in such order or vote.

H. The members of the board of assessors, the chief financial officer, collector/treasurer and director of municipal information systems shall be subject to removal by the mayor or the chief financial officer with the approval of the mayor. The mayor may make such acting appointments for the positions of chief financial officer, city auditor, collector/treasurer, board of assessors and director of municipal information systems as may be required for the continued operation of government for periods of ninety (90) days, not to exceed a total of one (1) year.

2.07.030 Financial information. A. The city council by majority vote may request such assessment, analysis or other financial information, without otherwise limiting its general authority to request such, at any time it receives formal or informal notice of: (i) an expenditure which is or may be in excess of an appropriation; (ii) a condition where an allotment is or may be exceeded; (iii) a certification of the chief financial officer as provided for in subsection 2.07.020; or (iv) any actions with respect to temporary or permanent indebtedness.

2.07.040 Financial activities and consolidation. A. Notwithstanding the provisions of any general or special law or ordinance to the contrary all city financial activities shall be consolidated and transferred to the appropriate department as determined by the chief financial officer with the approval of the mayor. For purposes of this ordinance, the phrase "financial activity" shall mean all duties, responsibilities, tasks, jobs, or employment positions within or assigned to any city department, board, commission, agency or other unit of city government, including the school department, which substantially involve one or more of the following: accounting, auditing, billing, borrowing or leasing, budgeting, collecting, data processing, payroll and payments. The chief financial officer shall, from time to time, further review and reevaluate the financial activities of the city, and from time to time make, with the approval of the mayor, such additional consolidations or transfers of financial activities as appropriate to promote the fiscal stability of the city; provided, however, that no consolidations or transfers of financial activities or professional positions of the office of the city auditor shall become effective unless and until approved by the mayor and the city council.

B. To the extent that personnel performing financial activities as defined herein devote all or a substantial portion of their employment activities to matters related primarily to a particular department, board, commission, agency or other unit of city government, and such personnel are not paid from, or their employment expenses not charged to, the appropriation of such department, board, commission, agency or other unit of city government, the chief financial officer is authorized and shall devise a reasonable "charge-back" system so as to provide for the recovery from the appropriation of such department, board, commission, agency or other unit of city government the full employment expenses of the aforementioned personnel.

2.07.050 Stabilization fund. A. Notwithstanding any general or special law to the contrary, the city shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be denominated the "supplemental reserve fund to ensure fiscal stability." Such fund shall be separate and in addition to any amounts appropriated pursuant to

the provisions of section five A of chapter forty of the General Laws.

B. The board of assessors shall include in the amounts to be raised pursuant to section twenty-three of chapter fifty-nine of the General Laws for such fiscal year a sum equal to one (1%) percent of the gross amount to be raised for fiscal year nineteen hundred and eighty-nine for the general operating fund as appearing on the city's tax rate recapitulation for said year, such amount to be certified to the board of assessors by the city auditor. This amount shall be allocated to the special reserve fund provided for hereinafter for each fiscal year and may be expended for the purposes and in the manner hereinafter provided, and the expenditure in whole or in part of such fund in any fiscal year shall not result in any penalties or adjustments with respect to the required level of subsequent years' special reserve funds.

C. Prior to the date when the tax rate for any fiscal year subsequent to fiscal year nineteen hundred and ninety-nine is fixed, the board of assessors shall include in the amounts to be raised pursuant to section twenty-three of chapter fifty-nine of the General Laws for such fiscal year a sum equal to one and one-quarter (1¼%) percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation for said prior fiscal year, and such sum shall be allocated to the special reserve fund of the then current fiscal year, provided however, that the amount required to be raised for such reserve fund in any such fiscal year may be reduced by the amount, if any, remaining in the reserve fund established for the preceding fiscal year after all expenditures have been made therefrom as hereinafter authorized, and such remaining amount shall be retained in the special reserve fund provided for the then current fiscal year.

D. Expenditures may be made from the special reserve fund of any fiscal year for extraordinary or unforeseen purposes by the mayor with the approval of the city council, provided, however, that each expenditure request by the mayor shall be accompanied by a written statement detailing the amount and reason for the expenditure.

E. If in any fiscal year subsequent to fiscal year nineteen hundred and ninety-nine, the special reserve fund as provided for herein is depleted by expenditures in excess of fifty (50%) percent of the amount required to be allocated to such fund for such fiscal year, which amount shall include any penalty adjustments as provided for hereinafter, or if the city incurs deficits with respect to such fiscal year in excess of fifty (50%) percent of the aforementioned amount, the special reserve fund requirement for the succeeding fiscal year shall be increased by one-quarter (¼) of one (1%) percent, which percentage increase shall be of a permanent nature and be fully effective with respect to the special reserve fund requirements of all succeeding fiscal years, except as provided for hereinafter. In no event, however, may the special reserve fund requirement for any fiscal year exceed five (5%) percent of the gross amount to be raised of the prior fiscal year as appearing on the city's tax rate recapitulation of said prior fiscal year. The amounts required by this act to be raised for the special reserve fund for each fiscal year shall be certified to the board of assessors by the city auditor prior to the establishment of the tax rate for the then current fiscal year.

F. Notwithstanding the foregoing, the mayor, with the approval of the commissioner of revenue, may for any fiscal year, reduce the amount otherwise required to be raised for the special reserve fund of such fiscal year by one-quarter (¼) of one (1%) percent, which percentage decrease shall be of a permanent nature and be fully effective with respect to the special reserve fund requirements of all succeeding fiscal years.

G. No official of the city, except in the case of an emergency involving the health or safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of such official's departmental appropriation duly made in accordance with law, nor

commit the city to any obligation for the future payment of money in excess of such appropriations.

2.07.060 Violation and penalties. A. Any official who intentionally violates the provisions of this ordinance shall be personally liable to the city for any amounts expended in excess of an appropriation to the extent that the city does not recover such amounts from the person or persons to whom such sums were paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such relief as the court may find appropriate to prevent further violations of this section. Any official who violates the provisions of this section shall be subject to removal.

B. For purposes of this act the word "official" shall mean a city department head, permanent, temporary or acting including the superintendent of schools and all municipal boards, committees and commissions, which recommend, authorize or approve the expenditure of funds. However, the word "official" shall not be construed to mean the mayor or the members of the city council or school committee.

Approved:

October 29, 1998

Effective:

November 19, 1998

Attest:



City Clerk



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-EIGHT

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.16 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY ADDING A NEW SECTION 7.16.042 - AUTOMATED REFUSE COLLECTION.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.16 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new section 7.16.042 thereto:

7.16.042 Automated refuse collection. A. Purpose: The purpose of this ordinance is to establish minimum standards for the storage, collection, transportation, and disposal of refuse by automated collection, and thus promote the health, safety, and welfare of the city and improve the city's environment.

B. The director of the department of public works (hereinafter the "director") shall have the direct responsibility for the administration of this ordinance subject to the direction and control of the mayor.

C. For the purpose of this ordinance the following definitions shall apply:

1. "Automated collection" means the method of collecting rubbish through the use of mechanical collection equipment and special containers to accommodate the collection.

2. "Automated container" means a specially designed container approved by the director to accommodate the automated collection operation to be used for the deposit of acceptable rubbish. The automated container is equipped with wheels for mobility.

3. "City" means the city of Springfield, Massachusetts.

4. "Commercial customer" means any business premises, industry premises or organization, either private or public, profit or non-profit currently receiving service from the city. This definition shall include customers operating businesses out of their residential unit such as, day care centers, offices, etc.

5. "Curb line" means the area directly behind the curb. In the absence of a curb, the area directly behind the edge of pavement or road.

6. "Customer" means any person or entity receiving service from the city.

7. "Designated collection point" means the place where the director has determined an automated container will be placed for service.

8. "Director" means the director of the department of public works or his/her duly authorized representative.

9. "Dwelling unit" means any building or portion thereof that contains living

facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household.

10. "Extra refuse" means any rubbish placed on, around or in a five foot radius of the automated collection container in excess capacity of the automated container. The rubbish must be within acceptable weight limits and reasonably handled by one person.

11. "Infectious waste" means waste from medical, dental, and intermediate care facilities, research centers, veterinary clinics, and other similar facilities, that has the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host.

12. "Overloaded" means that the automated container is so full of rubbish that its lid is not completely closed, thereby exceeding the automated container's rated capacity.

13. "Nonresidential unit" shall mean any establishment except those defined under residential units.

14. "Recyclables" means material as defined in section 7.16.040 (B) of the city ordinances.

15. "Residential unit" means a single or multiple family dwelling unit up to and including apartment complexes of three (3) units or less.

16. "Rubbish" means all waste consisting of a variety of both combustible and noncombustible solid waste materials of households, stores and institutions. Rubbish does not include recyclables or yard waste.

17. "Yard waste means" material as defined in section 7.16.041 (B) of the city ordinances.

D. General Requirements. 1. It shall be the customer's responsibility to assure that automated containers are placed in the appropriate location designated by the city prior to the arrival of the collection vehicle.

2. The city shall not be responsible for rubbish collection if there is a violation of any part of this section or circumstances are beyond the control of the city. Circumstances or violations include, but are not limited to, automated container overload, improperly loaded automated container, blocked access, automated container inaccessibility, or dangerous situations.

3. Automated containers shall be placed at the city designated collection point on the scheduled collection day by 7:00 a.m. Such location shall be easily accessible to the with the lids completely closed, and unobstructed to the collection vehicle. It shall be the duty of each customer to remove the automated container from the curb line on the same day as collection. It is prohibited to overload automated containers in a manner which is likely to cause damage to the collection vehicle, automated container, create a litter condition, or impede collection.

4. The city may collect extra rubbish on or around automated containers. If additional rubbish generated on the premises that cannot be accommodated by regularly scheduled service in the automated container provided, the customer shall request in writing on a form provided by the director, to purchase another automated container(s). Additional automated container(s) will not be allowed if, in the opinion of the director, a

customer is not recycling as mandated by city ordinance. The customer will purchase the additional automated container(s) at the current price paid by the city. The container(s) will not be supplied until payment has been received by the city. A money order is the only acceptable form of payment.

5. Automated collection within the city is mandatory in those areas designated by the director.

6. Any manure, offal or other noxious material that, in the discretion of the director, has not been securely wrapped and placed in an automated container, shall not be collected. All rubbish shall be drained of any free liquids prior to placement in any automated container.

7. It shall be a violation hereof to place or deposit any refuse whatsoever in or around an automated container owned or provided for the use of another customer without that customer's approval.

8. The city shall reserve the right to inspect any or all refuse prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

E. Containers. 1. The automated containers are provided exclusively by the city. No other type of automated container is allowed. The city shall initially provide one (1) automated container at no charge to each occupied residential unit and commercial customer currently serviced by the city. All automated containers will be assigned to a street address and have an imprinted serial number for identification purposes. The automated container shall remain at the assigned address regardless of whether the resident sells or moves.

2. The automated container provided by the city shall not be filled to exceed two hundred (200) pounds total weight and all rubbish must fit inside the automated container. The cover of any automated container must be kept closed at all times except when the automated container is being filled, emptied or cleaned. Animal wastes and ashes shall be wrapped separately from other refuse in a manner to prevent spillage prior to placing the same in an automated container.

3. Residential units and current commercial customers are limited to a maximum of five (5) automated containers. Requests for additional automated containers must be submitted on a form approved by the director. If commercial customers require more than five automated containers, or do not have the room to properly place five automated containers for collection, the director may order them to obtain private collection service.

4. Any customer in possession of a city owned automated container shall pay the cost of repair or replacement of any damaged container, if it is the determination of the director that such damage is the result of the negligence of, or abuse by, the customer. The charge shall be the actual cost of repair or replacement as determined by the city.

5. The initial automated containers issued by the city are the property of the city and shall remain with the premises they are assigned to. Automated containers purchased by customers are their property and they are responsible for their maintenance. Automated containers shall only be used for storage and placement for collection of rubbish by the city.

6. In order to maintain an orderly and aesthetic appearance within the city and

to prevent unauthorized encroachment on any street, public property or private property the director shall have the authority to sanction the storage location of automated containers for residential and commercial customers. Automated containers shall be stored on private property except on collection days. Failure by the customer to comply with city notification citing improper storage for automated containers shall be a violation of this ordinance.

7. Automated containers, after collection, shall be returned to a secure location. With the exception of automated containers being stored in a garage or shed the automated container shall not be stored anywhere closer to the street than the extension of any existing building line that faces any street unless the automated container is screened from public view by shrubbery, foliage, a fence or wall. Automated containers are not to be left curb side, street side or road side overnight after the day of collection.

F. Rubbish Collection Service. 1. To be eligible to receive service, the customer shall be current on the rubbish collection service as of the date of this ordinance.

2. Standard collection service shall include once a week collection of acceptable rubbish in properly placed automated containers.

G. Points of Collection. Automated containers shall be placed:

1. Within two (2) feet of the curb line or where directed by the city.
2. At least three (3) feet away from all objects such as fences, mailboxes, utility poles, overhanging vegetation, etc.
3. So that the automated container handle is facing the dwelling unit.
4. At least three (3) feet from recycling and yard waste containers.
5. At least ten (10) feet away from parked vehicles.

H. Prohibited Material. All materials prohibited under existing ordinances, and;

1. No toxic, extremely hazardous, dangerous/hazardous, or liquid waste as defined now or hereafter, shall be deposited in any automated container intended for disposal.
2. Small quantity generator waste shall not be deposited in any automated container intended for disposal.
3. No infectious waste shall be placed in any automated container.
4. No rocks, concrete, asphalt, dirt, etc. are to be placed in automated containers.
5. Yard waste and recyclables shall be separated from rubbish and placed in separate containers for separate collection.
6. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in any automated container.
7. No motor oil or other automotive fluids shall be deposited in any automated container.

a. The city reserves the right to prohibit, or to place disposal restrictions upon any waste that may adversely affect the resource recovery facility, any disposal site or transfer station. This shall also extend to any item that may pose a risk to the health or safety of city employees. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, recycling regulations, special preparation requirements, and rubbish source documentation requirements.

b. The city may inspect commercial premises for the purpose of evaluating waste generated and disposal practices. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the businesses' activities. City employees will inspect commercial waste generated and disposal practices for the purpose of determining compliance with this section. Failure of a business to comply with a request will be deemed a violation and may, at the discretion of the director, result in revocation of collection services.

I. Enforcement. This section shall be enforced by the police department of the city, the commissioner of health and human services and the commissioner of housing or their duly authorized agents.

J. Violation. Any customer, person, firm or corporation found willfully violating any of the provisions of this section may have their service terminated by the director.

APPROVED:

December 28, 1998

EFFECTIVE:

January 18, 1999

ATTEST:



CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ORDINANCE.

AMENDING TITLE 8, SECTION 8.12.030 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 8.12.030 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW SECTION 8.12.030 - WEAPONS--AIR GUNS AND OTHERS.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 8, Chapter 8.12, Section 8.12.030 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting section 8.12.030 in its entirety and inserting in its place the following new sections thereto:

8.12.030 Weapons--Air guns and others. No person under the age of eighteen (18) shall have an air rifle, a CO² rifle or so-called BB gun, or paint ball gun or any air powered weapon in his/her possession while in any place the public has a right of access unless he/she is accompanied by an adult or unless he/she has on his/her person a permit from the chief of police of a city or town in which he/she resides granting him/her the right of such possession or a firearm identification card. No person shall discharge or project by any means a BB shot, pellet or other object from an air rifle, a CO² rifle or so-called BB gun, paint ball gun, pellet gun, air pipe, spring gun, water gun, bow gun or cross bow, or any other weapon any missile or substance whatsoever into, from or across any street, alley, public way or railroad or railway right of way, or motor vehicle within the city. Whoever violates this section may be punished by a fine of fifty (\$50) dollars, and the air rifle or so-called BB gun or other weapon shall be confiscated. Upon conviction of the violation of this section the air rifle, a CO² rifle or so-called BB gun or other weapon shall, by the written authority of the court, be forwarded to the colonel of the state police, who may dispose of said article in the same manner as prescribed in section ten of chapter 269 of the General Laws. Any person who is in wilful violation of this ordinance, may be arrested without a warrant by an police officer where the offence is committed and kept in custody until he/she can be taken before a court having jurisdiction of the offence as prescribed in section fifty-nine of chapter 272 of the General Laws.

APPROVED:

February 25, 1999

EFFECTIVE:

March 18, 1999

ATTEST:

Walter Metzger

CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ORDINANCE.

AMENDING TITLE 7, SECTION 7.12 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW SECTION 7.12.180 - INSTALLATION OF KEY BOXES ON PROPERTY PROTECTED BY AUTOMATIC ALARM SYSTEMS OR FIRE SPRINKLER SYSTEMS.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7, Chapter 7.12, Section 7.12.180 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following a new section thereto:

7.12.180 Installation of Key Boxes on Property Protected by Automatic Alarm Systems or Fire Sprinkler Systems. A. The city council of the city of Springfield finds that the city of Springfield's fire department may be summoned at times when a structure or area is not occupied or when the occupant of a structure or area is not able to provide an ingress for the fire department and further finds it is desirable to prevent damage through forceful entry to structures or areas and to provide swift entry into such structures or areas by the fire department that a key box system should be established in the city of Springfield.

B. Key box. When an automatic alarm system or a fire sprinkler system protects a structure or area within the city, a key box of a UL type approved by the city's fire chief shall be installed on the property in a location approved by the city's fire chief. The key box should be keyed to the fire department standard emergency key. It shall be the responsibility of the owner, lessee, tenant, or other party in control of the structure or area (1) to assume all costs involved in the installation of the key box, (2) to insure that all key boxes are keyed to the fire department's standard emergency key, (3) keeping said key box in good repair and (4) to insure that all keys contained therein are those currently in use the structure or area.

C. Contents. Such key boxes shall contain the following:

1. Keys to locked points of egress whether on the interior or exterior of such building or area.
2. Keys for fire alarm panel and room.
2. keys to lock mechanical equipment rooms, if any are required.
3. Keys to lock electrical rooms, if any are required.
4. Keys to elevator controls and firefighter switch, if any are required.
5. Keys to other areas as directed by officials of the city's fire department,

if any are required.

6. Keys to any area with hazardous conditions or materials, if any are required.

7. A current list of employees to be called in case of an emergency. The fire department must be notified of any change in the list of emergency employees or keys within twenty-four (24) hours.

D. This ordinance shall not apply to structures used exclusively as one, two, or three family dwellings.

APPROVED:

February 25, 1999

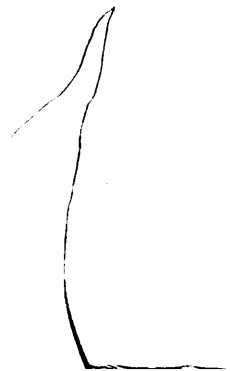
EFFECTIVE:

March 18, 1999

ATTEST:

Walter Zmetzger

CITY CLERK



**City of Springfield.**

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ORDINANCE.

AMENDING TITLE 5, SECTION 5.28.110 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY DELETING SECTION 5.28.110 - STANDING OR WAITING IN STREETS AND BY ADDING A NEW SECTION 5.28.110 - HAILING OF TAXICABS FROM THE CURB.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 5, Chapter 5.28, Section 5.28.110 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 5.28.110 - Standing or Waiting in Streets and by adding the following a new section thereto:

5.28.110 Hailing of taxicabs from the curb. A. Passengers or designated hotel employees shall be allowed to hail taxicabs from the curb of any street, square or public place, during such hours as may be designated by the traffic commission. No horse and carriage shall be allowed to stand or wait for passengers in any street, square or public place, except on such portions thereof and during such hours as may be designated by the traffic commission.

B. Such commission may from time to time designate locations in streets, squares or public places where, and the hours during which taxicabs or other vehicles may stand or wait for passengers, and may cancel or change such locations or hours as, and whenever the public interests seem to it to require such changes.

APPROVED:

APRIL 14, 1999

EFFECTIVE:

MAY 5, 1999

ATTEST:

CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ORDINANCE.

AMENDING TITLE 2, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING THERETO A NEW CHAPTER 2.90 - HUMAN RELATION COMMISSION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2, Chapter 2.90, Section 2.90.010 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting section 2.90.010(B) in its entirety and inserting in its place the following new section 2.90.010(B) thereto:

2.90.010(B). All new appointments and reappointments shall be for a three (3) year term of service. Any vacancy shall be filled for the unexpired term in the same manner as the original appointment and each commissioner shall serve without compensation.

APPROVED:

MAY 19, 1999

EFFECTIVE:

JUNE 9, 1999

ATTEST:

Walter Metzger

CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ORDINANCE.

AMENDING TITLE 5, OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 5.30 - TAXICABS COMMISSION

Be it ordained by the City Council of the City of Springfield, as follows:

Title 5, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new Chapter 5.30 thereto:

Chapter 5.30

TAXICABS COMMISSION

Sections:

- 5.30.010 Definitions.
- 5.30.020 Taxicab commission--Establishment--Members--Administration.
- 5.30.030 Records location.
- 5.30.040 Conflicting sections.

5.30.010 Definitions. For the purpose of this chapter, the following definitions shall be applicable.

- A. "Chauffeur taxicab license" means a permit granted by the taxicab commission to any person to drive a medallioned taxicab within the limits of the city of Springfield.
- B. "Cruise" means the driving of a taxicab on the streets, alleys, or public places of the city of Springfield in search of, or soliciting prospective passengers for hire.
- C. "Hail" means to stop a taxicab by means of waving, whistling or verbally calling for taxicab to stop for a hire from the curb of any street, square, or public place.
- D. "Livery vehicle" means a limousine or other vehicle which is designed to be used to carry passengers under contract for an agreed upon hourly fare, or a charter, business courtesy, employee shuttle, customer shuttle, or a motor vehicle on a schedule along a regular route without the use of a taximeter.
- E. "Operator" means any person owing or having control of the use of one (1) or more taxicabs or engaged in the business of operating a taxicab in the city.
- F. "Owner" means a person, firm, partnership or corporation in whose name a Massachusetts registration for a taxicab is issued pursuant to the Registry of Motor

Vehicles of the Commonwealth of Massachusetts.

G. "Taxicab" means every motor vehicle or horse and carriage used or to be used for the conveyance of persons for hire from any point of origin within the city to any other location for a fee, whether hourly or by a taximeter shall be deemed to be a taxicab within the meaning of this chapter, except livery vehicles as defined above or a motor vehicle or horse and carriage operated in a manner and for the purposes stated in Massachusetts General Laws, Chapter 159A.

H. "Taxicab commission" means the local permit granting authority to license taxicabs in the city of Springfield.

I. "Taxicab driver" means any person who drives a taxicab in the city of Springfield.

J. "Taxicab medallion" means a permit granted by the Taxicab Commission to operate one (1) specific taxicab with the city of Springfield.

K. "Taxicab stand" means any place designed by the taxicab commission along a curb or street or other public way as a place at which only taxicabs may park or stand.

L. "Taximeter" means a meter instrument or device attached to taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

M. "Waiting time" means all times during which the taxicab is not in motion beginning three (3) minutes after its arrival at the place to which it has been called after having engaged by a passenger or passengers or the place it has been directed to by a passenger or passengers; provided, however, the commission may establish a fee for such waiting time as part of its rules and regulations for any time that the taxicab is not in motion due to any cause at the request, act or fault of a passenger or passengers.

5.30.020 Taxicab commission--Establishment--Members--Administration. A. There shall be established in the city, subject to the provisions of Chapter 95 of the Acts of 1922 to grant licenses under authority of section 22 of Chapter 40 of the Massachusetts General Laws and granted power by Chapter 122 of the Acts of 1930 to grant licenses for the letting out of motor vehicles for hire, however computed or determined, a taxicab commission hereinafter the "commission" to be the local permit granting authority for the regulation of taxicabs and horse and carriages doing business in the city of Springfield.

B. The commission shall consist of five (5) members all shall be residents of the city and have the authority to issue regulations pursuant to this ordinance, to hold hearings on violations of this ordinance, orders, rules or regulations issued pursuant thereto. The members shall consist of the following:

1. The chairperson of the traffic commission or his/her designee;
2. The chief of police or his/her designee
3. The city solicitor or his/her designee; and
4. Two (2) other members appointed by the mayor one (1) of whom should have

some experience in the taxicab industry.

C. The commission shall make determinations as to the issuance of medallions and the enforcement of this ordinance, orders, rules and regulations as hereinafter promulgated or as amended.

D. The commission shall establish two annual inspections, one by a licensed Massachusetts inspection station and one by the Massachusetts State Police. Any follow up inspections shall be done by the Massachusetts State Police.

E. The commission shall issue chauffeur taxicab licenses for all taxicab drivers.

The commission shall from time to time review and set insurance coverages requirements for taxicabs.

F. The traffic engineer for the department of public works shall continue to serve as an advisor to the commission for a period not exceeding twelve (12) months from the date of the enactment of this ordinance.

5.30.030 Records location. Every taxicab licensee shall maintain within the geographical boundaries of the city a business location where all records affecting the rules, orders and regulations of the commission or this ordinance are kept.

5.30.040 Conflicting sections. Until such time as the commission promulgates its own ordinance, orders, rules and regulations for the operations of taxicabs in the city of Springfield the non conflicting provisions of the Chapter 5.28 shall govern all taxicabs and horse and carriage companies in the city of Springfield.

APPROVED:

JUNE 21, 1999

EFFECTIVE:

JULY 20, 1999

ATTEST:



CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ORDINANCE.

AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE City OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY DELETING SECTION 7.16.041 IN ITS ENTIRETY AND INSERTING IN ITS PLACE THE FOLLOWING NEW CHAPTER 7.16.043 - MANDATORY RECYCLING

Be it ordained by the City Council of the City of Springfield, as follows:

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Section 7.16.041 in its entirety and inserting in its place the following new Chapter 7.16.043 thereto:

Chapter 7.16 043

MANDATORY RECYCLING

Sections:

- | | |
|----------|---|
| 7.16.043 | Purpose and intent. |
| 7.16.044 | Definitions. |
| 7.16.045 | Establishment of program. |
| 7.16.046 | Mandatory separation of recyclable materials. |
| 7.16.047 | Collection of recyclable materials. |
| 7.16.048 | Private haulers. |
| 7.16.049 | Designated hauler status. |

7.16.043 Purpose and intent. A. The city of Springfield now participates in the Western Massachusetts Regional Recycling Program which includes delivery of recyclables to the Materials Recycling Facility; and the Commonwealth of Massachusetts has promulgated recycling rules (formerly known as waste bans) which restrict the disposal of certain recyclable items at solid waste landfills and incinerators in Massachusetts (310 CMR 19.017). The restricted materials are: lead batteries, leaf waste and yard waste, white goods, recyclable aluminum, metals and glass, all grades of recyclable paper, single polymer plastics, cathode ray tubes in televisions and old computers. Compliance with the recycling rules may be accomplished through reducing the amount of solid waste generated in buildings throughout the city and by recycling and composting materials to the fullest extent possible; and public support for recycling and composting has been demonstrated throughout the city.

B. Be it declared by the city council of the city of Springfield that the following

policies are hereby adopted by the city of Springfield with respect to efficient management of solid waste, for the promotion of health and welfare of its citizens and for the protection of the environment: the city of Springfield hereby declares its goal of requiring all buildings in the city to implement recycling programs. The city of Springfield further declares its goal of encouraging all residents, municipal offices, commercial businesses, and institutions to reduce the amount of solid waste they generate by recycling to the fullest extent possible.

C. The city hereby further declares that the implementation of this policy shall proceed within the bounds of sound fiscal management and in contemplation of advances in recycling collection and processing technology, in an orderly fashion with all due speed.

D. This chapter has been created because of the great interest by the citizens of the city of Springfield in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the city of Springfield to reduce the amount of refuse generated and to require recycling and composting to the fullest extent possible.

7.16.044 Definitions. For the purposes of this chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Access" means the implementation of a recycling program that provides the opportunity to recycle for residents, tenants, or occupants of all buildings. The recycling program must be as convenient as rubbish collection whenever possible.

B. "Bluebox or Household Recycling Receptacle" means a rectangular plastic box of approximately twelve (12) to eighteen (18) gallons, designed for use as a curbside set out container for recyclable materials.

C. "Cart" means a barrel of approximately thirty (30) to one hundred (100) gallons with wheels and a lid used for storage of recyclables and designed for mechanical loading into a recyclables collection vehicle.

D. "City" means the city of Springfield, Massachusetts

E. "Commercial Recycling Plan Form" means the form required by the department of public works to be submitted by each property owner or manager of a city business or non-profit establishment with one hundred (100) or more employees or buildings with an aggregate of at least one hundred (100) employees that identify their compliance with the requirement to offer access to a recycling program.

F. "Designated Hauler" means a company in the business of collecting and transporting recyclables generated in the city to the Springfield Materials Recovery Facility (MRF), and entering in an agreement with the city of Springfield, by which terms that the hauler is entitled to bring recyclables to the MRF.

G. "Director" means the director of department of public works or his/her duly authorized representative.

H. "Drop-off" means the transport and deposit of recyclable materials at a city approved location.

I. "Dwelling Unit" means any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household.

J. "Hazardous waste" means all waste of an ignitable, corrosive, reactive or toxic

nature.

K. "Haulers Reporting Form" means the form required by the department of public works to be submitted by each hauler working in the city that allows them to report on the status of the recycling program for each of their multiple family building customers.

L. "Multiple Community Loads" mean paper or containers that have been collected from two or more communities.

M. "Multi-Family Complex" means a building parcel located in the city that contains forty (40) or more dwelling units.

N. "Multi-Family Building" means any residential building with four (4) or more dwelling units and less than forty (40), including apartments, cooperatives, condominiums, group houses, rooming houses or boarding houses.

O. "Multiple-Family Recycling Plan Form" means the form required by the department of public works to be submitted by each property owner or manager of a multi-family complex that identifies how they are complying with the requirement to offer their tenants with access to a recycling program.

P. "Property Owners and Managers" mean those individuals or businesses responsible for providing waste management services for a building located in the City.

Q. "Recyclables or Recyclable Materials" mean the discarded non-hazardous waste material that may be reclaimed and is considered to be marketable. Such material shall include initially newspaper, corrugated cardboard, white paper, magazines, telephone books, milk and juice cartons, drink boxes, plastic bottles #1 - #7, unbroken containers of flint, green and brown glass, tin (steel) cans, and aluminum cans and foil. The list of recyclables may be expanded or contracted from time to time as determined by the director of public works.

7.16.045 Establishment of program. There is hereby established in the city of Springfield a program for the mandatory separation of recyclable and compostable materials from refuse which shall apply to all buildings in city of Springfield and will be carried out under the supervision of the director of the department of public works (DPW). The city shall participate in the Department of Environmental Protection's (DEP) Western Massachusetts Regional Recycling Program which allows the city to deliver its recyclables to the MRF located on Birnie Avenue in Springfield. The DPW maintains its membership in the DEP's program through participation on the MRF Advisory Board.

7.16.046 Mandatory separation of recyclable materials. A. It shall be mandatory for each occupant in the city of Springfield to separate all designated recyclable materials from other refuse in accordance with the provisions of this section:

1. Buildings which receive city solid waste collection services
It shall be mandatory for each owner or occupant of a building which receives city solid waste collection services to separate from other refuse all recyclable materials designated by the director. This requirement shall also apply to all city-owned buildings, including schools.

2. Buildings which do not receive city solid waste collection services
It shall be mandatory for each owner or occupant of a building which does not receive DPW solid waste collection services to separate all designated recyclable materials from

other refuse. Owners or occupants are encouraged to contract with their hauling companies for the collection and recycling of materials and are responsible for the costs.

7.16.047 Collection of recyclable materials. A. Single family dwellings up to three (3) family dwellings and grandfathered small businesses. For each household and small business that the DPW provides rubbish collection services, the DPW will offer access to the city's recycling program. The DPW will make every effort to offer access to a recycling program at least as convenient as rubbish collection. All households and businesses located in the city will be granted access to the recyclables drop-off program located at the Bondi's Island Recycling Depot.

1. As long as funds are available, the city will provide one (1) household recycling receptacle or bluebox to each dwelling unit where rubbish collection services are also offered. The city shall retain ownership of all its household recycling receptacles and the occupant of each dwelling unit shall take proper care to protect such receptacle from loss or damage. Receptacles that are lost or stolen will be replaced by the city under the following conditions (and as long as the city's supplies last): (a) If a resident claims their bluebox has been stolen, the recycling foreman will determine if the claim is legitimate. A resident may receive one free replacement, additional replacements must be purchased; (b) If resident claims their bluebox is broken, the broken box must be exchanged for the new box when delivered. Residents with broken blueboxes may receive one free replacement, additional replacements must be purchased. Blueboxes may be purchased at the DPW's main office. After city supplies are depleted, it shall be the responsibility of the resident of each dwelling unit to obtain a suitable replacement within forty-five (45) days.

2. As long as funds are available, the city may provide a suitable number of household recycling receptacles including carts to some buildings that currently receive city rubbish collection services. The city shall determine the number of household recycling receptacles to be provided for each individual building. The city shall retain ownership of its household recycling receptacles and carts and the owner or owners of the building shall take proper care to protect such containers from loss or damage. If the containers are lost or stolen, it is the responsibility of the owner or owners of the building to obtain a suitable replacement within forty-five (45) days in accordance with rules and regulations to be issued by the director under this section.

3. All recycling containers and receptacles shall be placed at the curbside every other week for collection by 7:00 a.m. on the designated day of collection. The bluebox shall be placed on the outer edge of the sidewalk so as to not obstruct the free passage of pedestrians.

4. Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of recyclable materials from rubbish does not take place, the city may decide not to collect said rubbish.

5. Upon placement of recyclables at the curbside such recyclables shall become the property of the city. It shall be a violation of this section if any person, other than authorized agents of the city acting in the course of their employment or contract, collects

or causes to be collected any recyclables so placed. Each and every such collection in violation hereof from one or more locations shall constitute a separate and distinct offense. Any violator of this subsection shall make restitution to the city for the value of recyclables illegally removed.

B. Multiple family dwellings of four (4) or more units and less than forty (40).

Property owners and managers of multiple-family dwellings of four (4) or more dwelling units and less than forty (40) units that do not receive city rubbish collection services, shall do the following to ensure compliance with this mandatory recycling ordinance:

Property owners and managers shall be responsible for providing their tenants access to a recycling program. Every effort will be made for the building's recycling program to parallel its rubbish collection program in order to provide convenient access for tenants. Property owners and managers must notify tenants in writing at the time of renting or leasing and at least annually thereafter about participation in the building's recycling program. Tenants will be provided with the following information: (a) reasons to reduce and recycle solid waste; (b) which materials are collected; (c) how to prepare the materials in order to meet the processing requirements; (d) collection methods and location of collection sites; and (e) a contact person or company including a name, address, and telephone number.

1. Property owners and managers may self-haul recyclable materials to the city's drop-off recycling depot at the Bondi's Island Landfill. A receipt will be given property owners and managers to serve as proof of delivery.

2. As a requirement to operate in the city, haulers will be required to provide a list of their multiple-family building customers and indicate if a recycling program has been established and maintained. The DPW will provide each hauler with a Haulers Reporting Form that will be submitted to the director of public works on a semi-annually basis: January 1, July 1.

C. Multiple-family complexes with forty (40) or more dwelling units. Property owners and managers of multiple family buildings or complexes which contain forty (40) or more dwelling units and contracts for private refuse collection services, will provide occupants with access to a recycling program through contractual arrangements with their haulers.

1. Property owners and managers must provide the DPW with a recycling plan that indicates how they will offer their tenants access to a recycling program. A recycling plan will be done for each property for which the property owner and manager are responsible.

a. Each recycling plan will cover the following items:

1. Program contact person and phone number ;
2. Methods to be used for collection, including types of containers;
3. Frequency of collection;
4. How tenants are educated; and
5. Name of hauler under contract.

b. The DPW staff will provide each property owner and manager of multi-family properties of forty (40) or more dwelling units with a Multi-Family Recycling Plan Form. Recycling plans are to be implemented within one hundred twenty (120) days of approval and submitted annually thereafter on July 1.

c. Recyclables must be collected from each property at least once every two

weeks.

d. Commercial haulers are strongly encouraged to deliver recyclables collected from multi-family properties to the Springfield Materials Recycling Facility and will be automatically counted toward the city of Springfield's recycling rate.

e. Property owners and managers must notify tenants in writing at the time of renting or leasing and at least annually thereafter about participation in the building's recycling program. Tenants will be provided with the following information: reasons to reduce and recycle solid waste; which materials are collected; how to prepare the materials in order to meet the processing requirements; collection methods and location of collection sites; and a contact person or company including a name, address, and telephone number.

D. Businesses and non-profit establishments. All businesses and non-profit establishments in the city of Springfield, including commercial business customers of the DPW that receive rubbish and recycling services, shall establish an on-site recycling program and recycle a minimum of (2) two designated materials. The business or non-profit can sell or exchange at fair market value its own recyclable materials or may contract with a designated hauler to deliver them to the MRF.

1. Designated recyclable materials to be collected from businesses and non-profits shall recycle a minimum of two (2) materials listed below or other non-listed materials which are approved by the director. Materials should be prepared and/or separated in a manner mutually acceptable to the hauler and the business. The business recyclable materials are as follows: (a) aluminum cans; (b) magazines and catalogues; (c) computer paper/copy paper; (d) tin/steel cans; (e) corrugated cardboard; (f) paperbacks and phone books; (g) glass bottles; (h) mixed office paper (junk mail); (i) plastic containers; and (j) Newspaper.

2. The city of Springfield reserves the right and authority to add or delete other materials to the above list. The director will consider substitutions for items on the list on a case by case basis.

3. Schedules and locations. The business and the hauler shall mutually agree upon recycling collection schedules and pickup locations. The city is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the hauler and the business.

4. Promotion and education. A business subject to this ordinance is responsible for notifying and continually educating its employees on recycling issues and practices through a formal and ongoing education campaign. Every business shall distribute to every new employee in hand within seven (7) days of employment, and to all existing employees at least annually and by posting in a common area general recycling information and current program recycling guidelines. In the case of a multi-tenant building, the building owner or manager must distribute general recycling information and current program recycling guidelines to every tenant housed in the building within thirty (30) days of occupancy and to all tenants housed in the building annually.

5. Businesses and non-profits with one hundred (100) or more employees, or buildings with an aggregate of at least a hundred (100) employees that have a single rubbish collection service, must submit a commercial recycling plan to the DPW. If a business covers multiple service locations, the business owner shall submit a recycling plan for each location. A commercial recycling plan form will be provided by the DPW and

will be submitted annually on July 1. Recycling plans are to be implemented within one hundred and twenty (120) days of approval of the plan by the DPW. Each recycling plan will cover the following items:

- a. List of recyclables eligible for collection in the program;
- b. Frequency of collection from property;
- c. Types of containers used for collection;
- d. Program contact person and phone number;
- e. Name of hauler under contract; and
- f. Destination of recyclable materials

7.16.048 Private haulers. A. It will be the responsibility of property owners and managers of multi-family buildings, businesses, and non-profit establishments to provide access to recycling for their tenants or employees through a contractual arrangement with haulers working in the city of Springfield. The haulers providing the ongoing recycling collection services shall be responsible for furnishing, maintaining, and replacing all common area recycling containers and collection vehicles which are deemed necessary in the recycling program. The hauler shall be responsible for the collection, intermediate storage or transfer, transportation, and delivery to the MRF for residential recyclables or another DEP approved processing facility for business recyclables.

B. All haulers who collect solid waste, and/or recyclable material from any building in the city of Springfield must comply with all applicable federal, state, and local laws, ordinances, rules and regulations.

C. Recycling collection schedules and pickup locations shall be mutually agreed upon by property managers/owners, businesses, non-profit establishments and the haulers. The city is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the haulers and their customers.

D. Containers provided by haulers for recyclables, including compactors, shall be clearly labeled in English and in other languages if appropriate, including indicating the materials to be placed in the container and the word "recycle" or "recyclable" or the "chasing arrows" recycling symbol.

E. Containers used to collect the recyclable material should have adequate capacity and durability to function efficiently and meet the spatial constraints of the building. The type of containers used for collection of recyclables will be established between the owner/manager and the hauler.

F. Containers located outdoors shall be covered or otherwise secured to prevent material from blowing, leaking or falling out and to protect the materials from vector populations and the elements. The building property owner/manager shall maintain all recycling areas in a clean, sanitary and litter-free manner.

G. Indoor common-area collection/storage areas shall be established in accordance with appropriate city of Springfield fire and/or safety codes. Exterior recyclables storage areas shall be established in accordance with city of Springfield requirements for solid waste enclosures.

H. The recycling containers at a multi-family property shall be placed in a location or locations at least as convenient to tenants as the trash receptacles, including trash chutes, insofar as is practical given space limitations.

I. Hauler reports. As a requirement to work in the city, haulers will be required to submit a Hauler Reporting Form to the DPW on multi-family buildings with four (4) or more dwelling units and fewer than forty (40) dwelling units. The report forms will be supplied by the DPW and will be due on a quarterly basis January 1, April 1, July 1, and September 1. When the specified quarterly report dates fall on a Saturday, Sunday or legal holiday, the report is due on the next business day. Reporting forms will be supplied by the Springfield DPW.

1. The data on the forms will include: multi-family building address, telephone number of owner/manager, and the identification of an established recycling program. Haulers will not be responsible for the establishment of a program unless contracted by the owner/manager. The Hauler Report asks only for information as to whether a recycling program exists.

2. All such reports, data, and information once received by the city of Springfield DPW shall become the property of the city of Springfield and will be considered confidential information.

7.16.049 Designated hauler status. A. Haulers will only be allowed to deliver loads of recyclables from the city of Springfield to the MRF, if the city of Springfield recognizes them as a designated hauler. In order to receive such a designation from the city of Springfield, the hauler must enter into an agreement with the city by submitting a designated hauler agreement to be approved by the director. Designated haulers will agree to the following conditions:

1. The hauler shall work with the DEP and operator of the MRF to coordinate the delivery of recyclables to the facility.

2. The hauler shall be entitled to deliver only those recyclables which the operator is contractually obligated to accept, those items may be expanded or limited from time to time by mutual agreement of the city of Springfield, DEP, and the operator.

3. The hauler shall not deliver any hazardous waste to the MRF.

4. The operator shall be entitled to reject loads containing in excess of ten (10%) per cent by weight of non-recyclable materials as determined by the operator and confirmed by the DEP's representative at the facility. The hauler shall be responsible for the disposal of and any costs associated with any rejected loads. In the event the operator elects to accept such a load, the operator may be entitled to recover the costs of disposal of non-recyclable materials directly from the hauler.

5. In the event that the origination of the contamination can be determined, the hauler may refuse to collect the recyclables upon notifying such customers of the reason for refusal and shall notify the city of any customer who continues with repeated offenses.

B. In the event of a MRF shutdown for an extended period and if no other markets for the recyclables can be found by the city or hauler, it shall be solely the responsibility of the hauler to find alternative disposal for and pay any costs associated with the disposal of the recyclables.

C. If a hauler elects to collect and deliver to the MRF a load of recyclables from multiple communities, including the city of Springfield, the hauler shall provide to the city and DEP a copy of the multiple community load agreement signed by the city and participating municipalities. In the event of a rejected load, all charges shall be the

responsibility of the hauler.

D. In the event a hauler fails to comply with any of the terms and conditions set forth above, the city shall first notify the hauler of such failure and work with the hauler to remedy the situation. In the event the hauler is unable to remedy such non-compliance to the satisfaction of the city and the DEP, the city may, at its sole discretion, suspend, modify, or terminate the rights of the hauler as a designated hauler. Circumstances under which the city may exercise such remedies include, without limitation, the following:

1. Failure to cooperate with DEP and the operator in coordinating deliveries to the MRF.
2. Failure to supply the city and operator with information on multiple community loads.
3. Failure to pay rejected load charges.
4. Repeated failure to accurately complete or submit the haulers reporting form.

APPROVED:

OCTOBER 5, 1999

EFFECTIVE:

OCTOBER 26, 1999

ATTEST:



CITY CLERK



City of Springfield.

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY REPEALING CHAPTER 2.50 IN ITS ENTIRETY AND ADDING THE FOLLOWING NEW CHAPTER 2.50 THERETO - COMMISSION ON DISABILITY.

Be it ordained by the City Council of the City of Springfield, as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding at the end of section 2.50.010 the following new section thereto:

Chapter 2.50

COMMISSION ON DISABILITY

Sections:

- 2.50.010 Establishment--Membership--Function.
- 2.50.020 Purpose and duties.

2.50.010 Establishment--Membership--Function. A. There shall be established in the city a commission on disability, herein after referred to as the "commission" pursuant to General Laws, Chapter 40, Section 8J. The purpose of the commission is to coordinate or carry out programs in coordination with programs of the Massachusetts office on disability in order to bring about full and equal participation in all aspects of life in the city of Springfield for people with disabilities. The commission shall consist of nine (9) persons, appointed by the mayor, all of whom shall be residents of the City. In the year of commencement of the commission the mayor shall appoint the nine (9) members for the following term of services:

1. Three (3) persons shall be appointed for a term of three (3) years;
2. Three (3) persons shall be appointed for a term of two (2) years; and
3. Three (3) persons shall be appointed for a term of one (1) years.

B. All new appointments and reappointments shall be for a three (3) year term of service. Each member appointed shall service past their term until their reappointment or replacement by the mayor. Resignation shall be made by notifying the chairperson and the mayor in writing. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. All members of the commission shall serve without compensation.

C. The chairperson and other officers shall be chosen by a majority vote of said

commission members. The commission membership shall be composed as follows:

1. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of the city.

2. The remainder members of the commission shall be individuals who have personal or professional interest in one or more of the following areas: education, law, elder affairs, children's services, health services, parent group and employment and training services for people with disabilities.

D. The commission shall serve in an advisory capacity to the mayor, a director and the city council. The functions of the commission shall include, but not limited to:

1. Identifying problems and concerns of people with disabilities;

2. Service as a liaison between the community of people with disabilities and the city administration;

3. Recommending remedial actions and policies to appropriate city departments, commissions, agencies, the mayor and the city council;

4. Initiating and implementing program activities in conjunction with city departments or in cooperation with the public or private agencies; and

5. To advise the mayor, the city council and a director with respect to programs, planning and operational policies.

E. The commission may adopt rules and regulations or by-laws for the conduct of its meetings and affairs.

2.50.020 Purpose and duties. A. The commission, in order to bring about full and equal participation in all aspects of life by people with disabilities of the city, shall strive for the advancement of legal rights and for the promotion of the maximum possible opportunities, supportive services, accommodations and accessibility in a manner which fosters dignity and self-determination.

B. The commission shall:

1. Research local problems of people with disabilities and identify, analyze, evaluate and monitor public policies, programs, services and regulations that affect or may affect people with disabilities;

2. Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities utilizing a system of collection of information for the purpose of identifying inadequate or inaccessible programs and services, inadequate coordination of programs and services, unnecessary programs and services, and duplication of programs and services;

3. Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability. Coordinate the activities of other local groups organized to meet the needs of people with disabilities.

4. Review and make recommendations about public policies, programs, services, regulations, procedures, services and activities of the departments and agencies of the city of Springfield as they affect people with disabilities;

5. Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability working in cooperation with the departments and agencies of the city of Springfield to bring about maximum participation of people with disabilities;

6. Coordinate activities of other local groups organized for similar purposes;

7. Initiate, monitor, and promote legislation at the city, state, and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation.

8. Encourage public awareness of disability issues.

9. Recruit and recommend prospective commission members to the mayor. At least one month prior to making recommendations, the commission shall solicit nominations and ensure that said nominations reflect different disabilities.

10. Prepare and submit to the mayor and the city council an annual report which shall be a public document; and which shall include the description, and evaluation of the activities of the department implementing the aforesaid duties and functions; the description, evaluation and analysis of public policies, programs, services and regulations that affect or may affect disabled citizens; and recommendations for the development, coordination and improved responsiveness of such policies, programs, services and regulations.

11. Identify and recommend to city, state and local agencies, departments and organizations appropriate sources of city, state and federal funds which are available for expanding or improving services and programs for people with disabilities. Receive gifts of property, both real and personal in the name of the city of Springfield subject to the approval of the city council such gifts to be managed and controlled by the commission for the purpose of this ordinance and chapter 40, Section 8J of the General laws, as may be hereafter amended.

12. Take such action as the commission considers appropriate to ensure the equal status of persons with disabilities.

APPROVED:

OCTOBER 18, 1999

EFFECTIVE:

NOVEMBER 10, 1999

ATTEST:



CITY CLERK



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER 7.44 - SMOKING IN RESTAURANTS AND PUBLIC PLACES.

Be it ordained by the City Council of the City of Springfield as follows:

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 7.44 thereto:

Chapter 7.44

SMOKING IN RESTAURANTS AND PUBLIC PLACES

Sections:

7.44.010	Declaration of findings, policy, purpose and intent.
7.44.020	Definitions.
7.44.030	Posting notice of prohibition.
7.44.040	Smoking prohibited.
7.44.050	Exceptions.
7.44.060	Conflict with other laws or ordinances.
7.44.070	Waivers.
7.44.080	Violations--Penalties.
7.44.090	Enforcement--Noncriminal disposition.
7.44.100	Appeals--Hearings.

7.44.010 Declaration of findings, policy, purpose and intent. There exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and environmental tobacco smoke (hereinafter "ETS"), which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death of fifty-three thousand (53,000) Americans each year, therefore it is the policy

of the city council of the city of Springfield to guarantee the right of non-smokers to breath smoke-free air and that the need to breath smoke-free air will have priority over the desire to smoke and establishes this ordinance to protect and improve the public health and welfare by limiting smoking in restaurants.

7.44.020 Definitions. For the purposes of this ordinance, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Bar" shall mean an establishment with a current license issued by the city of Springfield to serve alcohol whose business is primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. A bar shall be any establishment that derives more than fifty percent (50%) of its gross revenues from the sale of alcoholic beverages for consumption on the premises. Any bar as defined above in lawful existence as of the effective date this ordinance shall continue in existence notwithstanding any subsequent change or changes in the definition of a bar under this ordinance.

B. "Bar area of a restaurant" shall mean the area of a restaurant where alcoholic beverages are served for consumption by guests on the premises and the service of food is incidental.

C. "Cigar shop/emporium" shall mean an establishment whose business is primarily devoted to the selling of tobacco products for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such products. An establishment which serves full meals cannot be considered a "smoking bar" for the purposes of this ordinance. An establishment which serves appetizers and snacks may be considered a "smoking bar" for the purposes of this ordinance.

D. "City" shall mean the city of Springfield.

E. "Director" shall mean the director of Springfield department of health and human services of the city of Springfield.

F. "Food service establishment" shall mean a place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes such places regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes restaurants as defined herein. The term does not include residential kitchens, retail food stores, or supply vehicles, nor shall it apply to any establishment that has seating for no more than fifty (50) people.

G. "Food service permit" shall mean the document issued by the director of Springfield department of health and human services of the city of Springfield which authorizes a person to operate a food service establishment.

H. "Food service permit holder" shall mean a person to whom the director of Springfield department of health and human services of the city of Springfield issued a food service permit.

I. "Person" shall mean any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, an owner, operator, manager, proprietor or person in charge of any building, establishment, business or restaurant or retail store, or the agents or designees of any of the foregoing.

J. "Pouring licenses" shall mean a licence approved by the Massachusetts Alcoholic Beverages Control Commission, as defined in Massachusetts General Laws chapter 138, section 12, that permits the sale of alcoholic beverages for consumption on the premises.

K. "Private assembly room" shall mean that area of a hotel, motel, restaurant, bar or function hall which is primarily used for rental by the public for functions, parties, or banquets.

L. "Public place" shall mean any building or facility, including public school or grounds, any area enclosed and open to the general public including but not limited to, libraries, museums, theaters, auditoriums, indoor sports arenas' and/or recreational facilities, inns, hotel and motel lobbies, educational facilities, shopping malls, public restrooms, lobbies, staircases, halls, exits, entrances, elevators accessible to the public, and licenced child-care locations.

M. "Retail food establishment" shall mean any establishment commonly known as a supermarket, grocery store or convenience store in which the primary activity is the sale of food items to the public for off-premises consumption.

N. "Retail store" shall mean any establishment whose primary purpose is to sell or offer for sell to consumers, but not for resale, any goods or personal services, wares, merchandise, articles or other things, including supermarkets and grocery stores. Retail store shall not include restaurants as defined herein.

O. "Restaurant" shall mean any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and other eating establishment which gives or offers food to the public, guests, or employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

P. "Restaurant/nightclub" shall mean a restaurant with a valid pouring license that suspends it's food service after ten o'clock p.m. and then whose business is the serving of alcoholic beverages for consumption by guests on the premises.

Q. "Seating capacity" shall mean the capacity designated on the occupancy permit of food service establishment.

R. "Single-room restaurants" shall mean a restaurant which gives or offers food for sale to the public which is physically limited to one room, not subdivided by a floor-to-ceiling physical barriers, and not including restrooms or separate rooms for areas not open to the public such as kitchens.

S. "Smoking" shall mean inhaling, exhaling, burning or carrying any-lighted cigar, cigarette, or other tobacco product in any form.

7.44.030 Posting notice of prohibition. Every person having control of premises upon which smoking is prohibited by and under the authority of this ordinance shall conspicuously display upon the premises "No Smoking" signs or International "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

7.44.040 Smoking prohibited. A. No person shall smoke nor shall any person, employer, or other person having control of the premises upon which smoking is prohibited by this ordinance, or the agent or designee of such person, permit a person to smoke in

a restaurant and/or retail store or public place as defined herein except as otherwise provided in section 7.44.050 of this ordinance.

B. No person shall smoke in any place in which a sign conforming to the requirements of section 7.44.030 of this ordinance is posted. No Person shall remove a sign posted under the authority of section 7.44.030 of this ordinance.

7.44.050 Exceptions. Notwithstanding the provisions of section 7.44.040 of this ordinance, smoking shall be permitted in the following places and/or circumstances:

A. Smoking permitted:

1. Hotel and motel conference/meeting rooms and private assembly rooms while these places are being used for private functions;
2. Bars as defined in the definition section of this ordinance.
3. The bar area of a restaurant as defined in the definition section provided the restaurant owner holds a valid pouring licence and provided further that:
 - a. The perimeter of a bar area of a restaurant in which smoking is permitted shall be enclosed by a floor-to-ceiling physical barrier excluding entrances or is at least six (6) feet from the perimeter of any area primarily dedicated to the service of food.
 - b. The bar area of a restaurant in which smoking is permitted shall ventilate air from the bar area of the restaurant to the exterior of the restaurant.
 - c. The bar area of the restaurant shall be marked with signs that warn patrons of the dangers of exposure to second hand smoke, and no person under the age of twenty-one (21) years of age shall be seated or served.
 - d. The bar area of the restaurant shall not exceed:
 1. Twenty-five percent (25%) of the total combined seating capacity of the dining area of the restaurant and the bar area of the restaurant, or;
 2. Twenty-five percent (25%) of the total combined square footage of the dining area of the restaurant and the bar area of the restaurant.

B. A single-room restaurant with a valid pouring license, established as such as of the date of passage of this ordinance, may elect to set aside a portion of the room for smoking if the ventilation system is configured to move air, at a rate of thirty (30) cubic feet per minute, from the non-smoking section of the room, through to the smoking section of the room, then to exit the building, ensuring annually, through a letter submitted to the Springfield department of health and human services from a certified heating, ventilation and air-conditioning engineer attesting that the ventilation system is adequate to meet the provisions of this regulation and further provide a minimum six (6) foot buffer space between the smoking and non-smoking section.

1. The smoking section of the room shall be marked with signs that warn patrons of the dangers of exposure to second hand smoke and;
2. The smoking section of the room shall not exceed:
 - a. Twenty-five percent (25%) of the total seating capacity of the dining area of the restaurant or
 - b. Twenty-five percent (25%) of the total combined square footage of the dining area of the restaurant.

C. Restaurant/Nightclub that suspends its food service after ten o'clock p.m. (10:00 PM) at such time the business is then devoted to the serving of alcoholic beverages for

consumption by guests on the premises and the serving of food in incidental and such establishments prohibit the entry of all persons under the age of twenty-one (21) years old at all times.

D. Cigar Shops/Emporium, provided such establishments prohibit the entry of all Persons under the age of eighteen (18) years old at all times, and that such establishments post signs that warns patrons of the dangers of exposure to secondhand smoke.

E. Outdoor or sidewalk seating or portions of a food service establishment provided that such outdoor section may be covered but not otherwise enclosed except for one side which adjoins the food service establishment.

7.44.060 Conflict with Other Laws or Ordinances. Notwithstanding the provisions of the foregoing section 7.44.050 of this ordinance, nothing in this ordinance shall be deemed to amend or repeal applicable fire, health or other ordinances, regulations, rules, or laws so as to permit smoking in areas where it is prohibited by such fire, health or other regulations, rules, or laws.

7.44.070 Waivers. A. Any owner or manager of a restaurant subject to this ordinance may apply to the director of health and human services for a waiver of any provision of this ordinance for a period not to exceed ninety (90) days.

1. All waivers shall be submitted to the director, or her designee on an application form provided by the director along with a one hundred dollars (\$100) non-refundable filing fee.

2. The decision to grant such a waiver shall be in the sole discretion of the director, based upon the determination that such waiver is in the public interest. In so determining, the director may take into account, but not limited to, the following:

a. The efforts of the restaurant has made toward compliance with the ordinance.

b. Whether or not the restaurant will be in compliance with all terms of the ordinance within the ninety (90) days; and

c. Whether the granting of the waiver will result in an appreciable danger to the health of the public.

3. No restaurant shall be granted more than one(1) waiver.

7.44.080 Violations--Penalties. A. Any establishment who violates this ordinance shall be subject to a fine in an amount of one hundred dollars (\$100).

B. Any person found to have violated this ordinance by smoking shall be fined one hundred dollars (\$100).

7.44.090 Enforcement--Noncriminal disposition. A. As an alternative to initiating criminal proceedings, violations of this ordinance maybe enforced in the manner provided in Massachusetts General Laws Chapter 40, section 21D, by the Springfield department of health and human services director or its agents. The penalty for a violation of this ordinance shall be a fine in an amount of one hundred dollars (\$100).

B. Any citizen who desires to register a complaint under this ordinance may request

that the director of health and human services or it's designee to initiate an enforcement action.

7.44.100 Appeals-Hearings. Any appeal of any violation or a fine levied pursuant to section 7.44.080 and/or section 7.44.090 shall be heard and decided by the city clerk and/or his designee. The person said to have violated this ordinance shall have the opportunity to be heard at such hearing and shall be notified of the decision of the city clerk and the reasons therefore, in writing.

This ordinance shall become effective on March 1, 2001.

APPROVED:

June 21, 2000

EFFECTIVE:

July 12, 2000

ATTEST:



CITY CLERK



CITY OF SPRINGFIELD
IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 9, CHAPTER 9.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS FURTHER AMENDING BY ADDING A NEW SECTION 9.08.040 - RESTRICTED USE OF CERTAIN STREETS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 9, Chapter 9.08, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new Section 9.08.040 as follows:

Sections:

9.08.040 Certain commercial vehicles on Pasco Road, Page Boulevard and Essex Street.

9.08.040 Certain commercial vehicles on Pasco Road, Page Boulevard and Essex Street. A. Except as otherwise by ordinance or order provided and except for the purpose of receiving or discharging a load at any residence or place of business along the street specified herein, no person having charge of any commercial motor vehicle, not a passenger vehicle, shall cause or permit the same to pass in any direction over any part of Pasco Road, between Page Boulevard and Essex Street.

B. Whoever shall violate or fail to comply with any of the provisions of the aforesaid section shall for each and every offense pay a fine of twenty dollars (\$20.00).

APPROVED:

October 3, 2000

EFFECTIVE:

October 24, 2000

ATTEST:

CITY CLERK



CITY OF SPRINGFIELD
IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 7, CHAPTER 7.04 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS FURTHER AMENDING BY DELETING SECTION 7.04.080(D) AND INSERTING IN ITS PLACE A NEW SECTION 7.04.080(D) - HAZ-MAT ALERT NOTIFICATION REGULATIONS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 7, Chapter 7.04, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting section 7.04.080 (D) and inserting in its place a new Section 7.04.080(D) as follows:

Section 7.04.080 Hazmat alert notification regulations.

D. Exemptions from fifteen (15) minutes reporting requirement. 1. For releases that do not require emergency response on the part of the city agencies and when there are no injuries, or there is no threat to off-site properties, notice will be given to the fire alarm dispatch center (787-6400) and the office of emergency preparedness (787-6720) within two(2) hours of the occurrence.

2. Release reporting for underground storage tanks when a representative of the Springfield fire department is present shall not be subject to the reporting requirements of this ordinance.

3. Release reporting for facilities operating with state or federal permits which have provisions to notify the granting agency when specified release situations occur shall not be subject to the provisions of this ordinance.

APPROVED:

October 3, 2000

EFFECTIVE:

October 24, 2000

ATTEST:

CITY CLERK



CITY OF SPRINGFIELD
IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 2, CHAPTER 2.06 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS FURTHER AMENDING BY CHANGING CERTAIN CLAUSES IN SECTION 2.06.030 - ENUMERATION OF FEES.

Be it ordained by the City Council of the City of Springfield as follows:

Title 2, Chapter 2.06, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by changing the following clauses in Section 2.06.030 to read as follows:

- | | | | | |
|------|--|---------|----|---------|
| (13) | For furnishing certificate of birth | \$8.00 | to | \$10.00 |
| | For furnishing laminated certificate of birth | \$10.00 | to | \$15.00 |
| (20) | For filing a certificate of a person conducting business under any title other than his real name | \$30.00 | to | \$40.00 |
| (21) | For filing by a person conducting business under any title other than his real name, of statement of change of his residence, or of his discontinuance, retirement or withdrawal form, or of a change of location of such business | \$25.00 | to | \$30.00 |
| (22) | For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business | \$8.00 | to | \$10.00 |
| (30) | For furnishing a certificate of death | \$8.00 | to | \$10.00 |
| (44) | For issuing certificate of marriage | \$8.00 | to | \$10.00 |

(62) For recording order granting locations of poles,
 piers, abutments or conduits, alterations or
 transfers thereof, and increase of numbers of wires
 and cable or attachments under the provisions of
 Section 22 of Chapter 166 of the General Laws \$100.00 to \$125.00

Additional for each street or way included in
 such order \$20.00 to \$25.00

The fee for certification of any document not previous enumerated shall be ten
 dollars (\$10.00).

Approved as to Form:


 Associate City Solicitor

APPROVED:

October 3, 2000

EFFECTIVE:

October 24, 2000

ATTEST:



CITY CLERK



CITY OF SPRINGFIELD
IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 5 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY DELETING CHAPTER 5.44 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 5.44 - LICENSE FEES FOR STORAGE OF INFLAMMABLE LIQUIDS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 5 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by deleting Chapter 5.44 in its entirety and inserting in its place a new Chapter 5.44 thereto:

Chapter 5.44

LICENSE FEES FOR STORAGE OF INFLAMMABLE LIQUIDS

Section:

5.44.010 Crude petroleum, explosive or inflammable liquids--Fees designated.

5.44.010 Crude petroleum, explosive or inflammable liquids--Fees designated.

The fees to be charged for licenses granted and registrations for crude petroleum, explosive or inflammable liquids filed under the provisions of the General Laws, as amended, are established as follows:

A. To manufacture, keep, store, use and sell petroleum or any of its products, any explosive or inflammable fluid or any inflammable compound:

1 to 1,000 gallons or 1 to 8,000 pounds	\$ 16.50
1,001 to 5,000 gallons or 8,001 to 40,000 pounds	27.50
5,001 to 10,000 gallons or 40,001 to 80,000 pounds	44.00
10,001 to 30,000 gallons or 80,001 to 240,000 pounds	66.00
30,001 to 50,000 gallons or 240,001 to 400,000 pounds	88.00
50,001 to 100,000 gallons or 400,001 to 800,000 pounds	110.00
100,001 to 200,000 gallons or 800,001 to 1,600,000 pounds	132.00
200,001 to 500,000 gallons or over 1,600,000 pounds	165.00
500,001 to 1,000,000 gallons	275.00
Over 1,000,000 gallons	550.00

B. When the license covers crude petroleum or any of its products or other inflammable liquids to be stored in the tanks of motor vehicles, the fees shall be as follows:

1 to 4 vehicles	\$ 5.00
5 to 10 vehicles	10.00
11 to 50 vehicles	22.00
51 to 100 vehicles	44.00
101 to 500 vehicles	66.00
501 to 1,000 vehicles	110.00
Over 1,000 vehicles	220.00

APPROVED:

October 3, 2000

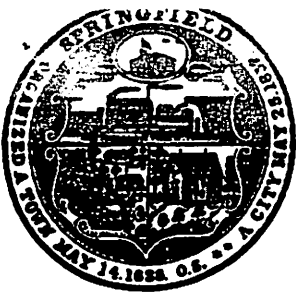
EFFECTIVE:

October 24, 2000

ATTEST:



CITY CLERK



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 4 OF THE REVISED ORDINANCE OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED BY REPEALING CHAPTER 4.14 IN ITS ENTIRETY AND INSERTING IN ITS PLACE ANEW CHAPTER 4.14 THERETO - RESPONSIBLE GENERAL BIDDERS, SUB-BIDDERS, SUB-SUB-BIDDERS, GENERAL CONTRACTORS AND SUBCONTRACTORS ON PUBLIC PROJECTS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 4 of the revised Ordinances of the City of Springfield, 1986, as amended, is hereby adding the following Chapter 4.14 thereto:

Chapter 4.14

RESPONSIBLE GENERAL BIDDERS; SUB-BIDDERS, SUB-SUB-BIDDERS
GENERAL CONTRACTORS AND SUBCONTRACTORS ON PUBLIC PROJECTS

Sections:

- 4.14.010 Purposes
- 4.14.020 Contractor qualifications and sanctions.
- 4.14.030 Springfield area resident job goals

4.14.010 Purposes. The city expends substantial municipal funds for public construction projects; a large portion of said money being derived from taxes paid by city residents; that accordingly it is in the public interest, health, welfare and safety to ensure that the employees on such projects are paid at the lawfully required wage rates, have been trained in bona fide apprenticeship training program, have hospitalization and medical coverage, and industrial accident coverage, and are classified according to the law: further that in light of the unemployment in the city of Springfield and its deleterious effects upon neighborhoods in the city of Springfield, and the economic loss to the city when general bidders, sub-bidders, general contractors and subcontractors who perform work in connection with aforesaid public construction projects are not from the Springfield area and/or hire workers not from the Springfield area, it is in the public interest to establish goals for the hiring of Springfield area residents on public construction projects; and it is found and determined that the requirements of this chapter will serve the public interest, health, welfare and safety as described hereinabove.

4.14.020 Contractor qualifications and sanctions. A. All general bidder and filed sub-bidders (including sub-sub-bidders) for city construction projects subject to Massachusetts General Laws, chapter 149, section 44A (2) and as hereinafter described subject to Massachusetts General Laws, Chapter 30, section 39M shall as a condition for bidding, agree in writing that they shall comply with the following obligations, and such obligations hereby are incorporated by reference into the specifications for the city construction project:

1. The general bidder and filed sub-bidders (including sub-sub-bidders) shall comply with the obligations established under Massachusetts General Laws, chapter 149 section 44A (2) and Massachusetts General Laws, Chapter 30, section 39M, as hereinafter described shall pay the appropriate lawful prevailing wage rates to their employees.

2. The general bidder and filed sub-bidders (including sub-sub-bidders) shall have a written apprenticeship training program in place as defined by Massachusetts General Laws, chapter 23, section 11H and 11I. Each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries, or its successor before it, shall submit a bid and shall use good faith best efforts to abide by the apprentice to journeymen ratio for each trade prescribed therein the performance of the contract.

3. The general bidder and filed sub-bidders (including sub-sub-bidders) shall use good faith best efforts to make available hospitalization and medical benefits for all their employees employed on the city construction project and/or coverage of at least comparable value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by Massachusetts General Laws, chapter 149, sections 26 and 27, as amended in establishing minimum wage rates.

4. The general bidder and filed sub-bidders (including sub-sub-bidders) shall maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with Massachusetts General Laws, chapter 152.

5. The general bidder and filed sub-bidders (including sub-sub-bidders) shall classify employees and independent contractors in accordance with applicable law and shall treat them accordingly for the purposes of workers' compensation insurance coverage, unemployment insurance, social security taxes and income tax withholding pursuant to Massachusetts General Laws, chapter 149, section 148B.

6. This chapter shall only apply to Massachusetts General Laws, chapter 149, section 44A projects costing two hundred fifty thousand dollars (\$250,000) or higher, Massachusetts General Laws, chapter 149, section 44A sub-sub-bidders projects costing twenty-five thousand dollars (\$25,000) or higher and Massachusetts General Laws, Chapter 30, section 39M projects costing fifty thousand dollars (\$50,000) or higher.

B. All general contractors, and all filed-subcontractors (including sub-sub-contractors) who are awarded or who otherwise obtain contracts on city construction projects subject to Massachusetts General Laws, chapter 149 Section 44A (2) and/or Massachusetts General Laws, Chapter 30, section 39M shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the city construction projects and an officer of each such general contractor or

subcontractor shall certify under oath, in writing, in a form of certificate provided or approved by the city, that they are in compliance with such obligations. Such certificate shall accompany any application for payment or direct payment, and the receipt by the city of such certificate shall constitute a condition precedent to any payment obligation of the city.

C. Any general contractor and filed-subcontractors (including sub-sub-contractors) who fails to comply with any one of the obligations 1 through 6 as set forth in paragraphs A and B above, for any period of time, shall be at the sole discretion of the awarding authority, subject to one or more of the following sanctions:

1. Cessation of work on the project until compliance is obtained;
2. Withholding of payment due under any contract or subcontract until compliance is obtained;
3. Permanent removal from any work on the project;
4. Liquidated damages payable to the city in the amount of five percent (5%) of the total dollar value set forth in the contract.

4.14.030 Springfield area resident job goals. A. All general bidder and filed sub-bidders (including sub-sub-bidders) subject to Massachusetts General Laws, chapter 149, section 44A(2) and as herein described subject to Massachusetts General Laws, Chapter 30, section 39M shall, as a condition for bidding, agree in writing that if awarded the contract, they shall make a good faith best effort on a craft by craft basis to provide at all times at least twenty percent (20%) of the total employee worker hours in each trade, at every tier, to be performed by bona fide residents of either the city of Springfield or a city or town within ten (10) miles radius of the city limits of the city of Springfield. For purposes of this paragraph, work performed by apprenticeship and on-the-job training positions shall be included.

B. The general contractors and filed sub-contractors (including sub-sub-contractors) shall submit to the city's contract compliance officer in the purchase department, workforce charts, listing each of it's workers and those of it's filed subcontractors or sub-bidders of all tiers, by name, residential address, craft, job category and hours worked. Such workforce charts shall accompany any application for payment or direct payment, and the receipt by the city of such a certificate shall constitute precedent to any payment obligation of the city.

C. Any person who provides false information regarding his or her residential address, or in the case of a bidder or contractor who knowingly provides false information regarding address of any employee, shall be subject to a fine of three hundred dollars (\$300) for each violation.

D. The chief procurement officer and the contract compliance officer or their designee shall establish criteria and procedures for compliance herewith, and shall report to the mayor and the city council annually.

E. Where the provision of any federal or state statute or regulation provide that nor procedure or requirement shall be imposed which will operate to discriminate against the employment of labor from any other state, possession, or territory of the United States, the terms of this section shall not apply.

F. With respect to the entirety of this ordinance, if any provision thereof, or the application of any provision thereof to any person or circumstances, shall be enjoined or held to be invalid, the remaining provision of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

APPROVED:

October 25, 2000

EFFECTIVE:

November 15, 2000

ATTEST:

A handwritten signature in black ink, appearing to read "C. Metzger", is written over the "ATTEST:" label.

CITY CLERK



CITY OF SPRINGFIELD
IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 8 OF THE REVISED ORDINANCES OF THE CITY OF
 SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY
 ADDING A NEW CHAPTER 8.32 - GRAFFITI

Be it ordained by the City Council of the City of Springfield as follows:

Title 8 of the Revised Ordinances of the City of Springfield, 1986, as amended, is
 hereby further amended by adding the following new Chapter 8.32 thereto:

Chapter 8.32

GRAFFITI

Sections:

- | | |
|----------|---|
| 8.32.010 | Purpose and intent. |
| 8.32.020 | Definitions. |
| 8.32.030 | Prohibited acts. |
| 8.32.040 | Accessibility to graffiti implements. |
| 8.32.050 | Graffiti as nuisance. |
| 8.32.060 | Removal of graffiti by perpetrator. |
| 8.32.070 | Removal of graffiti by property owner or city . |
| 8.32.080 | Ease of removal provisions. |
| 8.32.090 | Trust fund. |
| 8.32.100 | Violations--Penalties. |

8.32.010 Purpose. A. The city council of the city of Springfield is enacting this ordinance to prevent graffiti and its spread and to establish a program for the removal of graffiti from public and private property.

B. The city council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless action is taken to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the city.

C. The city council intends, through the adoption of this ordinance, to provide

enforcement tools to protect public and private property from acts of graffiti vandalism, defacement and to minimize graffiti in the city. The city council does not intend for this ordinance to conflict with any existing anti-graffiti state laws or as amended.

8.32.020 Definitions. For the purposes of this chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Aerosol paint container" means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

B. "Broad-tipped marker" means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth (1/4th) of an inch, containing ink or other pigmented liquid that is not water soluble.

C. "Etching equipment" means any tools, device or substance that can be used to make permanent marks on any natural or man-made surface.

D. "Graffiti" means any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the code enforcement commissioner.

E. "Graffiti implement" means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

F. "Paint stick or graffiti stick" means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark thereon.

G. "Person" means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

8.32.030 Prohibited acts. Defacement. It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any city-owned property or on any non city-owned property.

8.32.040 Accessibility to graffiti implements. A. Display and Storage.

1. Every person who owns, conducts, operates, or manages a retail commercial establishment selling aerosol paint containers, paint sticks, or broad-tipped markers shall store the containers, sticks or markers in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business.

2. In the event that a commercial retail establishment is unable to store the aerosol paint containers, paint sticks, or broad-tipped markers in an area as provided above, the establishment shall store the containers, sticks, and markers in an area not accessible to the public in the regular course of business without employee assistance.

B. Signage Required. Every person who operates a retail establishment selling graffiti implements shall:

1. Place an interior sign in clear public view stating: "Graffiti Is Against The Law. Any person who defaces real or personal property with paint or any other liquid device shall be punishable by a fine up to three hundred dollars (\$300.00)." Such sign(s) shall be at least forty-eight (48) square inches and shall be posted in public view in the store at a height of not less than four (4) feet or greater than nine (9) feet from the floor.

2. Place a sign in clear public view stating: "Selling spray paint, paint sticks, or broad-tipped markers to persons under 18 years of age is against the law and punishable by a fine up to three hundred dollars (\$300.00)."

8.32.050 Graffiti as nuisance. A. The existence of graffiti on public or private property in violation of this ordinance is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this ordinance.

B. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

8.32.060 Removal of graffiti by perpetrator. A. Any person applying graffiti shall be responsible for the removal thereof or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this ordinance. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment for the removal. Such removal shall be done in a manner prescribed by the director of the department of public works, the commissioner of code enforcement, or any additional city department head, as authorized by the city council.

B. Any removal of graffiti from a historical property shall be reviewed and approved by the Springfield historical commission in accordance with its rules and regulations.

8.32.070 Removal of graffiti by property owner or city. If graffiti is not removed by the perpetrator according to this chapter, graffiti shall be removed pursuant to the following provisions:

A. **Property Owner Responsibility.** It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following information:

1. The street address and legal description of the property sufficient for identification of the property;

2. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;

3. A statement that the graffiti shall be removed within ten (10) days after receipt of the notice and that if they do not abate the graffiti within that time the city will declare the property to be a public nuisance, subject to the abatement procedures in section 8.32.080;

4. An information sheet identifying any graffiti removal assistance programs available through the city and private graffiti removal contractors; and

5. An extension time to remove graffiti may be granted by the enforcement agency.

B. Right of City to Remove

1. **Use of Trust Funds.** Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city shall be authorized to use trust funds for the removal of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the mayor or his designee determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

2. **Right of Entry on Private Property.** Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal the city shall attempt to secure the consent of the property owner or responsible party and a release of the city from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this ordinance, or if the city has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city may commence a civil action in housing court for right of entry upon the said property and to recover administrative and abatement costs for the graffiti removal.

3. **Lien.** As to such property where the responsible party is the property owner, if all or any portion of the assessed eradication charges remain unpaid after thirty (30) days, pursuant to the authority created by Massachusetts General Laws chapter 139, the portion thereof that remains unpaid shall constitute a lien on the property that was the subject of the eradication effort. The enforcement agency shall request an order for a lien from the housing court, and thereafter, shall cause a certified copy of the lien to be recorded with the registry of deeds where the land is located.

8.32.080 Ease of removal provisions. A. **Common Utility Colors and Paint-type.** Any gas, electric, telephone, water, sewer, cable, telephone and other utility operating in the city shall paint its above-surface metal fixtures with a uniform paint type and color that meets the universal standards of the industries. Said painting may be done on the utility's regularly maintenance scheduled if said schedule is within one (1) year of this ordinance

B. **Condition Encroachment Permits.** All encroachment permits issued by the city shall, among such other things, be conditioned on:

1. The permittee's application of an anti-graffiti material to the encroaching object of a type and nature that is acceptable to the commissioner of code enforcement or his designee;

2. The permittee's immediate removal of any graffiti;

3. The city's right to remove graffiti or to paint the encroaching object; or

4. The permittee's providing the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object containing graffiti.

8.32.090 Trust fund. The city council hereby creates the "City of Springfield Anti-Graffiti Trust Fund." Penalties assessed against violators of this ordinance shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The commissioner of code enforcement shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of graffiti removal and the costs of administering the ordinance, and such other public purposes as may be approved by an order of the city council.

8.32.100 Violations--Penalties. A. Noncriminal Disposition. Any person violating this ordinance, except for sections 8.32.030 and 8.32.040, shall be punished by a fine of two hundred dollars (\$200.00) for the first offense; two hundred fifty dollars (\$250.00) for the second offense; and three hundred dollars (\$300.00) for each subsequent offense. Each day or part of a day during which the violation is committed, continued, or permitted shall be a separate violation. The police department and the code enforcement department shall enforce the provisions of this ordinance.

1. In the case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines.

2. Failure of the parents' or legal guardian to make payment will result in the filing of a lien on the parent's or legal guardian's property that includes the fine and administrative costs.

B. Criminal Disposition--Restitution. In addition to any punishment specified in this chapter or the Massachusetts General Laws, a court may order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor to make the restitution.

1. Upon an application and finding of indigence, the court may decline to order fines against the minor, parents or guardian.

C. Forfeiture of personal property. All personal property, including, but not limited to, automobiles, motorcycles and bicycles, used or intended to be used in violating this ordinance shall be forfeitable to the city by the court. In forfeiting such personal property, the court shall follow the procedures outlined in Massachusetts General Laws concerning the forfeitures of personal property. In any forfeiture proceeding under this section, the court shall not order a forfeiture unless it finds that the forfeiture is commensurate with the severity of the violation to the extent required by the laws of Commonwealth of Massachusetts and the United States constitution.

D. Community Service. In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required to perform community service as described by the court based on the following minimum requirements:

1. The minor or adult shall perform at least thirty (30) hours of community service.

2. At least one parent or guardian of the minor shall be in attendance a minimum of fifty percent (50%) of the period of assigned community service.

3. The entire period of community service shall be performed under the

supervision of a community service provider approved by the chief of police or the probation department of the court.

4. Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

5. Any minor determined to be a ward of the court under the laws of the Commonwealth of Massachusetts as a result of committing an offense in the city shall be required, at the city's option, to perform community service, including graffiti removal service of not less than fifteen (15) hours nor more than eighty (80) hours.

E. Civil Responsibility for Damages or Wrongful Sale, Display or Storage. Any person who sells, displays or stores, or permits the sale, display or storage, of any graffiti implement in violation of the provisions of this ordinance shall be personally liable for all costs, including attorney's fees and court costs, incurred by any party in connection with the removal of graffiti, the repair of any property containing graffiti, or such party's prosecution of a civil claim for reimbursement or damages resulting from such graffiti removal or property repair, arising from the use by any person of such wrongfully sold, displayed or stored graffiti implements in violation of the provisions of this ordinance, provided that such liability shall not exceed fifteen hundred dollars (\$1,500.00).

APPROVED:

November 14, 2000

EFFECTIVE:

December 5, 2000

ATTEST:



CITY CLERK



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND

AN ORDINANCE.

AMENDING TITLE 5 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS HEREBY FURTHER AMENDED BY ADDING A NEW CHAPTER 5.68 - BROWNFIELD TAX ABATEMENTS

Be it ordained by the City Council of the City of Springfield as follows:

Title 5 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 5.68 thereto:

Chapter 5.68

BROWNFIELD TAX ABATEMENTS

Sections:

- 5.68.010 Purpose.
5.68.020 Authority.
5.68.030 Scope of authority.

5.68.010 Purpose. It is the intent of the city council of the city of Springfield to offer tax abatements to encourage the continued environmental cleanup and redevelopment of sites zoned for industrial and commercial use for which there has been a release of oil or hazardous materials, as such terms are defined in General Laws Chapter 21E, section 2. The collector/treasurer and the board of assessors are hereby authorized pursuant to the provisions of General Laws Chapter 59, section 59A, and this ordinance to negotiate agreements regarding the payment of outstanding real estate taxes, interest and penalties, (hereinafter "Abatement Agreements") with owners of eligible properties contaminated within the meaning of General Laws Chapter 21E, including abatements of those amounts determined by the collector/treasurer and the board of assessors needed by the property owner to make cleanup and redevelopment projects economically feasible.

5.68.020 Authority. The collector/treasurer and the board of assessors shall each have limited authority to accomplish the purposes of General Laws, Chapter 59, section 59A. The board of assessors shall have sole and exclusive authority to abate any outstanding real estate taxes. The collector/treasurer shall have sole and exclusive authority to abate interest and penalties. The board of assessors and the

collector/treasurer shall have the authority to enter into Abatement Agreement with eligible owners. These Abatement Agreements will require the property owner or occupant to demonstrate the need for tax relief to enable redevelopment of the site. The collector/treasurer and the board of assessors may consult with any city department or agency they deem necessary to accomplish the purposes granted under this ordinance.

5.68.030 Scope of authority. A. Abatement Agreements may cover property contaminated with oil or other hazardous materials and must be zoned for commercial or industrial use.

B. Abatement Agreements may be entered into only with an eligible person as that term is defined by General Laws Chapter 21E, section 2. Eligible person is a new "innocent" owner or operator who did not own the site at the time of the oil or hazardous material was released and did not cause or contribute to its release.

C. Abatement Agreements must specify the details agreed to regarding payment of any outstanding obligations and shall include, without limitation:

1. The amount the of any outstanding real estate taxes;
2. The rate of interest to accrue if determined applicable by the treasurer and property owner;
3. The amount of monthly payments;
4. The inception date of the final payment;
5. The date late penalties to be imposed; and
6. Any and all other contractual obligations arranged between the parties.

D. Any Abatement Agreement after negotiation by the appropriate parties shall be presented to the city council for review and approval within thirty a (30) day time period.

E. Abatement Agreements must be signed by the collector/treasurer, the board of assessors and the property owner and must be notarized and attested to by the city clerk. Copies of said Abatement Agreements must be provided to the Massachusetts Department of Environmental Protection, the federal Environmental Protection Agency, the Massachusetts Commissioner of Revenue, the city council and the property owner.

EFFECTIVE:

APRIL 11, 2001

ATTEST:



CITY CLERK

CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND

AN ORDINANCE.



AMENDING TITLE 9, CHAPTER 9.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS FURTHER AMENDING BY ADDING A NEW SECTION 9.08.050 - RESTRICTED USE OF CERTAIN STREETS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 9, Chapter 9.08, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new Section 9.08.050 as follows:

Sections:

9.08.050 Certain commercial vehicles on Edgemont Street.

9.08.050 Certain commercial vehicles on Edgemont Street. A. Except as otherwise by ordinance or order provided and except for the purpose of receiving or discharging a load at any residence or place of business along the street specified herein, no person having charge of any commercial motor vehicle, not a passenger vehicle, shall cause or permit the same to pass in any direction over any part of Edgemont Street.

B. Whoever shall violate or fail to comply with any of the provisions of the aforesaid section shall for each and every offense pay a fine of one hundred dollars (\$100.00).

APPROVED:

April 12, 2001

EFFECTIVE:

May 3, 2001

ATTEST:

CITY CLERK



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND ONE

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING CHAPTER 2.92 - SPRINGFIELD TECHNOLOGY COMMISSION IN ITS ENTIRETY AND INSERTING IN PLACE THERETO A NEW CHAPTER 2.92 - SPRINGFIELD TECHNOLOGY COMMISSION

Be it ordained by the City Council of the City of Springfield as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, by repealing Chapter 2.92 in its entirety and inserting in place the following new Chapter 2.92 thereto:

Chapter 2.92

SPRINGFIELD TECHNOLOGY COMMISSION

Sections:

- | | |
|----------|---|
| 2.92.010 | Establishment--Appointment and composition. |
| 2.92.020 | Meeting and minutes. |
| 2.92.030 | Powers and duties. |

2.90.010 Establishment--Appointment and composition. A. There shall be in the city a commission to be known as the Springfield Technology Commission, referred to in this chapter as the "commission," which shall advise the mayor on issues related to improving and expanding technology in the city.

B. The commission shall consist of nine (9) members, appointed by the mayor, based on recommendations from the chairperson, of which seven (7) members shall be city department heads or their designees and two (2) may be technology experts not necessarily employed by the city. All members shall serve for a period co-terminus with the term of the mayor and shall serve without compensation. The members shall consist of the following:

1. The chief of fire or his/her designated representative;
2. The chief of police or her/his designated representative;
3. The director of municipal information system or her/his designated representative;
4. The superintendent of schools or his/her designated representative;
5. The president of the city council or his/her designated representative;

and

6. The director of the Library and Museum Association or his/her designated representative;

C. An appointment to fill a vacancy shall be for the unexpired term of the vacating member.

D. The mayor shall designate one (1) of the members of the commission as chairperson.

E. All members of the commission shall serve with the right of a formal vote.

2.92.020 Meeting and minutes. A. The commission on technology shall meet at least once a month, and otherwise as needed, and shall elect a vice chairperson and secretary and such other officers as it deems necessary. The secretary shall keep minutes of the meeting.

B. The commission shall hold its annual meeting in January at which time the mayor shall appoint a chairperson and the members shall elect other officers for the ensuing year.

2.92.030 Powers and duties. A. The power and duties of the commission shall be:

1. Review and recommend plans for significant technology upgrading of city departments, including the school department;

2. Review and recommend ways to improve and expand the high technology infra-structure in the city of Springfield;

3. Make recommendations to the mayor and city council for the enactment of such ordinances and other legislation or action as in the judgment of the commission will improve and expand technology in the city;

4. Review and recommend ways to bring more technology to all public safety departments with an emphasis on police and fire;

5. Review and recommend strategies to attract high technology industries; and

6. Review and recommend ways to make high technology more accessible to the general public;

B. The city on behalf of the commission, may accept grants, gifts and donations from foundations and others for carrying out the commission's functions.

APPROVED:

May 10, 2001

EFFECTIVE:

May 31, 2001

ATTEST:



CITY CLERK



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND ONE

AN ORDINANCE.

AMENDING TITLE 9, CHAPTER 9.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS FURTHER AMENDING BY ADDING A NEW SECTION 9.08.060 - RESTRICTED USE OF CERTAIN STREETS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 9, Chapter 9.08, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new Section 9.08.060 as follows:

Sections:

9.08.060 Certain commercial vehicles on Holly Street, Indian Orchard.

9.08.060 Certain commercial vehicles on Holly Street, Indian Orchard. A. Except as otherwise by ordinance or order provided and except for the purpose of receiving or discharging a load at any residence or place of business along the street specified herein, no person having charge of any commercial motor vehicle, not a passenger vehicle, shall cause or permit the same to pass in any direction over any part of Holly Street, Indian Orchard.

B. Whoever shall violate or fail to comply with any of the provisions of the aforesaid section shall for each and every offense pay a fine of one hundred dollars (\$100.00).

APPROVED:

May 31, 2001

EFFECTIVE:

June 21, 2001

ATTEST:

CITY CLERK

**CITY OF SPRINGFIELD**

IN THE YEAR TWO THOUSAND AND ONE

AN ORDINANCE.

AMENDING TITLE 9, CHAPTER 9.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS FURTHER AMENDING BY DELETING TWENTY DOLLARS (\$20.00) IN FINES IN CERTAIN SECTIONS 9.08 - RESTRICTED USE OF CERTAIN STREETS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 9, Chapter 9.08, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby is further amending by deleting twenty dollars (\$20.00) in fines in certain sections 9.08 as follows:

Sections:

9.08.040 (B) Certain commercial vehicles on Pasco Road, Page Boulevard and Essex Street.

9.08.040 By deleting the subsection (B) in it entirety and inserting in place thereof the following:

B. Whoever shall violate or fail to comply with any of the provisions of the aforesaid section shall for each and every offense pay a fine of one hundred dollars (\$100.00).

APPROVED:

May 31, 2001

EFFECTIVE:

June 21, 2001

ATTEST:

CITY CLERK



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND ONE

AN ORDINANCE.

AMENDING TITLE 9, CHAPTER 9.08 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, IS FURTHER AMENDING BY ADDING A NEW SECTION 9.08.070 - RESTRICTED USE OF CERTAIN STREETS.

Be it ordained by the City Council of the City of Springfield as follows:

Title 9, Chapter 9.08, of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding a new Section 9.08.070 as follows:

Sections:

9.08.070 Certain commercial vehicles on South Branch Parkway.

9.08.070 Certain commercial vehicles on South Branch Parkway. A. Except as otherwise by ordinance or order provided and except for the purpose of receiving or discharging a load at any residence or place of business along the street specified herein, no person having charge of any commercial motor vehicle, not a passenger vehicle, shall cause or permit the same to pass in any direction over any part of South Branch Parkway

B. Whoever shall violate or fail to comply with any of the provisions of the aforesaid section shall for each and every offense pay a fine of one hundred dollars (\$100.00).

APPROVED:

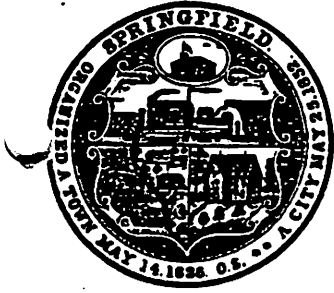
May 31, 2001

EFFECTIVE:

June 21, 2001

ATTEST:

CITY CLERK



CITY OF SPRINGFIELD
IN THE YEAR TWO THOUSAND AND ONE

AN ORDINANCE.

AMENDING TITLE 2 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING CHAPTER 7.20 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 2.96 THERETO - CAPITAL IMPROVEMENT PLANNING COMMITTEE

Be it ordained by the City Council of the City of Springfield as follows:

Title 2 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 2.96 thereto:

Chapter 2.96

CAPITAL IMPROVEMENT PLANNING COMMITTEE

Sections:

- 2.96.010 Establishment--Composition.
- 2.96.020 Duties and authority.
- 2.96.030 Annual report and recommendations.

2.96.010 Establishment--Composition. A. There shall be established in the city a committee to be known as the capital improvement planning committee hereinafter the "committee."

B. The committee shall be composed of five (5) members, one (1) of whom shall be the president of the city council or his/her designee; one (1) of whom shall be the planning director or his/her designee; one (1) of whom shall be the commissioner of community development department or his/her designee; one (1) of whom shall be the a member of the city council finance committee or his/her designee; one (1) of whom shall be the superintendent of schools or his/her designee. The city auditor and the chief financial officer or their designees shall be an ex-officio committee staff member without a right of vote. The committee shall choose its own chairman.

2.96.020 Duties and authority. The committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which are;

1. Purchased or undertaken at intervals of not less than five (5) years;
2. Have a useful life of at least five (5) years; and
3. Cost over ten thousand (\$10,000) dollars.

B. All department heads, boards, commissions and committees, including the mayor and the school committee shall by March 1 of each year, give the committee of a form prepared by it, information concerning all anticipated projects requiring city council action during the ensuing six (6) years.

C. The committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the city. No appropriation shall be voted for a capital improvement unless the proposed capital improvement is considered in the committee's report, or the committee shall first have submitted a report to the mayor and the city council explaining the omission.

2.96.030 Annual report and recommendations. A. The committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year and a capital improvement program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the mayor for his consideration and approval. The mayor shall submit the capital budget to the city council for approval.

B. Such capital improvement program, after its approval, shall permit the expenditure on projects included therein of sums from departmental budgets for survey, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the city council through the appropriation of sums in the current year or in prior years, or for preliminary planning for the projects to be undertaken more than (5) years in the future.

C. The committee's report and the mayor's recommended capital budget shall be filed with the city clerk as a public record.

EFFECTIVE:

JULY 2, 2001

ATTEST:



CITY CLERK

CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND ONE

AN ORDINANCE.

AMENDING TITLE 7 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING CHAPTER 7.20 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 7.20.020 THERETO - UNREASONABLE NOISE

Be it ordained by the City Council of the City of Springfield as follows:

Title 7 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by adding the following new Chapter 7.20 thereto:

Chapter 7.20UNREASONABLE NOISESections:

- | | |
|----------|---|
| 7.20.010 | General prohibition and definitions. |
| 7.20.020 | Unreasonable noise--Making automobile safety devices. |
| 7.20.030 | Unreasonable noise from automobile safety devices. |
| 7.20.040 | Regulation of construction hours. |
| 7.20.050 | Noise levels at residential lot lines. |
| 7.20.060 | Disturbing the peace. |
| 7.20.070 | Prohibition against loud amplification devices in motor vehicles. |
| 7.20.080 | Prohibition against loud amplification devices in public way or places. |
| 7.20.090 | Prohibition against loud amplification devices in or on residential premises. |
| 7.20.100 | Arrest and seizure of property. |
| 7.20.110 | Exemptions. |
| 7.20.120 | Enforcement. |
| 7.20.130 | Violations--Penalties. |

7.20.010 General prohibition and definitions. A. No person shall make or cause to be made any unreasonable or excessive noise in the city, by whatever means or from whatever means or from whatever source. As used herein, the following terms shall have the following meanings:

1. "dBa" shall mean A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standard Institute, "Specifications for Sound Level Meter (ANSI S1.1-1971)", properly calibrated, and operated on the "A" weighting network.

2. "Loud amplification device or similar equipment" shall mean a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker, musical instrument, or other sound amplification device which is operated in such a manner that it creates unreasonable or excessive noise.

3. "Noise disturbance" shall mean any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

4. "Outdoor entertainment license" shall mean a separate license issued by the mayor's office to a person to allow performances, concerts, bands, or other activities within the licensed property boundaries under such terms and conditions and dBa levels found in section 7.20.010 (A)(6).

5. "Public right-of-way" shall mean any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

6. "Unreasonable or excessive noise" shall mean

a. Noise measured in excess of 50 dBa between the hours of 11:00 p.m. in residential areas and 7:00 a.m., or in excess of 65 dBa at all other hours; or

b. Noise measured in excess of 5 dBa over ambient of 65 dBa between the hours of 11:00 p.m. in commercial and industrial areas and 7:00 a.m., or in excess of 5 dBa over ambient of 75 dBa at all other hours; or

c. All readings shall be taken from the residential, commercial or industrial lot line or property boundary;

d. When said unreasonable noise emanates from an apartment building and is not in violation at the lot line or boundary, a meter reading or a fifty (50) foot distance shall apply within the complainant's apartment;

e. In the absence of an applicable noise level standard or regulation by the city, any noise plainly audible at a distance of one hundred (100') feet or, in the case of loud amplification devices or other similar equipment, noise plainly audible at a distance of fifty (50') feet from its source by a person of normal hearing.

7.20.020 Unreasonable noise making automobile safety devices. The use, maintenance, installation or keeping of any device whose purpose it is to protect an owner's vehicle from damage and/or then through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200') feet from such device which does not automatically terminate any such noise within five (5) minutes shall be unlawful. Penalty for violation of this section shall be a fine of fifty (\$50,00) dollars. This section shall be enforced pursuant to the provisions of chapter 1.16.010 of this ordinance and chapter 40, section 21D of the General Laws.

7.20.030 Unreasonable noise from automobile safety devices. The use of any device whose purpose it is to protect an owner's vehicle from damage and/or then through the

mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200') feet from such device which does not automatically terminate any such noise within five (5) minutes shall be declared an unlawful use of a noise making instrument. Penalty for violation of this section shall be a fine of fifty (\$50,00) dollars. This section shall be enforced pursuant to the provisions of chapter 1.16.010 of this ordinance and chapter 40, section 21D of the General Laws.

7.20.040 Regulation of construction hours. No erection, demolition, alteration, or repair of any building and excavation in regard thereto, except between the hours of 7:00 a.m. and 7:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to a permit from the code enforcement commissioner, which permit may be renewed for one or more periods not exceeding one (1) week each and is not plainly audible at a distance of one hundred (100') feet from the lot line of the lot on which said construction activity is located, except for emergency work of a public service utilities or general public works repairs of an emergency nature. Other special exceptions may be only authorized by the code enforcement commissioner in a written format.

7.20.050 Noise levels at residential lot lines. It shall be unlawful for any person except in emergencies by public utility companies to operate any construction device(s), including but not limited to impact devices, on any construction site if the operation of such device(s) emits noise, measured at the lot line of a residential lot in excess of 50 dBa between the hours of 6:00 p.m. and 7:00 a.m.

7.20.060 Disturbing the peace. A. It shall be unlawful for any person or persons in a residential area within the city of Springfield to disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any radio, phonograph or sound related producing device or instrument, or from the playing of any band or orchestra, or from the use of any device to amplify the aforesaid noise, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, or from the use of any device to amplify such noise provided, however, that any performance, concert, establishment, band, group or person who has received and maintains a valid outdoor entertainment license or permit from any department, board or commission of the city of Springfield authorized to issue such license or permit shall not cause or permit any noise in excess of 5 dBa over ambient of seventy-five (75) dBa between the hours of 7:00 a.m. and 11:00 p.m., or in excess of 5 dBa over ambient of sixty-five (65) dBa between the hours of 11:00 p.m. and 7:00 a.m., measured at a distance of fifty (50) feet from the property line or from the nearest affected dwelling unit. For the purpose of this section, unreasonable or excessive noise shall be defined as noise measured in excess of 5 dBa over ambient of sixty-five (65) dBa between the hours of 11:00 p.m. and 7:00 a.m. or in excess of 5 dBa over the ambient of seventy-five (75) dBa at all other hours when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit in the central business district only. The term dBa shall mean the A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI SIR 19711" properly

calibrated, and operated on the "A" weighting network. Any person aggrieved by such disturbance of the peace may complain to the police about such unreasonable or excessive noise. The police, in response to each complaint, shall verify by use of the sound level meter described herein that the noise complained of does exceed the limit described herein or is plainly audible at a distance of fifty (50') feet from the noise complained of as herein stated and if so, may thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint for violation of General Laws, chapter 272, section 53, which sets forth the penalties for disturbing the peace.

B. Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration (more than thirty (30) minutes) howls, barks, meows, squawks, or makes other sounds which creates a noise disturbance across a residential real property boundary. This provision shall not apply to public zoos.

C. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 11:00 p.m. and 6:00 a.m. in such a manner as to cause a noise disturbance across a residential real property boundary.

D. Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn mowers, garden tools, or similar device used outdoors in residential areas between the hours of 11:00 p.m. and 8:00 a.m. in such a manner as to cause a noise disturbance across a residential real property boundary. Snowblowers may be operated between the hours of 5:00 a.m. and 12:01 a.m. on the day of a snow storm or snow emergency.

7.20.070 Prohibition against loud amplification devices in motor vehicles. It shall be unlawful for any person in any area of the city to operate a loud amplification device or similar equipment, as defined in subsection 7.20.010, in or on a motor vehicle which is either moving or standing in a public right-of-way.

7.20.080 Prohibition against loud amplification devices in public ways or places. It shall be unlawful for any person in any area of the city to operate a loud amplification device or similar equipment, as defined in subsection 7.20.010, in a public right-of-way or in any other public place.

7.20.090 Prohibition against loud amplification devices in or on residential premises. It shall be unlawful for any person in any area of the city to operate a loud amplification device or similar equipment, as defined in subsection 7.20.010, in a dwelling house or on the land or other premises of such dwelling house.

7.20.100 Arrest and seizure of property. A. Notwithstanding the provisions of any other ordinance of the city, if a person is arrested by a Springfield police officer under the authority of the General Laws, including without limitation the provisions of General Laws chapter 272, section 54 for disturbing the peace or under General Laws chapter 272, section 53, or any applicable Massachusetts General Law, the arresting officer may, pursuant to said General Laws, seize any such loud amplification device or similar equipment, as defined in

subsection 7.20.010, as evidence. In the event of such seizure for evidence by a Springfield police officer incident to such arrest, such loud amplification device or similar equipment shall be inventoried and held by the Springfield police department or its agents, and shall be returned to its owner according to the terms of this section, unless a court of competent jurisdiction orders otherwise.

B. The arresting officer, in addition to any other reports or procedures required of him shall give the person claiming to be the owner of said loud amplification device or similar equipment a receipt indicating where, when, and for what reason said device or equipment was seized, and for what purpose it is being held. Copies of said receipt shall be filed in the Springfield police department and shall be made available to the court. No receipt shall be redeemed and no such device or equipment shall be returned to any person unless and until all judicial proceedings that may be held regarding the criminal allegations shall have been finally completed; provided, however, that if a motor vehicle shall be seized incidental to an arrest, such motor vehicle may be returned to its registered owner if said loud amplification device or equipment has been duly removed therefrom with the written permission of the registered owner of said motor vehicle. In such cases, the police department shall provide said owner with a receipt for the removed device or equipment as herein provided.

7.20.110 Exemptions. A. The following are exempted from the provisions of section 7.20 and shall not be considered unreasonable or excessive noise for purposes of this section:

1. Noise from law enforcement motor vehicles.
2. Noise from emergency vehicles which is emitted during an actual emergency.
3. Noise from license or permit granted by the mayor's office to community groups or community festivals or nonprofit organizations and nonprofit groups only, such as churches, synagogues, clubs, or lodges, organized for fraternal or social purposes, provided, however, that such noise shall be permitted only to the extent allowed by the license or permit.

7.20.120 Enforcement. The provisions of this ordinance may be enforced by any police officer, any special police officer designated by the board of police commissioner to do so, code enforcement commissioner and the director of health and human services. The housing court may enjoin violation of these subsections.

7.20.130 Violations--Penalties. A. Any person who violates the provisions of this ordinance shall for the first offense be fined fifty (\$50.00) dollars. The enforcing person shall make a record of the complaint, such record to include the following information (to the extent that it is available), name and address of person violating; name and address of landlord, if applicable; date; time; motor vehicle registration number, if applicable; and location of the violation. If the violator refuses to give the above-noted information or if any information proves false, said person shall be punished by a fine of an additional fifty (\$50.00) dollars. The enforcing person shall give the violator a notice of the violation and fine, and the violation and fine may be disposed of pursuant to General Laws chapter 40, Section 21D. A copy of each violation notice shall be sent to the landlord and to the school or university at which the violator is enrolled, when applicable.

B. The code enforcement commissioner shall keep and make available to the public and all persons authorized to enforce these provisions, and the certification or the information there appearing by an enforcing official to a court shall establish a rebuttable presumption of the accuracy thereof.

C. No person, being the landlord or person in charge of a residential structure shall permit, or suffer, the repeated violations of these ordinances, after notice thereof. Such person shall be punished at the time of the third such violation, and every violation thereafter within twelve (12) months of the first violation by a fine of one hundred (\$100.00) dollars in the case of the third, and two hundred (\$200.00) dollars for each thereafter. It shall be a defense that the landlord or person in charge of a residential structure shall have made good faith effort including the seeking of a court order, to prevent violations.

D. Any person who subsequently violates the provisions of this ordinance shall be punished by a fine of one hundred (\$100.00) dollars for the second offense, two hundred (\$200.00) dollars for the third offense; and three hundred (\$300.00) dollars for the fourth and subsequent offenses committed within a twelve (12) month period. All fines hereunder may be recovered by the non-criminal disposition procedures stated in chapter 1.16, section 1.16.010 of this ordinance and Chapter 40, Section 21D of the General Laws, which procedures are incorporated herein by reference; provided, however, that if a violator fails to follow the procedures and requirement of said Section 21D, the fine or fines shall be recovered by indictment or an complaint pursuant to General Laws chapter 40, Section 21.

E. Any performance, concert, establishment, band, group, or person who has received and maintains a valid license or permit from any department, board or commission of the city authorized to issue such a license or permit who violates the noise levels in section 7.20.060 for three (3) or more times in any twelve (12) month period, shall be provided with an opportunity for a public hearing within thirty (30) days of the third violation, before a hearing officer appointed by the mayor's office, preceded by a written notice to the licensee or permittee ten (10) day prior to the public hearing date. The mayor's office may not modify, suspend or revoke such license or permit, unless it is found that the license or permit, taken alone or in combination with other licensed activities on the premises, has adversely affected public health, safety, fire hazards, unreasonable noise, traffic, or parking in area of the premises. The city shall hold the public hearing to determine the measures necessary to ensure compliance with this ordinance and may add such conditions to the license or permit as the mayor's office deems necessary, including but not limited to, modifications, suspension or revocation of said license or permit.

APPROVED:

July 19, 2001

EFFECTIVE:

August 9, 2001

ATTEST:



CITY CLERK



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND ONE

AN ORDINANCE.

AMENDING TITLE 6 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, BY REPEALING CHAPTER 6.04 IN ITS ENTIRETY AND INSERTING IN ITS PLACE A NEW CHAPTER 6.04 - VICIOUS DOGS AND ANIMALS REGULATIONS

Be it ordained by the City Council of the City of Springfield as follows:

Title 6 of the Revised Ordinances of the City of Springfield, 1986, as amended, is hereby further amended by repealing Chapter 6.04 in its entirety and inserting in its place the following new Chapter 6.04 thereto as follows:

Chapter 6.04

VICIOUS DOGS AND ANIMAL REGULATIONS

Sections:

- | | |
|----------|--|
| 6.04.010 | Definitions. |
| 6.04.020 | Vicious dogs or other animal. |
| 6.04.030 | Control of dogs. |
| 6.04.040 | Dogs on school premises. |
| 6.04.050 | Removal of dog waste. |
| 6.04.060 | Impoundment--Notice of violation and emergency care. |
| 6.04.070 | Animal Care. |
| 6.04.080 | Keeping of wild animals. |
| 6.04.090 | Animal control officer. |
| 6.04.100 | Issuance of citations. |
| 6.04.110 | Advisory committee. |
| 6.04.120 | Enforcement. |
| 6.04.130 | Violations--Penalty. |

6.04.010 Definitions. For the purpose of this chapter, the following definitions shall be applicable:

- A. "Animal" means any live, vertebrate creature, domestic or wild.
- B. "Animal-domestic" means any dog, cat, horse, cow, sheep, goat, pig or domestic fowl.
- C. "Animal-wild" means any racoon, skunk, fox, leopard, panther, tiger, lion, lynx

or other similar warm-blooded animal wild by nature, or poisonous reptiles, normally found in the wild.

D. "Animal control center" means any facility operated by or for the City or the authorized agents thereof for the purpose of impounding or caring for animals held under the authority of this chapter or Massachusetts General Laws.

E. "Animal control officer" means any person designated by the city, including representatives of the Thomas J. O'Connor Animal Control Center, or its successors to handle and manage issues dealing with domestic animals.

F. "Animal exhibition" means any display containing one or more animals which are exposed to public view for entertainment, instruction or advertisement, excluding state and county fairs, livestock shows, rodeos, purebred dog and pedigreed cat shows, obedience trials and competitions, field trials, and any other fairs and exhibitions intended to advance agricultural arts and sciences.

G. "Auction" means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This term does not apply to isolated sales of individual animals by owners.

H. "Circus" means a commercial variety show featuring animal acts for public entertainment.

I. "Dealer" means any person who, for compensation or profit, buys for resale any animals, whether alive or dead, for research, experimentation, testing, or exhibition (except as an exhibitor as herein defined) or for use as pets.

J. "Commercial animal establishment" means any pet shop, grooming shop, auction, zoological park.

K. "Grooming shop" means a commercial establishment where animals are: bathed, clipped, plucked, or otherwise groomed.

L. "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or a place where four or more cats or dogs or any combination of four (4) such animals are kept, whether by the owners of the animals or by other persons, with or without compensation.

M. "Licensing authority" is the city clerk as provided by the General Laws of the Commonwealth of Massachusetts.

N. "Owner" means any person, firm, corporation, organization, or department owning, keeping, having an interest in, or having care, custody, or control of, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. If the owner of an animal is a minor, the parent or guardian of said minor shall be considered the owner.

O. "Performing animal exhibition" means any spectacle, display, act, exhibit, or event other than circuses, in which performing animals are used.

P. "Pet" means any animal kept for pleasure rather than utility.

Q. "Pet shop" means any person, partnership or corporation, whether operated separately or in connection with any other business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals.

R. "Physical restraint" means muzzled and on a leash not to exceed six (6) feet and controlled by an adult physically capable of controlling such dog. The muzzle must not

cause injury to the dog but must prevent it from biting any person or animal.

S. "Potentially vicious dog" means any dog that:

1. When unprovoked, inflicts bite(s) on human or domestic animals on public or private property;
2. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

T. "Public nuisance" means any animal which:

1. Molests or threatens passersby or passing vehicles;
2. Threatens other animals;
3. Trespasses on school grounds or private property;
4. Is repeatedly at large five (5) or more times;
5. Damages private or public property;
6. Barks, whines, howls, or makes any noise natural to its species in an excessive, continuous, or untimely fashion so as to disturb the peace;
7. Creates excessive offensive odor.

U. "Restraint" means any leash, lead, or other physical restraint.

V. "Secure enclosure" means a secure enclosure shall be a minimum of five (5) feet wide, ten (10) feet long, and five (5) feet in height above the grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting posts. To prevent escape of the animal, the floor shall be at least three (3) inches of poured concrete with the bottom edge of said fencing embedded in the concrete or extending at least one (1) foot below grade. The gate must be of the same material as the fencing, fit closely and be securely locked or otherwise deemed secured by the animal control center. The Owner shall post the secure enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The enclosure must contain and provide protection from the elements for the dog or other animals mentioned before and shall comply with Massachusetts General Laws Chapter 272, section 77 (Cruelty to Animals).

W. "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member or organ.

X. "Veterinary hospital or clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries of animals.

Y. "Vicious dog" means any dog that has:

1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. Killed a domestic animal without provocation while off the owner's property; or
3. Been found to be potentially vicious, and after the owner has notice that the dog is potentially vicious, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Z. "Wildlife control officer" means any person designed by the state or the City to handle and control issues dealing with wild animals or any dangerous rabid or potentially rabid animal.

AA. "Zoological park" means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domestic animals operated by any person, partnership or corporation or any governmental agency.

6.04.020 Vicious dogs or other animal. A. To consider declaring a dog or other animal vicious or potentially vicious, an animal control officer, a health and human services employee, or any humane officer or the chief of police or any police officer may initiate a special hearing before the special hearing committee ("hearing committee") to consider any evidence collected and take charge of and impound the animal. The center shall notify the owner of the dog by certified letter of such special hearing and owner may attend and have an opportunity to be heard. At this special hearing the hearing committee will determine whether to declare such dog or other animal vicious or potentially vicious. If the dog or other animal is declared vicious or potentially vicious the city clerk shall notify the abutter next door and across the street by certified mail return receipt requested and the classified section on the local newspaper (i.e., animals: dogs and cats, section) of such finding at the owner's sole expense. If a dog or other animal owned by a resident of the city of Springfield has been found to be vicious, the ownership of the dog cannot be transferred. No dog or other animal shall be declared vicious or potentially vicious if the threat, injury or damage was sustained by a person committing a crime, or was provoked by a person or animal cruelly abusing the dog or other animal.

B. If the dog or other animal is declared vicious or potentially vicious, the owner will have a two (2) week period in which to have a secure enclosure constructed to house the dog or other animal when it is in the owner's yard. During such period, the dog or other animal will be publicly impounded, at an animal shelter or a private veterinary hospital until the secure enclosure is constructed before the dog or other animal is released. If the owner chooses not to build the dog or other animal a secure enclosure or if said dog or other animal is found on a property not owned or controlled by its owner or not restrained in the secure area, an order that the dog or other animal be euthanized will be issued. The effectiveness of the secure enclosure shall be subject to periodic inspections by such officer, as deemed necessary. The fee for said inspection shall be seventy-five dollars (\$75.00). If the owner is found violating the secure enclosure requirements, immediate public impoundment of the dog(s) or other animal(s) shall be taken by the center during the time the violation continues to exist, the owner shall bear all cost for such public impoundment. The said fine for such violation shall be two hundred dollars (\$200.00) per day or part of the day the violation is allowed to exist.

C. If the owner of a vicious or potentially vicious dog or other animal does not have a secure enclosure constructed during the two (2) week period, the dog or other animal may be destroyed, during the same two (2) week period, unless the owner files an appeal with the hearing committee. If such an appeal is filed, it will be heard within three (3) weeks of the appeal. The determination by the hearing committee shall be final and binding subject to appeal only under the provisions of chapter 30A of the General Laws.

D. Any and all costs for the impounding of the dog involved will be borne by the owner unless determined otherwise by the hearing committee or court of final appeal.

E. If a vicious or potentially vicious dog or other animal bites or attacks a person, the dog shall be impounded and quarantined for the proper length of time for rabies observation. Confinement of the animal may be accomplished at an animal shelter, or at a private veterinary hospital and any charges incurred shall be the responsibility of the owner. A summons shall be issued to the owner of such animal. The dog or other animal may be destroyed within ninety (90) days unless an appeal is taken by the owner involved to the hearing committee within thirty (30) days of the impoundment. Any determination by the hearing committee shall be final and binding subject to appeal only under the provisions of chapter 30A of the General Laws.

F. Any costs of impoundment will be borne by the owner absent a contrary decision by the hearing committee or the courts. This provision shall not apply if the threat, damage or injury was sustained by a person committing a crime, or was provoked by a person cruelly abusing the dog or other animal.

G. Any dog or other animal, whether or not it has been declared vicious or potentially vicious, which attacks a person and thereby caused death or serious bodily injury will be impounded and quarantined for the proper period of time for rabies observation. A summons shall be issued to the owner of such dog or other animal. The dog or other animal must be destroyed within ninety (90) days unless an appeal is taken by the owner involved to the hearing committee within thirty (30) days of the impoundment. Any determination by the hearing committee shall be final and binding subject to appeal only under the provisions of chapter 30A of the General Laws.

H. During such period, the dog or animal will be publicly impounded, have a micro chip inserted with the shelter information not the owner and all cost associated with the impoundment and micro chip will be paid by the owner.

I. This provision shall not apply if the threat, damage, or injury was sustained by a person who was committing a crime, or was provoked by a person cruelly abusing the dog or other animal.

J. An owner may transport a vicious dog or potentially vicious or other animal within city limits for medical or veterinary care provided said animal is properly restrained by being both muzzled and leashed, with the leash not to exceed the length of six (6) feet.

K. Any person under whose name a vicious dog or potentially vicious or other animal is licensed, shall at all times that he or she possesses the dog or other animal, maintain in full force and effect, a liability insurance policy of at least one hundred thousand dollars (\$100,000) for the benefit of the public safety. A certificate of insurance from the liability insurance company shall be filed with the city clerk's office.

L. Owners of a vicious dog or potentially vicious or other animal found within the city of Springfield and not properly licensed shall be subject to a fine of one hundred dollars (\$100.00).

M. Each day or part of a day there exists a violation of any of the provisions of this ordinance shall constitute and be punishable as a separate offense.

N. Compliance with the requirements of this chapter shall not be a defense to an order of disposal for a vicious dog or potentially vicious pursuant to Chapter 140, section 157 of the General Laws.

O. Special hearing committee. There is hereby established a "special hearing committee" (hereinafter the "hearing committee") that shall consist of five (5) members; the city clerk or designee, the chief of police or designee, the president of the city council or designee, the president or designee of the Springfield kennel club, and a member of the Thomas J. O'Connor's Animal Control Center ("center") or its successor advisory board. The hearing committee members will elect a chairperson and such other officers as they may deem necessary and shall meet at least monthly or as needed.

1. All members shall be a resident of the city; and
2. Hold hearings to determine whether a dog or other animal is vicious or potentially vicious in the city.

6.04.030 Control of dogs and other animals. A. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

B. Every female dog in heat shall be confined in a building or enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding.

C. It shall be unlawful for any owner to keep, harbor or maintain on or off their premises any vicious or potentially vicious dog or domestic animal, unless such dog or domestic animal is within the owner's house, in a secure enclosure, on physical restraint or unless such dog or domestic animal is under the control of a law enforcement officer on or about their official duties. Any domestic animal found in violation hereof shall be immediately impounded. A summons shall be issued to the owner of the dog or domestic animal.

D. It shall be unlawful for any person owning, keeping, harboring, or possessing any cats, rabbits, horses, goats, llama, buffalos, hogs, sheep, cattle, or other animals, chickens, ducks, geese or any other birds or poultry, to permit or allow the same to go at large any time within the limits of the city, to the damage or annoyance of any of the residents of the city. The keeping of wild animals must meet all requirements of Massachusetts General Laws and federal laws.

6.04.040 Dogs on school premises. A. Notwithstanding any other ordinance, rule or regulation to the contrary, no person either the owner or keeper of a dog or other animal shall allow his dog or other animal to be upon any school grounds, between the hours of eight (8:00) a.m. to four (4:00) p.m. on any day that schools are in session or during any athletic event or contest, regardless of the time of day or whether school in session or not (except for a school team mascot or service dogs).

B. Any owner or keeper of a dog or other animal who fails to comply with the provisions of this ordinance shall be subject to a non-criminal ticket in the amount of fifty (\$50.00) dollars. The police department, animal control officers and humane officers may enforce this ordinance. Further, any police officer, animal control officer or humane officer may remove the offending dog or other animal to a suitable animal shelter and any charges to recover said animal shall be payable by the said owner or keeper.

6.04.050 Removal of dog waste. A. The owner of every dog or person(s) who possess or control the dog or other animal shall be responsible for the removal of any fecal matter deposited by his animal(s) on public walks, recreation areas or private property. "Owner" includes person(s) who possess or control the dog.

B. The owner or person(s) who possess or control the dog or other animal when appearing with the dog on any public walk, street, recreation area or private property shall possess the means of removal of any fecal matter left by such dog or other animal.

C. For the purposes of this ordinance, the means of removal shall include any tool, implement or other device carried for the purpose of picking up or containing such fecal matter. Disposal shall be accomplished by transporting such fecal matter to a place suitable and regularly reserved for the disposal of human fecal matter specifically reserved for the disposal of dog or other animal fecal matter or otherwise designated as appropriate by the director of health and human services.

D. Any owner or person(s) who possess or control the dog or other animal who fails to comply with the provisions of this section shall be subject to a non-criminal ticket in the amount of fifty (\$50.00) dollars. The police department, animal control officers, health and human services department and humane officers may enforce this ordinance.

6.04.060 Impoundment--Notice of violation and emergency care. A. Any domestic animal determined to be a nuisance by a police officer, or wildlife or animal control officer shall be taken by the police, animal control officer or wildlife control officer and impounded and confined in a humane manner.

B. Unclaimed impounded domestic animals or nuisance animals must be kept for not less than ten (10) days, after which if not reclaimed, adopted or released for adoption, the impounded domestic or nuisance animals may be humanely euthanized. The city shall not be liable for any disposition of such animals in accordance with this ordinance. If not reclaimed, adopted or released for adoption after a reasonable length of time, as determined by the animal control authorities involved, the domestic or nuisance animals shall be humanely euthanized.

C. If by a license tag or by other means the owner of the impounded animal can be identified, the animal control officer involved, immediately upon impoundment, or as soon as practical thereafter, shall attempt to notify the owner by telephone or by prepaid certified mail.

D. An owner claiming an impoundment animal shall pay reasonable fees and expenses as the city, hearing committee or the center may from time to time adopt or approve by appropriate administrative ordinance or resolution. It is the intent that all costs, including medical care, for care of an impounded animal area to be the responsibility of the owner of the animal.

E. Minimal emergency medical care means:

1. Any sick or injured animal found at large within the city may be taken to any veterinarian for minimal emergency care or euthanasia; in which case the veterinarian shall notify the animal control center, or animal control officer immediately.

2. If the owner of such animal can be identified, the animal control officer shall attempt to notify the owner immediately or as soon as practical thereafter. In any case,

such owner shall be liable for any expense incurred with respect to such animal.

3. If the owner of such animal cannot be identified within twenty-four (24) hours, the animal shall become the property of the impounding authority. If, during the initial twenty-four (24) hour period, it is recommended, in writing, by a veterinarian that the animal is in such pain and has no reasonable hope of recovery, the animal may be humanely euthanized. The city shall not be liable for any expense with respect to such animal at any time unless expressly authorized by the city or its agents.

4. If after minimal emergency care such animal can be safely impounded, the animal control officer may impound such animal subject to disposition in accordance with this ordinance.

6.04.070 Animal care. A. Every owner shall provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and provide humane care and treatment.

B. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, or bullfight, or any other combat between animals or between animals and humans.

C. No owner of an animal shall abandon such animal.

D. Chickens or ducklings younger than eight (8) weeks of age shall not be sold by any person in quantities of less than twenty-five (25).

E. No person shall give away any live animal, reptile, fish, or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter, any place of amusement; or offer any vertebrate as an incentive to enter into any business agreement wherein the offer was for the purpose of attracting trade.

F. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by an animal, provided that it shall not be unlawful for a person to expose to his own property common rat poison mixed only with vegetable substances.

G. The animal control officer, a health and human services employee, or any humane officer or police officer may initiate before a district court judge a search warrant for any premises upon a showing of probable cause to believe that a violation of any provision of this chapter is occurring or has occurred within a reasonable time thereon; and take charge of and impound the animals or fowl involved in such violations. The matter of disposition of any such animal shall be determined by a district court judge.

6.04.080 Keeping wild animals. A. No person shall keep or permit to be kept on his premises any wild or vicious animals for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing wild animal exhibitions or circuses.

B. No person shall keep or permit to be kept on his premises any wild animal as a pet.

C. The animal control officer may issue a temporary permit for the keeping of any wild animals native to this area which has been deemed to be homeless and incapable of survival in the wild.

D. The animal control officer shall have the power to release or order the release of any wild animal kept under temporary permit which is deemed to be capable of survival in the wild.

6.04.090 Animal control officer. The city shall designate an animal control officer and deputy animal control officers and/or shall delegate such responsibility and authority to the center, or like facility, whose primary responsibilities shall include the enforcement and implementation of this ordinance or any rules and regulations promulgated thereunder. The animal control officer shall coordinate and administer the activities involving the animal control program in accordance with any goals, policies, and procedures established by the Springfield city council or department of health and human services as the circumstances dictate, and shall be under the direction and supervision of the city clerk or the mayor.

6.04.100 Issuance of citations. A. Police officers, domestic or wildlife control officers and health and human services department officers, the animal control director involved or any duly appointed deputy, or a dog officer under his/her jurisdiction is hereby authorized to issue a citation to any individual who, in his/her opinion, is in violation of the terms and conditions of this chapter. Said fines may be contested to the hearing committee by filing a protest within ten (10) days of the date of the citation, with the city clerk. The decision of the hearing committee shall be final and binding although subject to appeal under the provisions of chapter 30A of the General Laws.

B. All dogs or cats six (6) months of age or older shall be immunized against rabies by a licensed veterinarian. The owner must have in his possession a current vaccination certificate subject to the inspection of the animal control officer, or designated agent of the city.

C. If any dog or cat has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, the animal control officer or the state animal inspector may cause such dog or cat to be confined or isolated for such period of time as he deems necessary. Confinement of the animal may be accomplished at an animal shelter, or at a private veterinary hospital and any charges incurred shall be the responsibility of the owner.

6.04.110 Advisory committee. A. There is established in the city a committee to be known as the dog advisory committee hereinafter the "advisory committee."

B. The advisory committee shall be composed of five (5) members; the city clerk or designee, the chief of police or designee, the president of the city council or designee, the president or designee of the Springfield Kennel Club, and a member of the Thomas J. O'Connor's Animal Control Center or its successor advisory board, all who shall be a resident of the city.

C. The members of the advisory committee shall elect one (1) member as a chairperson and such other officers as they may deem necessary.

D. The advisory committee shall the right and duty to:

1. To meet monthly or at such times as the chairperson or a majority of the committee deems necessary.

2. To study, review and issue written reports on issues dealing with dogs and other animals in the city.

3. To make recommendations to the mayor and the city council for the

improvement of ordinances of the city as they relates to dog and other animals.

4. To act in an advisory capacity to the city council as it relates to the issues of dogs and other animals in the city.

6.04.120 Enforcement. The provisions of this chapter shall be enforced by the police officers, animal control officers, domestic or wildlife control officers and health and human services department officers. It shall be a violation of this chapter to interfere with any such person in the performance of their duties, or to take any animal from the person without designated authority. All enforcement officials shall verbally and electronically (i.e., fax/e-mail) their report of a violation of this ordinance to the center and the police department who shall be designated as the keeper of records for the purpose of the public records laws.

6.040.130 Violations--Penalties. For violations not set forth in the chapter the penalties shall apply. A. Criminal disposition. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed three hundred dollars (\$300).

B. Noncriminal disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under chapter 1.16.010. This chapter shall be enforced by police officers, animal control officers, domestic or wildlife control officers and health and human services officers. The penalty for each violation shall be fifty dollars (\$50) for each day or part of a day during which the violation is committed, continued, or permitted.

APPROVED:

November 14, 2001

EFFECTIVE:

December 5, 2001

ATTEST:



CITY CLERK