

# CITY OF SPRINGFIELD



REVISED ORDINANCES OF 2012

Ordained by the City Council May 21, 2012

As amended through December 31, 2015

## **Chapter One - GENERAL PROVISIONS**

ARTICLE I:	Adoption of Code (§ 1-1 — § 1-15)
ARTICLE II:	Interpretation (§ 1-16 — § 1-17)
ARTICLE III:	Seal and Flag (§ 1-18 — § 1-19)
ARTICLE IV:	Ordinances (§ 1-20 — § 1-23)
ARTICLE V:	Enforcement and Penalties (§ 1-24 — § 1-25)
ARTICLE VI:	Ward Boundaries (§ 1-26 — § 1-34)

### **§ 1-1. Adoption of Code.**

The ordinances of the City of Springfield of a general and permanent nature adopted by the City Council, as previously consolidated in the 1986 Code of the City of Springfield, and the ordinances of a general and permanent nature adopted by the City Council subsequent to that date, all as revised, codified and consolidated into chapters and sections by General Code LLC, and consisting of Chapters 1 through 417, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the City of Springfield, hereinafter known and referred to as the "Code."

### **§ 1-2. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force. This ordinance shall not affect the acceptance and adoption of any Act of the Legislature heretofore lawfully accepted and adopted.

### **§ 1-3. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

### **§ 1-4. Inclusion of ordinance in Code.**

This ordinance shall, upon adoption, be included in the Code as Chapter 1, General Provisions, Article I, Adoption of Code.

### **§ 1-5. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Springfield by impressing thereon the Seal of the City as provided by law, and such certified copy shall remain on file in the office of the Clerk of the City to be made available to persons desiring to examine the same during all times while the Code is in effect.

**§ 1-6. Publication; filing.**

The Clerk of the City of Springfield, pursuant to law, shall cause to be published, in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-7. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the City Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Springfield" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be published as amendments and supplements thereto.

**§ 1-8. Inclusion of new legislation prior to adoption of Code.**

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-14A and prior to the effective date of this ordinance given in § 1-3 are hereby deemed to be part of the Code and shall, upon publication, be included therein.

**§ 1-9. Code to be kept up-to-date.**

It shall be the duty of the Clerk, or someone authorized and directed by him or her, to keep up-to-date the certified copy of the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are published as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-10. Sale of Code; supplementation.**

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be set by the City Council, which may also arrange for procedures for the periodic supplementation thereof.

**§ 1-11. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner

whatsoever which will cause the law of the City of Springfield to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a penalty as set forth in Article V of this chapter.

**§ 1-12. Severability.**

- A. Severability of Code provisions. Each section of the Code, and every part of each section, is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-13. Repeal of inconsistent ordinances.**

All ordinances of a general and permanent nature of the City of Springfield in force on the date of the adoption of this ordinance which are inconsistent with any provisions of the Code and not contained herein or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance; provided, however, that such repeal shall not in any way revive any ordinance hereto repealed or superseded, nor any office heretofore abolished. All persons who, at the time when such repeal takes effect, hold any office under any of the ordinances repealed shall continue to hold the same according to the tenure thereof, except those offices which have been abolished, and those as to which a different provision has been lawfully made.

**§ 1-14. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-13 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to January 1, 2010.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision, or any penalty, punishment or forfeiture which may result therefrom.

- D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place, or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. Any ordinance providing for salaries or compensation.
- L. Any ordinance relating to traffic or parking.
- M. Any ordinance establishing or amending the Salary Schedule.
- N. Any zoning ordinance or ordinance amending the Zoning Map.
- O. Any subdivision regulations or amendments thereto.

**§ 1-15. Changes in previously adopted ordinances.**

In compiling and preparing the ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the City Council that all said changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

Article II. Interpretation

**§ 1-16. Rules of construction.**

In the construction of the revised ordinances, and of all other ordinances of the City, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council:

- A. "City" shall be construed as if the words "of Springfield" followed.
- B. Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.
- C. "Council" means the City Council.
- D. "County" means the County of Hampden, Commonwealth of Massachusetts.
- E. Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- F. "Law" denotes applicable federal law, the Constitution, statutes and regulations of the Commonwealth of Massachusetts, the ordinances of the City of Springfield and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- G. "May" is permissive.
- H. "Month" means a calendar month.
- I. "Must" and "shall" are each mandatory.
- J. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- K. "Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such case the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- L. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

- M. "Owner," as applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or of a part of such building or land.
- N. "Person" extends and is applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.
- O. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- P. "Preceding" and "following" mean next before and the next after, respectively.
- Q. "Property" includes real and personal property.
- R. "Real property" includes lands, tenements and hereditaments.
- S. "Sidewalk" means that portion of a street between the curblin and the adjacent property line improved for the use of pedestrians.
- T. "Street" is construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the City.
- U. "Tenant" or "occupant," applied to a building or land, includes any person holding a written or oral lease or who occupies the whole or part of such building or land, either alone or with others.
- V. Time. Words used in the past or present tense include the future as well as the past and present.
- W. "Written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.

**§ 1-17. Catchlines of sections.**

The catchlines of the several sections of the revised ordinances printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Article III. Seal and Flag

**§ 1-18. City Seal.**

- A. Generally. The design annexed on this page, as executed by Richard Paine, shall be the device of the City Seal, the inscription being as follows: "Springfield, organized a town May 14, 1636, O.S., a City May 25, 1852."
- B. Custodian. The City Clerk shall be the custodian of the City Seal.

**§ 1-19. City flag.**

The City adopts by this section a City flag in details as follows:

- A. Such flag shall have an inner blue field bordered with gold and set in an outer white field.
- B. In the center of the blue field, on both the front and reverse thereof, shall be a white shield bordered with gold.
- C. Arched above the shield and set in the blue field shall be a scroll in gold bearing the inscription "Springfield."
- D. Upon the seal shall be a likeness in gold of the St. Gaudens statue of Deacon Samuel Chapin.
- E. Within the shield and below on both sides flanking said likeness shall be a scroll in gold bearing the inscription "A Town May 14, 1636 O.S. Organized A City May 25, 1852," all in substantial conformity with the design executed by Charles H. Restall and filed in the office of the City Clerk.

Article IV. Ordinances

**§ 1-20. Defined; style of enactment.**

All bylaws passed by the City Council shall be termed "ordinances," and the enacting style shall be: "Be it ordained by the City Council of the City of Springfield, as follows: . . ."

**§ 1-21. Recordation.**

- A. All ordinances which shall be passed by the City Council shall be endorsed or recorded by the City Clerk, in a fair, legible hand, or by such other electrical or mechanical printing device as the City Clerk authorizes, in the order in which they shall pass to be ordained, in a book to be kept for that purpose.
- B. This section shall be deemed to be complied with, however, insofar as a revision of the ordinances of the City which is published in book form is concerned, if the City Clerk certifies on a bound copy of such revision that it is the official record copy of such revised ordinances and if he files such official record copy with the ordinance record books in the City Clerk's office.



**§ 1-22. Publication.**

All the ordinances of the City Council shall be published by causing the same to be inserted in such newspaper printed and published in the City as the City Council by order directs.

**§ 1-23. Effective date.**

Every ordinance which does not expressly prescribe the time when it shall go into operation shall take effect 20 days from and after its passage.

Article V. Enforcement and Penalties

**§ 1-24. 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 \$300.

**§ 1-25. 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 MGL c. 40, § 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 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 section, 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.

Ordinance	Violation	Enforcement	Penalty
§ 140-1	State Building Code Violation	Building Inspectors	\$25 - \$1000 per day
§ 140-2	State Sanitary Code Violation	Housing Code Enforcement	\$25 - \$300 per day
§ 140-4	State Plumbers and Gas Fitters Code Violation	Building Inspectors	\$25 - \$300 per day
§ 140-5	State Electrical Code Violation	Building Inspectors	\$25 - \$300 per day

§ 140-6	State Fire Safety Code Violation	Fire Department Inspectors	\$25 - \$300 per day
§ 140-7	State Lead Poisoning and Control Code Violation	Housing Code Enforcement	\$25 - \$300 per day
§ 322-1	Removal of snow from sidewalks and hydrants	Fire Department	\$25
§ 327-7	Placement of containers for ashes and rubbish	Housing Code Inspectors	\$50
§ 327-14	Unregistered motor vehicle on premises	Housing Code Enforcement	\$50
	Rules and regulations of the Board of Park Commissioners: any rule or regulation	This ordinance may be enforced by the Superintendent, all deputies, all assistant deputy superintendents, 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.	\$50
	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	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.	\$50
	Zoning Ordinance, Section 2005(8), Conditions attached to special permit approvals	Building Inspectors	\$50

<b>Ordinance</b>	<b>General Ordinances</b>	<b>Enforcement</b>	<b>Penalty</b>
Ch. 110, Art. I	Animal control, except as specifically set forth in Chapter 110, Article I	Animal Control Officer	\$50
§ 118-10	Handbills and signs	Department of Public Works, Park Department	\$50
§ 143-3	Numbers on buildings	Department of Public Works, Fire Department, Code Enforcement	\$50
Ch. 240	Loitering	Park Department	\$50
Ch. 259	Noise	Park Department	\$50
§ 275-2	Alcoholic beverages	Park Department	\$50
Ch. 279, Art. I	Hawkers and peddlers	Public Health Department	\$50
Ch. 279, Art. III	Charitable solicitations		\$50
Ch. 279, Art. IV	Transient vendors	Public Health Department	\$50
Ch. 285, Art. II	Regulating the maintenance of vacant and/or foreclosing residential properties and foreclosures of owner-occupied residential properties	Building Commissioner, Fire Department, Code Enforcement	\$300
Ch. 322	Snow and ice removal	Department of Public Works	\$50
§ 327-4	Leaves and yard waste collection	Department of Public Works	\$50
§ 327-7	Rubbish collection	Department of Public Works	\$50
§ 327-13A	Litter in public places	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-13B	Placement of litter in receptacles to prevent scattering	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100
§ 327-13C	Sweeping litter into the gutter prohibited	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100
§ 327-13D	Merchants duty to keep sidewalk free of litter	Public Health Department, Department of Public Works,	\$100

<b>Ordinance</b>	<b>General Ordinances</b>	<b>Enforcement</b>	<b>Penalty</b>
		Park Department, Conservation Commission, Code Enforcement	
§ 327-13E	Litter thrown by persons in vehicle	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-13F	Truck loads causing litter	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-13G	Litter in parks and property under control of Park Department	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-13H	Litter in lakes, rivers, streams and fountains	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-13I	Handbills, posters and political signs	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100 per sign
§ 327-13J	Throwing or distributing handbills in public places	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100
§ 327-13K	Placing handbills on vehicles	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100
§ 327-13L	Prohibiting distribution of handbills where posted	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100
§ 327-13M	Depositing handbills on uninhabited or vacant	Public Health Department, Department of Public Works,	\$100

<b>Ordinance</b>	<b>General Ordinances</b>	<b>Enforcement</b>	<b>Penalty</b>
	premises	Park Department, Conservation Commission, Code Enforcement	
§ 327-13N	Distributing handbills at inhabited private premises	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100
§ 327-13P	Dropping litter from aircraft	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$100
§ 327-13Q	Posting notices prohibited	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-13R	Litter on occupied private land	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-13S	Litter on vacant lots	Public Health Department, Department of Public Works, Park Department, Conservation Commission, Code Enforcement	\$300
§ 327-15	Shopping carts	Park Department	\$50
Ch. 327, Art. II	Recycling collection	Department of Public Works	\$50
§ 338-30	Maintenance of tree belts	Public Health Department, Department of Public Works	\$50
§ 338-52	Motor vehicle repairs on sidewalks or streets	Department of Public Works	\$50
§ 338-53	Vehicles crossing curbs	Department of Public Works	\$50
§ 338-57	Sales in streets	Department of Public Works, Public Health Department	\$50
§ 338-58	Sales from motor vehicles	Public Health Department	\$50
§ 338-62	Gates and doors	Department of Public Works	\$50
§ 338-64	Playing in streets		\$50
Ch. 351	Tag/Garage sales		\$50
§ 368-1	Significant trees	Park Department	\$50
§ 368-4	Cutting trees on public	Park Department,	\$50

<b>Ordinance</b>	<b>General Ordinances</b>	<b>Enforcement</b>	<b>Penalty</b>
	property	Department of Public Works	
Ch. 379, Art. I	Abandoned motor vehicles	Department of Public Works	\$50
§ 385-9	Emergency parking ban	Department of Public Works	\$50
Ch. 385, Art. VII	Permit parking	Department of Public Works	\$50
§ 385-42	Crossing to avoid traffic signals		\$50
Ch. 401	Bulk and waste hauling services	Public Health Department, Department of Public Works	\$50

Article VI. Ward Boundaries

**§ 1-26. Number of wards; boundaries.**

The City is divided into eight wards, described in §§ 1-27 through 1-34.

**§ 1-27. Ward No. 1.**

Ward No. 1 is described as follows:

Ward 1. Beginning at a point where State Street and Federal Street intersect; thence westerly along State Street to the Connecticut River; thence northerly along the Connecticut River to Chicopee; thence easterly along the Chicopee border to Chestnut Street; thence southerly along Chestnut Street to Pratt Street; thence easterly along Pratt Street to Marvin Street; thence southerly along Marvin Street to Chapin Terrace; thence easterly along Chapin Terrace to Narragansett Street; thence southerly along Narragansett Street to Prospect Street; thence easterly along Prospect Street to Carew Street; thence easterly along Carew Street to Mayo Street; thence southerly along Mayo Street to a line extended westerly from Cleveland Street; thence easterly along said line to Cleveland Street; thence easterly along Cleveland Street to Armory Street; thence southerly along Armory Street to Interstate Route 291; thence westerly along Interstate Route 291 to Tracy Street; thence southerly along Tracy Street to Liberty Street; thence northerly along Liberty Street to Genessee Street; thence easterly along Genessee Street to Armory Street; thence southerly along Armory Street to Federal Street; thence southerly along Federal Street to the point of beginning.

Ward 1, Precinct A. Beginning at the North End Bridge; thence easterly along West Street to Plainfield Street; thence northerly along Plainfield Street to Sanderson Street; thence westerly along Sanderson Street to Clyde Street; thence southerly along Clyde Street to "M" Street; thence westerly along "M" Street to its end; thence westerly along a line extended from "M" Street to the Connecticut River; thence southerly along the Connecticut River to the point of beginning.

Ward 1, Precinct B. Beginning at the intersection of a line extended westerly from "M" Street to the Connecticut River; thence easterly along said line to "M" Street; thence easterly along "M" Street to Clyde Street; thence northerly along Clyde Street to Sanderson Street; thence easterly along Sanderson Street to Plainfield Street; thence southerly along Plainfield Street to West Street; thence easterly along West Street to the Boston and Maine Railroad track; thence northerly along the Boston and Maine Railroad track to a point opposite Huntington Street; thence easterly from said point to Huntington Street; thence easterly along Huntington Street to Interstate Route 91; thence northerly along Interstate Route 91 to Medford Street; thence easterly along Medford Street to Main Street; thence southerly along Main Street to Grove Street; thence easterly along Grove Street to Alexander Street; thence easterly along Alexander Street to Chestnut Street; thence northerly along Chestnut Street to the intersection of Interstate Route 91; thence northerly along Interstate Route 91 to the Chicopee border; thence westerly along the Chicopee border to the Connecticut River; thence southerly along the Connecticut River to the point of beginning.

Ward 1, Precinct C. Beginning at a point at the center of the intersection of Main Street and Grove Street; thence easterly along Grove Street to Alexander Street; thence easterly along Alexander Street to Chestnut Street; thence northerly along Chestnut Street to Pratt Street; thence easterly along Pratt Street to Marvin Street; thence southerly along Marvin Street to Chapin Terrace; thence easterly along Chapin Terrace to Narragansett Street; thence southerly along Narragansett Street to Prospect Street; thence westerly along Prospect Street to Chestnut Street; thence northerly along Chestnut Street to Allendale Street; thence westerly along Allendale Street to Dwight Street; thence northerly along Dwight Street to Calhoun Street; thence westerly along Calhoun Street to Main Street; thence northerly along Main Street to the point of beginning.

Ward 1, Precinct D. Beginning at a point at the center of the North End Bridge; thence easterly along West Street to the Boston and Maine Railroad tracks; thence northerly along the Boston and Maine Railroad tracks to a point opposite Huntington Street; thence easterly from said point to Huntington Street; thence easterly along Huntington Street to Interstate Route 91, thence northerly along Interstate Route 91 to Medford Street; thence easterly along Medford Street to Main Street; thence southerly along Main Street to Calhoun Street; thence easterly along Calhoun Street to Dwight Street; thence southerly along Dwight Street to Allendale Street; thence northerly along Allendale Street to Chestnut Street; thence southerly along Chestnut Street to Carew Street; thence westerly along Carew Street to Dwight Street; thence southerly along Dwight Street to Interstate Route 291; thence southerly along Interstate Route 291 to a point opposite the Connecticut River; thence westerly from said point to the Connecticut River; thence northerly along the Connecticut River to the point of beginning.

Ward 1, Precinct E. Beginning at a point in the center of the intersection of Prospect Street and Chestnut Street; thence easterly along Prospect Street to Carew Street; thence easterly along Carew Street to Mayo Street; thence westerly along Mayo Street to a line extended from Cleveland Street; thence easterly along the line extended from Cleveland Street

to Cleveland Street; thence easterly along Cleveland Street to Armory Street; thence westerly along Armory Street to Interstate Route 291; thence southerly along Interstate Route 291 to Dwight Street; thence northerly along Dwight Street to Carew Street; thence northerly along Carew Street to Chestnut Street; thence northerly along Chestnut Street to the point of beginning.

Ward 1, Precinct F. Beginning at a point in the center of the Railroad Bridge across the Connecticut River; thence easterly along the Boston and Albany Railroad tracks to Armory Street; thence northerly along Armory Street to Genessee Street; thence northerly along Genessee Street to Liberty Street; thence westerly along Liberty Street to Tracy Street; thence northerly along Tracy Street to Interstate Route 291; thence southerly along Interstate Route 291 to a point opposite the Connecticut River; thence westerly from said point to the Connecticut River; thence southerly along the Connecticut River to the point of beginning.

Ward 1, Precinct G. Beginning at a point in the center of the intersection of Armory Street and the Boston and Albany Railroad tracks; thence southerly along Armory Street to Federal Street; thence southerly along Federal Street to State Street; thence westerly along State Street to Byers Street; thence northerly along Byers Street to Frost Street; thence westerly along Frost Street to Spring Street; thence northerly along Spring Street to the Boston and Albany Railroad tracks; thence easterly along the Boston and Albany Railroad tracks to the point of beginning.

Ward 1, Precinct H. Beginning at a point in the center of the Railroad Bridge across the Connecticut River; thence easterly along the Boston and Albany Railroad tracks to Spring Street; thence southerly along Spring Street to Frost Street; thence easterly along frost Street to Byers Street; thence southerly along Byers Street to State Street; thence westerly along State Street to the Connecticut river; thence northerly along the Connecticut river to the point of beginning.

**§ 1-28. Ward No. 2.**

Ward No. 2 is described as follows:

Ward 2. Beginning at the intersection of Chestnut Street and the border of Chicopee; thence easterly along the Chicopee border to Spence Street; thence southerly along Spence Street to Windemere Street; thence southerly along Windemere Street to Lang Street; thence westerly along Lang Street to Haumont Terrace; thence southerly along Haumont Terrace to Page Boulevard; thence southerly along Page Boulevard to Hendee Street; thence southerly along Hendee Street to a spur of the Boston and Albany Railroad tracks; thence westerly along the spur of the Boston and Albany Railroad tracks to the main Boston and Albany Railroad tracks; thence westerly along the main Boston and Albany Railroad tracks to Armory Street; thence northerly along Armory Street to Genessee Street; thence westerly along Genessee Street to Liberty Street; thence westerly along Liberty Street to Tracy Street; thence northerly along Tracy Street to Interstate Route 291; thence easterly along Interstate Route 291 to



Armory Street; thence northerly along Armory Street to Cleveland Street; thence westerly along Cleveland Street to its end; thence westerly along a line extended from the end of Cleveland Street to Mayo Street; thence northerly along Mayo Street to Carew Street; thence westerly along Carew Street to Prospect Street; thence westerly along Prospect Street to Narragansett Street; thence northerly along Narragansett Street to Chapin Terrace; thence westerly along Chapin Terrace to Marvin Street; thence northerly along Marvin Street to Pratt Street; thence westerly along Pratt Street to Chestnut Street; thence northerly along Chestnut Street to Interstate Route 91; thence northerly along Interstate Route 91 to the point of beginning.

Ward 2, Precinct A. Beginning at the point at the intersection of Interstate Route 91 and the border of the City of Chicopee; thence easterly along the border of Chicopee to Farnsworth Street; thence westerly along Farnsworth Street to Milford Street; thence southerly along Milford Street to Park Road; thence westerly along Park Road to its end; thence southerly from a line extended from the end of Park Road to Van Horn Pond; thence westerly along Van Horn Pond to its intersection with Armory Street; thence southerly along Armory Street to Chapin Terrace; thence westerly along Chapin Terrace to Marvin Street; thence northerly along Marvin Street to Pratt Street; thence westerly along Pratt Street to Chestnut Street; thence northerly along Chestnut Street to Interstate Route 91; thence northerly along Interstate Route 91 to the point of beginning.

Ward 2, Precinct B. Beginning at a point in the center of the intersection of Chapin Terrace and Narragansett Street; thence easterly along Chapin Terrace to Armory Street; thence southerly along Armory Street to Cleveland Street; thence westerly along Cleveland Street to its end; thence westerly along a line extended from the westerly end of Cleveland Street to the southerly end of Mayo Street; thence northerly along Mayo Street to Carew Street; thence easterly along Carew Street to Prospect Street; thence westerly along Prospect Street to Narragansett Street; thence northerly along Narragansett Street to the point of beginning.

Ward 2, Precinct C. Beginning at a point in the center of the intersection of Armory Street and Carew Street; thence northerly along Armory Street to Van Horn Pond; thence easterly along Van Horn Pond to a line extended from the end of Park Road; thence northerly along said line to Park Road; thence easterly along Park Road to Milford Street; thence northerly along Milford Street to Farnsworth Street; thence easterly along Farnsworth Street to the border of Chicopee; thence easterly along the border of Chicopee to Newbury Street; thence southerly along Newbury Street to Liberty Street; thence southerly along Liberty Street to Carew Street; thence westerly along Carew Street to the point of beginning.

Ward 2, Precinct D. Beginning at a point in the center of the intersection of Armory Street and Carew Street; thence easterly along Carew Street to Freeman Terrace; thence southerly along Freeman Terrace to Freeman Street; thence southerly along Freeman Street to its end; thence southerly along a line extended from the southerly end of Freeman Street to the Boston and Albany Railroad tracks; thence westerly along the Boston and Albany Railroad tracks

to Armory Street; thence northerly along Armory Street to Genessee Street; thence northerly along Genessee Street to Liberty Street; thence westerly along Liberty Street to Tracy Street; thence northerly along Tracy Street to Interstate Route 291; thence easterly along Interstate Route 291 to Armory Street; thence northerly along Armory Street to the point of beginning.

Ward 2, Precinct E. Beginning at a point at the intersection of Newbury Street and the border of Chicopee; thence easterly along the border of Chicopee to St. James Avenue; thence southerly along St. James Avenue to Carew Street; thence westerly along Carew Street to Liberty Street; thence northerly along Liberty Street to Newbury Street; thence northerly along Newbury Street to the point of beginning.

Ward 2, Precinct F. Beginning at a point at the center of the intersection of Carew Street and Freeman Terrace; thence easterly along Carew Street to Merrimac Avenue; thence southerly along Merrimac Avenue to Melville Street; thence northerly along Melville Street to St. James Avenue; thence southerly along St. James Avenue to the Boston and Albany Railroad tracks; thence westerly along the Boston and Albany Railroad tracks to a point opposite the southerly end of Freeman Street; thence northerly from said point to Freeman Street; thence northerly along Freeman Street to Freeman Terrace; thence northerly along Freeman Terrace to the point of beginning.

Ward 2, Precinct G. Beginning at a point at the intersection of Merrimac Avenue and Carew Street; thence northerly along Carew Street to Lang Street; thence easterly along Lang Street to Haumont Terrace; thence southerly along Haumont Terrace to Page Boulevard; thence southerly along Page Boulevard to Hendee Street; thence southerly along Hendee Street to the Boston and Albany Railroad spur; thence westerly along the Boston and Albany Railroad spur to the main Boston and Albany Railroad tracks; thence westerly along the main Boston and Albany Railroad tracks to St. James Avenue; thence northerly along St. James Avenue to Melville Street; thence westerly along Melville Street to Merrimac Avenue; thence northerly along Merrimac Avenue to the point of beginning.

Ward 2, Precinct H. Beginning at a point at the center of the intersection of St. James Avenue and Carew Street; thence northerly along Carew Street to Lang Street; thence easterly along Lang Street to Windemere Street; thence northerly along Windemere Street to Spence Street; thence northerly along Spence Street to the border of Chicopee; thence westerly along the border of Chicopee to St. James Avenue; thence southerly along St. James Avenue to the point of beginning.

**§ 1-29. Ward No. 3.**

Ward No. 3 shall be as follows:

Ward 3. Beginning at the intersection of a line extended from State Street to the Connecticut River; thence easterly along said line to State Street; thence easterly along State Street to Walnut Street; thence southerly along Walnut Street to Allen Street; thence southerly

along Allen Street to the Mill River; thence easterly along the Mill River to the center line of Watershops Pond; thence easterly along the center line of the Watershops Pond to the Boston and Albany Railroad bridge over Watershops Pond; thence southerly along the Boston and Albany Railroad tracks to Island Pond Road; thence southerly along Island Pond Road to Allen Street; thence westerly along Allen Street to Kimberly Avenue; thence southerly along Kimberly Avenue to Mansfield Street; thence westerly along Mansfield Street to White Street; thence northerly along White Street to Gordon Street; thence westerly along Gordon Street to Pasadena Street; thence northerly along Pasadena Street to Johnson Street; thence westerly along Johnson Street to Ranney Street; thence southerly along Ranney Street to Alderman Street; thence westerly along Alderman Street to Ventura Street; thence southerly along Ventura Street to Sumner Avenue; thence westerly along Sumner Avenue to Belmont Avenue; thence westerly along Belmont Avenue to Woodside Terrace; thence southerly along Woodside Terrace to Forest Park Avenue; thence westerly along Forest Park Avenue to Fort Pleasant Avenue; thence northerly along Fort Pleasant Avenue to Leete Street; thence westerly along Leete Street to Longhill Street; thence northerly along Longhill Street to Main Street; thence westerly along Main Street to its end; thence westerly along a line extended from the southerly end of Main Street to the Connecticut River; thence northerly along the Connecticut River to the point of beginning.

Ward 3, Precinct A. Beginning at the intersection of a line extended from West Margaret Street to the Connecticut River; thence easterly along said line to West Margaret Street; thence easterly along West Margaret Street to Fremont Street; thence easterly along Fremont Street to Main Street; thence southerly along Main Street to Adams Street; thence easterly along Adams Street to its end; thence easterly along a line extended from the easterly end of Adams Street to Maple Street; thence northerly along Maple Street to State Street; thence westerly along State Street to the Connecticut River; thence southerly along the Connecticut River to the point of beginning.

Ward 3, Precinct B. Beginning at the intersection of a line extended from West Margaret Street to the Connecticut River; thence easterly along said line to West Margaret Street; thence easterly along West Margaret Street to Fremont Street; thence easterly along Fremont Street to Main Street; thence southerly along Main Street to Adams Street; thence easterly along Adams Street to its end; thence easterly along a line extended from the easterly end of Adams Street to Maple Street; thence southerly along Maple Street to a line extended from the easterly end of Marble Street; thence westerly along said line to the southerly end of Richelieu Street; thence southerly along Richelieu Street to its end; thence southerly along a line extended from the southerly end of Richelieu Street to the easterly end of Acushnet Avenue; thence westerly along Acushnet Avenue to Main Street; thence southerly along Main Street to Mill Street; thence easterly along Mill Street to Fort Pleasant Avenue; thence southerly along Fort Pleasant Avenue to Leete Street; thence westerly along Leete Street to Longhill Street; thence northerly along Longhill Street to Main Street; thence westerly along Main Street to its end; thence westerly

along a line extended from the southerly end of Main Street to the Connecticut River; thence northerly along the Connecticut River to the point of beginning.

Ward 3, Precinct C. Beginning at a point at the center of the intersection of Maple Street and State Street; thence easterly along State Street to Walnut Street; thence southerly along Walnut Street to Pine Street; thence westerly along Pine Street to Cedar Street; thence westerly along Cedar Street to Central Street; thence westerly along Central Street to Ames Hill Road; thence westerly along Ames Hill Road to Maple Street; thence northerly along Maple Street to the point of beginning.

Ward 3, Precinct D. Beginning at a point at the center of the intersection of Main Street and Acushnet Avenue; thence easterly along Acushnet Avenue to its end; thence northerly along a line extended from the easterly end of Acushnet Avenue to Richelieu Street; thence northerly along Richelieu Street to a line extended from the easterly end of Marble Street; thence easterly along said line to Maple Street; thence southerly along Maple Street to Mill Street; thence easterly along Mill Street to Dickinson Street; thence southerly along Dickinson Street to Marengo Park; thence westerly along Marengo Park to Belmont Avenue; thence westerly along Belmont Avenue to Woodside Terrace; thence southerly along Woodside Terrace to Forest Park Avenue; thence westerly along Forest Park Avenue to Fort Pleasant Avenue; thence northerly along Fort Pleasant Avenue to Mill Street; thence westerly along Mill Street to Main Street; thence northerly along Main Street to the point of beginning.

Ward 3, Precinct E. Beginning at a point at the center of the intersection of Belmont Avenue and Marengo Park; thence northerly along Marengo Park to Dickinson Street; thence easterly along Dickinson Street to Johnson Street; thence easterly along Johnson Street to Ranney Street; thence southerly along Ranney Street to Alderman Street; thence westerly along Alderman Street to Ventura Street; thence southerly along Ventura Street to Sumner Avenue; thence westerly along Sumner Avenue to Belmont Avenue; thence westerly along Belmont Avenue to the point of beginning.

Ward 3, Precinct F. Beginning at a point at a center of the intersection of Maple Street and Ames Hill Road; thence southerly along Maple Street to Mill Street; thence easterly along Mill Street to Cherry Street; thence northerly along Cherry Street to Central Street; thence easterly along Central Street to Rifle Street; thence northerly along Rifle Street to Walnut Street; thence northerly along Walnut Street to Pine Street; thence southerly along Pine Street to Cedar Street; thence westerly along Cedar Street to Central Street; thence westerly along Central Street to Ames Hill Road; thence westerly along Ames Hill Road to the point of beginning.

Ward 3, Precinct G. Beginning at a point in the middle of the intersection of Mill Street, Dickinson Street and Cherry Street; thence northerly along Cherry Street to Central Street; thence easterly along Central Street to Rifle Street; thence northerly along Rifle Street to Walnut Street; thence southerly along Walnut Street to Allen Street; thence southerly along Allen Street to White Street; thence southerly along White Street to Revere Street; thence southerly along

Revere Street to Orange Street; thence westerly along Orange Street to Oakland Street; thence southerly along Oakland Street to Dickinson Street; thence northerly along Dickinson Street to the point of beginning.

Ward 3, Precinct H. Beginning at a point at the intersection of Oakland Street and Dickinson Street; thence northerly along Oakland Street to Orange Street; thence easterly along Orange Street to Revere Street; thence northerly along Revere Street to White Street; thence westerly along White Street to Allen Street; thence westerly along Allen Street to the Mill River; thence easterly along the Mill River to the center line of Watershops Pond; thence easterly along the center line of Watershops Pond to the Boston and Maine Railroad bridge; thence southerly along the Boston and Maine Railroad tracks to Island Pond Road; thence southerly along Island Pond Road to Allen Street; thence westerly along Allen Street to Kimberly Avenue; thence southerly along Kimberly Avenue to Mansfield Street; thence westerly along Mansfield Street to White Street; thence northerly along White Street to Gordon Street; thence westerly along Gordon Street to Pasadena Street; thence northerly along Pasadena Street to Johnson Street; thence westerly along Johnson Street to Dickinson Street; thence westerly along Dickinson Street to Oakland Street; thence northerly along Oakland Street to the point of beginning.

**§ 1-30. Ward No. 4.**

Ward No. 4 shall be as follows:

Ward 4. Beginning at the point of intersection of Roosevelt Avenue and the Boston and Albany Railroad tracks; thence westerly along the Boston and Albany Railroad tracks to Armory Street; thence southerly along Armory Street to Federal Street; thence southerly along Federal Street to Walnut Street; thence southerly along Walnut Street to Mill River; thence easterly along the Mill River to Watershops Pond; thence easterly along the center line of Watershops Pond to a line extended from the southerly end of Middlesex Street; thence northerly along said line to Middlesex Street; thence northerly along Middlesex Street to Bristol Street; thence northerly along Bristol Street to Wilbraham Road; thence westerly along Wilbraham Road to Colonial Avenue; thence northerly along Colonial Avenue to State Street; thence easterly along State Street to Alton Street; thence northerly along Alton Street to Roosevelt Avenue; thence northerly along Roosevelt Avenue to the point of beginning.

Ward 4, Precinct A. Beginning at the point of the intersection of Federal Street and State Street; thence northerly along Federal Street to Armory Street; thence northerly along Armory Street to the Boston and Albany Railroad tracks; thence easterly along the Boston and Albany Railroad tracks to St. James Avenue; thence southerly along St. James Avenue to Princeton Street; thence easterly along Princeton Street to Yale Street; thence southerly along Yale Street to Dartmouth Street; thence easterly along Dartmouth Street to Bay Street; thence westerly along Bay Street to St. James Avenue; thence southerly along St. James Avenue to State Street; thence westerly along State Street to the point of beginning.

Ward 4, Precinct B. Beginning at a point of the intersection of Burr Street and Kenyon Street; thence northerly along Kenyon Street to Acorn Street; thence easterly along Acorn Street to Sycamore Street; thence northerly along Sycamore Street to Bay Street; thence easterly along Bay Street to Tapley Street; thence westerly along Tapley Street to St. James Avenue; thence westerly along St. James Avenue to Princeton Street; thence southerly along Princeton Street to Yale Street; thence westerly along Yale Street to Dartmouth Street; thence southerly along Dartmouth Street to Bay Street; thence easterly along Bay Street to Girard Avenue; thence southerly along Girard Avenue to McKnight Street; thence westerly along McKnight Street to Marion Street; thence southerly along Marion Street to Pease Street; thence easterly along a line extended from the easterly end of Pease Street to Hayden Avenue; thence northerly along Hayden Avenue to Andrew Street; thence northerly along Andrew Street to Burr Street; thence easterly along Burr Street to the point of beginning.

Ward 4, Precinct C. Beginning at a point at the intersection of Girard Avenue and Bay Street; thence southerly along Girard Avenue to McKnight Street; thence westerly along McKnight Street to Marion Street; thence southerly along Marion Street to Pease Street; thence easterly along Pease Street to its end; thence easterly along a line extended from the easterly end of Pease Street to the Boston and Albany Railroad tracks; thence southerly along the Boston and Albany Railroad tracks to State Street; thence westerly along State Street to Eastern Avenue; thence southerly along Eastern Avenue to Monroe Street; thence easterly along Monroe Street to its end; thence easterly along a line extended from the easterly end of Monroe Street to the Boston and Albany Railroad tracks; thence southerly along the Boston and Albany Railroad tracks to a point opposite Tyler Street; thence westerly from said point to Tyler Street; thence westerly along Tyler Street to Oak Street; thence southerly along Oak Street to Walnut Street; thence northerly along Walnut Street to State Street; thence easterly along State Street to St. James Avenue; thence northerly along St. James Avenue to Bay Street; thence easterly along Bay Street to the point of beginning.

Ward 4, Precinct D. Beginning at the point of intersection of Tyler Street and Oak Street; thence easterly along Tyler Street to its end; thence easterly along a line extended from the easterly end of Tyler Street to the Boston and Albany Railroad tracks; thence southerly along the Boston and Albany Railroad tracks to Alden Street; thence westerly along Alden Street to Walnut Street; thence northerly along Walnut Street to Oak Street; thence northerly along Oak Street to the point of beginning.

Ward 4, Precinct E. Beginning at the point of intersection of Alden Street and Walnut Street; thence easterly along Alden Street to the Boston and Albany Railroad tracks; thence northerly along the Boston and Albany Railroad tracks to King Street; thence easterly along King Street to Middlesex Street; thence southerly along Middlesex Street to its end; thence southerly along a line extended from the southerly end of Middlesex Street to the center of Watershops Pond; thence westerly along the center line of Watershops Pond to the Mill River; thence westerly along the Mill River to Allen Street; thence northerly along Allen Street to Walnut Street; thence northerly along Walnut Street to the point of beginning.

Ward 4, Precinct F. Beginning at the intersection of Sycamore Street and Bay Street; thence easterly along Bay Street to Tapley Street; thence westerly along Tapley Street to St. James Avenue; thence easterly along St. James Avenue to the Boston and Albany Railroad tracks; thence easterly along the Boston and Albany Railroad tracks to Roosevelt Avenue; thence southerly along Roosevelt Avenue to Alton Street; thence southerly along Alton Street to State Street; thence westerly along State Street to Oak Grove Avenue; thence northerly along Oak Grove Avenue to Kenyon Street; thence northerly along Kenyon Street to Acorn Street; thence easterly along Acorn Street to Sycamore Street; thence northerly along Sycamore Street to the point of beginning.

Ward 4, Precinct G. Beginning at the intersection of State Street and College Street; thence westerly along State Street to Oak Grove Avenue; thence northerly along Oak Grove Avenue to Burr Street; thence westerly along Burr Street to Andrew Street; thence southerly along Andrew Street to Hayden Avenue; thence westerly along Hayden Avenue to the Boston and Albany Railroad tracks; thence southerly along the Boston and Albany Railroad tracks to State Street; thence westerly along State Street to Eastern Avenue; thence southerly along Eastern Avenue to Monroe Street; thence easterly along Monroe Street to its end; thence easterly along a line extended from the easterly end of Monroe Street to the Boston and Albany Railroad tracks; thence southerly along the Boston and Albany Railroad tracks to King Street; thence easterly along King Street to Dunmoreland Street; thence northerly along Dunmoreland Street to Wilbraham Road; thence easterly along Wilbraham Road to College Street; thence northerly along College Street to the point of beginning.

Ward 4, Precinct H. Beginning at the intersection of State Street and College Street; thence easterly along State Street to Colonial Avenue; thence southerly along Colonial Avenue to Wilbraham Road; thence easterly along Wilbraham Road to Bristol Street; thence southerly along Bristol Street to King Street; thence westerly along King Street to Dunmoreland Street; thence northerly along Dunmoreland Street to Wilbraham Road; thence easterly along Wilbraham Road to College Street; thence northerly on College Street to the point of beginning.

**§ 1-31. Ward No. 5.**

Ward No. 5 shall be as follows:

Ward 5. Beginning at the intersection of Colonial Avenue and State Street; thence easterly along State Street to Boston Road; thence easterly along Boston Road to Parker Street; thence southerly along Parker Street to Hermitage Drive; thence easterly along Hermitage Drive to Flint Street; thence northerly along Flint Street to Southern Road; thence easterly along Southern Road to North Brook; thence northerly along North Brook to North Branch River; thence easterly along North Branch River to Fernbank Road; thence easterly along Fernbank Road to the Wilbraham border; thence southerly along the Wilbraham border to Wilbraham Road; thence westerly along Wilbraham Road to Bradley Road; thence southerly along Bradley Road to Plumtree Road; thence westerly along Plumtree Road to South Branch River; thence westerly

along South Branch River to Watershops Pond; thence westerly on center line of Watershops Pond to a line extended from Middlesex Street; thence northerly along said line to Middlesex Street; thence northerly along Middlesex Street to Bristol Street; thence northerly along Bristol Street to Wilbraham Road; thence westerly along Wilbraham Road to Colonial Avenue; thence northerly along Colonial Avenue to the point of beginning.

Ward 5, Precinct A. Beginning at the intersection of Bristol Street and Middlesex Street; thence southerly along Middlesex Street to its end; thence southerly along a line extended from the southerly end of Middlesex Street to the center line of Watershops Pond; thence easterly along the center line of Watershops Pond to St. Michaels Avenue; thence northerly along St. Michaels Avenue to Boston Road; thence westerly along Boston Road to State Street; thence westerly along State Street to Colonial Avenue; thence southerly along Colonial Avenue to Wilbraham Road; thence easterly along Wilbraham Road to Bristol Street; thence southerly along Bristol Street to the point of beginning.

Ward 5, Precinct B. Beginning at the intersection of Boston Road and Fargo Street; thence southerly along Fargo Street to Lamont Street; thence southerly along Lamont Street to Olney Avenue; thence easterly along Olney Avenue to Wilmington Avenue; thence southerly along Wilmington Avenue to Delaware Avenue; thence southerly along a line extended from the southerly end of Wilmington Avenue to the northern end of Gatewood Place; thence southerly along Gatewood Place to Breckwood Circle; thence westerly along Breckwood Circle to Riverton Road; thence northerly along Riverton Road to Devonshire Road; thence westerly along Devonshire Road to Waldorf Street; thence southerly along Waldorf Street to its end; thence southerly along a line extended from the southerly end of Waldorf Street to the center line of Watershops Pond; thence westerly along the center line of Watershops Pond to Wilbraham Road; thence westerly along Wilbraham Road to St. Michaels Avenue; thence northerly along St. Michaels Avenue to Boston Road; thence easterly along Boston Road to the point of beginning.

Ward 5, Precinct C. Beginning at the intersection of Boston Road and Fargo Street; thence southerly along Fargo Street to Lamont Street; thence southerly along Lamont Street to Olney Avenue; thence easterly along Olney Avenue to Wilmington Avenue; thence southerly along Wilmington Avenue to Delaware Avenue; thence southerly along a line extended from the southerly end of Wilmington Avenue to the northern end of Gatewood Place; thence southerly along Gatewood Place to Breckwood Circle; thence westerly along Breckwood Circle to Breckwood Boulevard; thence southerly along Breckwood Boulevard to Wilbraham Road; thence easterly along Wilbraham Road to Bellamy Road; thence northerly along Bellamy Road to Fairlawn Street; thence westerly along Fairlawn Street to Breck Place; thence northerly along Breck Place to its end; thence northerly along a line extended from the northerly end of Breckwood Place to Breckwood Lake; thence northerly along Breckwood Lake to North Branch River; thence easterly along North Branch River to a line extended from the southerly end of Contessa Street; thence northerly along said line to Contessa Street; thence northerly along Contessa Street to Shumway Street; thence northerly along Shumway Street to Boston Road; thence westerly along Boston Road to the point of beginning.



Ward 5, Precinct D. Beginning at the intersection of Boston Road and Parker Street; thence southerly along Parker Street to North Branch Parkway; thence westerly along North Branch Parkway to a line extended from Blanche Street; thence southerly along said line to Blanche Street; thence southerly along Blanche Street to Patricia Circle; thence westerly along Patricia Circle to Bolton Street; thence northerly along Bolton Street to Moss Road; thence easterly along Moss Road to Finch Street; thence northerly along Finch Street to its end; thence northerly along a line extended from the northerly end of Finch Street to North Branch Parkway; thence easterly along North Branch Parkway to a line extended from Contessa Street; thence northerly along said line to Contessa Street; thence northerly along Contessa Street to Shumway Street; thence northerly along Shumway Street to Boston Road; thence easterly along Boston Road to point of beginning.

Ward 5, Precinct E. Beginning at the intersection of Parker Street and North Branch Parkway; thence westerly along North Branch Parkway to a line extended from Blanche Street; thence southerly along said line to Blanche Street; thence southerly along Blanche Street to Patricia Circle; thence westerly along Patricia Circle to Bolton Street; thence northerly along Bolton Street to Moss Road; thence westerly along Moss Road to Finch Street; thence southerly along Finch Street to its end; thence southerly along a line extended from the southerly end of Finch Street to the northerly end of Fox Chase Road; thence southerly along Fox Chase Road to Sunrise Terrace; thence easterly along Sunrise Terrace to Bolton Street; thence southerly along Bolton Street to Prouty Street; thence easterly along Prouty Street to Mallowhill Road; thence easterly along Mallowhill Road to Scarsdale Road; thence northerly along Scarsdale Road to Sunbrier Road; thence easterly along Sunbrier Road to Shephard Drive; thence northerly along Shephard Drive to Grisson Drive; thence easterly along Grisson Drive to its end; thence easterly along a line extended from the easterly end of Grisson Drive to Mill Brook; thence easterly along Mill Brook to Wilbraham border; thence northerly along Wilbraham border to Fernbank Road; thence westerly along Fernbank Road to North Branch River; thence easterly along North Branch River to North Brook; thence southerly along North Brook to a line extended from the easterly end of Southern Road; thence westerly along said line to Southern Road; thence westerly along Southern Road to Flint Street; thence southerly along Flint Street to Hermitage Drive; thence westerly along Hermitage Drive to Parker Street; thence easterly along Parker Street to point of beginning.

Ward 5, Precinct F. Beginning at the intersection of Bolton Street and Prouty Street; thence easterly along Prouty Street to Mallowhill Road; thence easterly along Mallowhill Road to Scarsdale Road; thence northerly along Scarsdale Road to Sunbrier Road; thence easterly along Sunbrier Road to Shephard Drive; thence northerly along Shephard Drive to Grisson Drive; thence easterly along Grisson Drive to its end; thence easterly along a line extended from the easterly end of Grisson Drive to Mill Brook; thence easterly along Mill Brook to Wilbraham border; thence southerly along Wilbraham border to Wilbraham Road; thence westerly along Wilbraham Road to Kane Street; thence northerly along Kane Street to Bolton Street; thence northerly along Bolton Street to the point of beginning.

Ward 5, Precinct G. Beginning at the intersection of Bellamy Street and Wilbraham Road; thence easterly along Wilbraham Road to Kane Street; thence northerly along Kane Street to Bolton Street; thence northerly along Bolton Street to Sunrise Terrace; thence westerly along Sunrise Terrace to Fox Chase Road; thence northerly along Fox Chase Road to its end; thence northerly along a line extended from the northerly end of Fox Chase Road to Finch Street; thence northerly along Finch Street to its end; thence northerly along a line extended from the northerly end of Finch Street to North Branch River; thence westerly along North Branch River to Breckwood Lake; thence southerly along Breckwood Lake to a line extended from the northerly end of Breck Place; thence southerly along said line to Breck Place; thence southerly along Breck Place to Fairlawn Street; thence easterly along Fairlawn Street to Bellamy Street; thence southerly along Bellamy Street to point of beginning.

Ward 5, Precinct H. Beginning at the intersection of Breckwood Boulevard and Wilbraham Road; thence northerly on Breckwood Boulevard to Riverton Road; thence westerly on Riverton Road to Devonshire Road; thence westerly on Devonshire Road to Waldorf Street; thence southerly on Walford Street to its end; thence southerly along a line extended from the southerly end of Waldorf Street to the center line of North Branch of Watershops Pond; thence westerly along center line of the North Branch of Watershops Pond to the center line of the South Branch of Watershops Pond; thence easterly along the center line of the South Branch of Watershops Pond to the South Branch River; thence easterly along South Branch River to Plumtree Road; thence easterly along Plumtree Road to Bradley Road; thence northerly along Bradley Road to point of beginning.

**§ 1-32. Ward No. 6.**

Ward No. 6 shall be as follows:

Ward 6. Beginning at the intersection of West Allen Ridge Road and Allen Street; thence southerly along West Allen Ridge Road to the East Longmeadow border; thence westerly and southerly along the East Longmeadow border to the Longmeadow border; thence westerly along the Longmeadow border to the Connecticut River; thence northerly along the Connecticut River to a point opposite the southern end of Main Street; thence easterly from said point to Main Street; thence easterly along Main Street to Longhill Street; thence southerly along Longhill Street to Leete Street; thence easterly along Leete Street to Fort Pleasant Avenue; thence southerly along Fort Pleasant Avenue to Forest Park Avenue; thence easterly along Forest Park Avenue to Woodside Terrace; thence northerly along Woodside Terrace to Belmont Avenue; thence easterly along Belmont Avenue to Sumner Avenue; thence easterly along Sumner Avenue to Ventura Street; thence northerly along Ventura Street to Alderman Street; thence easterly along Alderman Street to Ranney Street; thence northerly along Ranney Street to Johnson Street; thence easterly along Johnson Street to Pasadena Street; thence southerly along Pasadena Street to Gordon Street; thence easterly along Gordon Street to White Street; thence southerly along White Street to Mansfield Street; thence easterly along Mansfield Street to Kimberly Avenue; thence northerly along Kimberly Avenue to Allen Street; thence easterly

along Allen Street to Rockland Street; thence southerly along Rockland Street to Sumner Avenue; thence easterly along Sumner Avenue to Allen Street; thence easterly along Allen Street to the point of beginning.

Ward 6, Precinct A. Beginning at the intersection of Belmont Avenue and Oakland Street; thence southerly along Oakland Street to Garfield Street; thence westerly along Garfield Street to Forest Park Avenue; thence southerly along Forest Park Avenue to Maplewood Terrace; thence westerly along Maplewood Terrace to Fort Pleasant Avenue; thence northerly along Fort Pleasant Avenue to Warner Street; thence westerly along Warner Street to its end; thence westerly along a line extended from the westerly end of Warner Street to the Connecticut River; thence northerly along the Connecticut River to a point opposite the southerly end of Main Street; thence easterly from said point to the southerly end of Main Street; thence easterly along Main Street to Leete Street; thence easterly along Leete Street to Fort Pleasant Avenue; thence southerly along Fort Pleasant Avenue to Forest Park Avenue; thence easterly along Forest Park Avenue to Woodside Terrace; thence northerly along Woodside Terrace to Belmont Avenue; thence easterly along Belmont Avenue to the point of beginning.

Ward 6, Precinct B. Beginning at a point at the intersection of Belmont Avenue and Sumner Avenue; thence westerly along Belmont Avenue to Oakland Street; thence southerly along Oakland Street to Garfield Street; thence westerly along Garfield Street to Forest Park Avenue; thence southerly along Forest Park Avenue to Maplewood Terrace; thence westerly along Maplewood Terrace to Fort Pleasant Avenue; thence northerly along Fort Pleasant Avenue to Warner Street; thence westerly along Warner Street to its end; thence westerly along a line extended from the westerly end of Warner Street to the Connecticut River; thence southerly along the Connecticut River to Longmeadow border; thence easterly along Longmeadow border to Dickinson Street; thence northerly along Dickinson Street to Trafton Road; thence northerly along Trafton Road to Monkey House Way; thence northerly along Monkey House Way to Reptile Circle; thence northerly along Reptile Circle to the southern end of Continental Street; thence easterly along Continental Street to Dickinson Street; thence southerly along Dickinson Street to Trenton Street; thence easterly along Trenton Street to Commonwealth Avenue; thence northerly along Commonwealth Avenue to Belmont Avenue; thence westerly along Belmont Avenue to point of beginning.

Ward 6, Precinct C. Beginning at a point at the intersection of Belmont Avenue and Commonwealth Avenue; thence southerly along Commonwealth Avenue to Washington Street; thence westerly along Washington Street to Shawmut Street; thence southerly along Shawmut Street to Breman Street; thence easterly along Breman Street to Tiffany Street; thence southerly along Tiffany Street to Porter Lake Brook; thence westerly along Porter Lake Brook to Dickinson Street; thence northerly along Dickinson Street to Trafton Road; thence northerly along Trafton Road to Monkey House Way; thence northerly along Monkey House Way to Reptile Circle; thence northerly along Reptile Circle to Continental Street; thence easterly along Continental

Street to Dickinson Street; thence southerly along Dickinson Street to Trenton Street; thence easterly along Trenton Street to point of beginning.

Ward 6, Precinct D. Beginning at a point where Dickinson Street intersects the Longmeadow border; thence northerly along Dickinson Street to Porter Lake Brook; thence easterly along Porter Lake Brook to Tiffany Street; thence northerly along Tiffany Street to Breman Street; thence easterly along Breman Street to Shawmut Street; thence northerly along Shawmut Street to Carroll Street; thence easterly along Carroll Street to Woodlawn Street; thence northerly along Woodlawn Street to Fairdel Street; thence easterly along Fairdel Street to Belvidere Street; thence southerly along Belvidere Street to Dixwell Street; thence easterly along Dixwell Street to its end; thence easterly along a line extended from the easterly end of Dixwell Street to the westerly end of Stanton Street; thence easterly along Stanton Street to the East Longmeadow border; thence southerly along the East Longmeadow border to the Longmeadow border; thence westerly along the Longmeadow border to the point of beginning.

Ward 6, Precinct E. Beginning at the point of the intersection of Ventura Street and Sumner Avenue; thence easterly along Sumner Avenue to Rockland Street; thence northerly along Rockland Street to Allen Street; thence westerly along Allen Street to Kimberly Avenue; thence southerly along Kimberly Avenue to Mansfield Street; thence westerly along Mansfield Street to White Street; thence northerly along White Street to Gordon Street; thence westerly along Gordon Street to Pasadena Street; thence northerly along Pasadena Street to Johnson Street; thence westerly along Johnson Street to Ranney Street; thence southerly along Ranney Street to Alderman Street; thence westerly along Alderman Street to Ventura Street; thence southerly along Ventura Street to point of beginning.

Ward 6, Precinct F. Beginning at the point of the intersection of Belmont Avenue and Sumner Avenue; thence easterly along Sumner Avenue to Lyndale Street; thence southerly along Lyndale Street to Belmont Avenue; thence southerly along Belmont Avenue to Sylvan Street; thence southerly along Sylvan Street to Woodlawn Street; thence southerly along Woodlawn Street to Carroll Street; thence westerly along Carroll Street to Shawmut Street; thence northerly along Shawmut Street to Washington Street; thence easterly along Washington Street to Commonwealth Avenue; thence northerly along Commonwealth Avenue to Belmont Avenue; thence westerly along Belmont Avenue to the point of beginning.

Ward 6, Precinct G. Beginning at the center of the intersection of Lyndale Street and Sumner Avenue; thence easterly along Sumner Avenue to Dorset Street; thence southerly along Dorset Street to Blaine Street; thence westerly along Blaine Street to Audubon Street, thence southerly along Audubon Street to the East Longmeadow border; thence southerly along the East Longmeadow border to Stanton Street; thence westerly along Stanton Street to its end; thence westerly along a line extended from the westerly end of Stanton Street to the easterly end of Dixwell Street; thence westerly along Dixwell Street to Belvidere Street; thence northerly along Belvidere Street to Fairdel Street; thence westerly along Fairdel Street to Sylvan Street;

thence northerly along Sylvan Street to Belmont Avenue; thence westerly along Belmont Avenue to Lyndale Street; thence northerly along Lyndale Street to point of the beginning.

Ward 6, Precinct H. Beginning at a point of intersection of Dorset Street and Sumner Avenue; thence easterly along Sumner Avenue to Allen Street; thence easterly along Allen Street to West Allen Ridge Road; thence southerly along West Allen Ridge Road to the East Longmeadow border; thence westerly along the East Longmeadow border to Audubon Street; thence northerly along Audubon Street to Blaine Street; thence easterly along Blaine Street to Dorset Street; thence northerly along Dorset Street to the point of beginning.

**§ 1-33. Ward No. 7.**

Ward No. 7 shall be as follows:

Ward 7. Beginning at the point where Bradley Road and Wilbraham Road intersect; thence easterly along Wilbraham Road to the Wilbraham border; thence southerly along the Wilbraham border to the East Longmeadow border; thence westerly along East Longmeadow border to West Allen Ridge Road; thence northerly along West Allen Ridge Road to Allen Street; thence westerly along Allen Street to Sumner Avenue; thence westerly along Sumner Avenue to Rockland Street; thence northerly along Rockland Street to Allen Street; thence westerly along Allen Street to Island Pond Road; thence northerly along Island Pond Road to Boston and Albany Railroad tracks; thence northerly along the Boston and Albany Railroad tracks to the center line of Watershops Pond; thence easterly along the center lines of Watershops Pond to South Branch River; thence easterly along South Branch River to Plumtree Road; thence easterly along Plumtree Road to Bradley Road; thence northerly along Bradley Road to the point of beginning.

Ward 7, Precinct A. Beginning at the intersection of Rockland Street and Sumner Avenue; thence easterly along Sumner Avenue to Roosevelt Avenue; thence northerly along Roosevelt Avenue to the center line of Watershops Pond; thence westerly along the center line of Watershops Pond to the Boston & Albany Railroad tracks; thence southerly along the Boston & Albany Railroad tracks to Island Pond Road; thence southerly along Island Pond Road to Allen Street; thence easterly along Allen Street to Rockland Street; thence southerly along Rockland Street to the point of beginning.

Ward 7, Precinct B. Beginning at the point of intersection of Roosevelt Avenue and Sumner Avenue; thence easterly along Sumner Avenue to Chalmers Street; thence northerly along Chalmers Street to Plumtree Road; thence easterly along Plumtree Road to Pennsylvania Avenue; thence northerly along Pennsylvania Avenue to its end; thence northerly along a line extending from the northerly end of Pennsylvania Avenue to the center line of Watershops Pond; thence westerly along the center line of Watershops Pond to Roosevelt Avenue; thence southerly along Roosevelt Avenue to the point of beginning.

Ward 7, Precinct C. Beginning at the point of intersection of Chalmers Street and Sumner Avenue Extension; thence northerly along Chalmers Street to Plumtree Road; thence

easterly along Plumtree Road to Pennsylvania Avenue; thence northerly along Pennsylvania Avenue to its end; thence northerly along a line extending from the northerly end of Pennsylvania Avenue to the center line of Watershops Pond; thence easterly along the center line of Watershops Pond to South Branch River; thence easterly along South Branch River to Plumtree Road; thence easterly along Plumtree Road to Bradley Road; thence southerly along Bradley Road to South Branch Parkway; thence easterly along South Branch Parkway to Squire Lane; thence southerly along Squire Lane to Bicentennial Highway; thence westerly along Bicentennial Highway to a point opposite the intersection of Allen Street and Wilshire Road; thence southerly along a line extended from said point to Allen Street; thence westerly along Allen Street to Sumner Avenue Extension; thence westerly along Sumner Avenue Extension to the point of beginning.

Ward 7, Precinct D. Beginning at the center of the intersection of Harkness Avenue, Sumner Avenue and Allen Street; thence easterly along Sumner Avenue Extension to Allen Street; thence easterly along Allen Street to Talmadge Drive; thence southerly along Talmadge Drive to Wands Street; thence easterly along Wands Street to Louis Road; thence southerly along Louis Road to its end; thence southerly along a line extended from the southerly end of Louis Road to East Longmeadow border; thence westerly along the East Longmeadow border to West Allen Ridge Road; thence northerly along West Allen Ridge Road to Allen Street; thence westerly along Allen Street to point of beginning.

Ward 7, Precinct E. Beginning at the intersection of Jeffrey Road and Wilbraham Road; thence southerly along Jeffrey Road to North Road; thence westerly along North Road to Embassy Road; thence southerly along Embassy Road to Balboa Drive; thence southerly along Balboa Drive to Talbot Street; thence southerly along Talbot Street to its end; thence southerly along a line extended from the southern end of Talbot Street to South Branch River; thence northerly along South Branch River to Parker Street; thence southerly along Parker Street to Catalina Drive; thence westerly along Catalina Drive to Cooley Street; thence northerly along Cooley Street to Bicentennial Highway; thence westerly along Bicentennial Highway to Squire Lane; thence northerly along Squire Lane to South Branch Parkway; thence westerly along South Branch Parkway to Bradley Road; thence northerly along Bradley Road to Wilbraham Road; thence easterly along Wilbraham Road to point of beginning.

Ward 7, Precinct F. Beginning at the intersection of Parker Street and Acrebrook Road; thence southerly along Parker Street to the East Longmeadow border; thence easterly along the East Longmeadow border to the Wilbraham border; thence northerly along the Wilbraham border to South Branch River; thence northerly along South Branch River to a point opposite Woodcrest Road; thence westerly from said point to Woodcrest Road; thence westerly along Woodcrest Road to Acrebrook Road; thence westerly along Acrebrook Road to the point of beginning.

Ward 7, Precinct G. Beginning at the intersection of Parker Street and Acrebrook Road; thence easterly along Acrebrook Road to Woodcrest Road; thence easterly along Woodcrest

Road to its end; thence easterly along a line extending from the easterly end of Woodcrest Road to South Branch River; thence southerly along South Branch River to Wilbraham border; thence northerly along the Wilbraham border to Wilbraham Road; thence westerly along Wilbraham Road to Jeffery Road; thence southerly along Jeffery Road to North Road; thence westerly along North Road to Embassy Road; thence southerly along Embassy Road to Balboa Drive; thence southerly along Balboa Drive to Talbot Street; thence southerly along Talbot Street to its end; thence southerly along a line extended from the southerly end of Talbot Street to the South Branch River; thence northerly along the South Branch River to Parker Street; thence southerly along Parker Street to the point of beginning.

Ward 7, Precinct H. Beginning at a point in the intersection of Parker Street and Catalina Drive; thence southerly along Parker Street to East Longmeadow border; thence westerly along the East Longmeadow border to a point opposite the southern end of Louis Street; thence northerly from said point to the southern end of Louis Street; thence northerly along Louis Street to Wands Street; thence westerly along Wands Street to Talmadge Drive; thence northerly along Talmadge Drive to Allen Street; thence easterly along Allen Street to Wilshire Road; thence northerly along a line extended from the northerly end of Wilshire Road to Bicentennial Highway; thence easterly along Bicentennial Highway to Cooley Street; thence southerly along Cooley Street to Catalina Drive; thence easterly along Catalina Drive to the point of beginning.

**§ 1-34. Ward No. 8.**

Ward No. 8 shall be as follows:

Ward 8. Beginning at the intersection of Spence Street and the border of Chicopee; thence southerly along Spence Street to Windemere Street; thence southerly along Windemere Street to Lang Street; thence westerly along Lang Street to Haumont Terrace; thence southerly along Haumont Terrace to Page Boulevard; thence southerly along Page Boulevard to Hendee Street; thence southerly along Hendee Street to Boston & Albany Railroad track spur; thence westerly along Boston & Albany Railroad track spur to the Main Boston & Albany railroad tracks; thence easterly along the main Boston & Albany Railroad tracks to Roosevelt Avenue; thence southerly along Roosevelt Avenue to Alton Street; thence southerly along Alton Street to State Street; thence easterly along State Street to Boston Road; thence easterly along Boston Road to Parker Street; thence southerly along Parker Street to Hermitage Drive; thence easterly along Hermitage Drive to Flint Street; thence northerly along Flint Street to Southern Road; thence easterly along Southern Road to its end; thence easterly along a line extended from the easterly end of Southern Road to North Brook; thence northerly along North Brook to North Branch River; thence easterly along North Branch River to Fernbank Road; thence easterly along Fernbank Road to Wilbraham border; thence northerly along Wilbraham border to Ludlow border; thence westerly along the Ludlow border to Chicopee border; thence westerly along Chicopee border to point of beginning.

Ward 8, Precinct A. Beginning at the intersection of Lang Street and Haumont Terrace; thence southerly on Haumont Terrace to Page Boulevard; thence southerly along Page Boulevard to Hendee Street; thence southerly along Hendee Street to Boston & Albany Railroad track spur; thence westerly along Boston & Albany Railroad track spur to the Main Boston & Albany Railroad tracks; thence easterly along the Main Boston & Albany Railroad tracks to Roosevelt Avenue; thence northerly along Roosevelt Avenue to Page Boulevard; thence westerly along Page Boulevard to Prentice Street; thence northerly along Prentice Street to Bowles Park; thence easterly along Bowles Park to East Street; thence northerly along East Street to Chicopee border; thence westerly along Chicopee border to Spence Street; thence southerly along Spence Street to Windemere Street; thence southerly along Windemere Street to Lang Street; thence westerly along Lang Street to the point of beginning.

Ward 8, Precinct B. Beginning at the intersection of Page Boulevard and Roosevelt Avenue; thence southerly along Roosevelt Avenue to Boston & Albany Railroad tracks; thence easterly along Boston & Albany Railroad tracks to Berkshire Avenue; thence northerly along Berkshire Avenue to Holly Street; thence northerly along Holly Street to its end; thence northerly along a line extended from the northerly end of Holly Street to the intersection of Main Street Indian Orchard and the Chicopee border; thence westerly along Chicopee border to East Street; thence southerly along East Street to Bowles Park; thence westerly along Bowles Park to Prentice Street; thence southerly along Prentice Street to Page Boulevard; thence easterly along Page Boulevard to the point of beginning.

Ward 8, Precinct C. Beginning at the intersection of Roosevelt Avenue and the Boston & Albany Railroad tracks; thence southerly along Roosevelt Avenue to Alton Street; thence southerly along Alton Street to State Street; thence easterly along State Street to Boston Road; thence easterly along Boston Road to Jasper Street; thence northerly along Jasper Street to Berkshire Avenue; thence westerly along Berkshire Avenue to Marsden Street; thence northerly along Marsden Street to Bay Street; thence westerly along Bay Street to North Hood Street; thence northerly along North Hood Street to its end; thence northerly along a line extended from the northerly end of North Hood Street to the Boston & Albany Railroad tracks; thence westerly along the Boston & Albany Railroad tracks to the point of beginning.

Ward 8, Precinct D. Beginning at the intersection of Stuart Street and Boston Road; thence westerly along Boston Road to Jasper Street; thence northerly along Jasper Street to Berkshire Avenue; thence westerly along Berkshire Avenue to Marsden Street; thence northerly along Marsden Street to Bay Street; thence westerly along Bay Street to North Hood Street; thence northerly along North Hood Street to its end; thence northerly along a line extended from the northerly end of North Hood Street to the Boston & Albany Railroad tracks; thence easterly along the Boston & Albany Railroad tracks to Berkshire Avenue; thence southerly along Berkshire Avenue to Harvey Street; thence southerly along Harvey Street to Stuart Street; thence southerly along Stuart Street to the point of beginning.



Ward 8, Precinct E. Beginning at the point of intersection of Boston Road and Stuart Street; thence easterly along Boston Road to Parker Street; thence northerly along Parker Street to the Boston & Albany Railroad tracks; thence westerly along the Boston & Albany railroad tracks to Kamuda Street; thence westerly along Kamuda Street to Oak Street, Indian Orchard; thence southerly along Oak Street, Indian Orchard to Crosley Street; thence westerly along Crosley Street to Page Boulevard; thence westerly along Page Boulevard to a point opposite Fiberloid Street; thence northerly along a line extended from said point to Berkshire Avenue; thence westerly along Berkshire Avenue to Harvey Street; thence southerly along Harvey Street to Stuart Street; thence southerly along Stuart Street to the point of beginning.

Ward 8, Precinct F. Beginning at the intersection of Crosley Street and Oak Street, Indian Orchard; thence northerly along Oak Street, Indian Orchard to Essex Street; thence easterly along Essex Street to Pinevale Street; thence northerly along Pinevale Street to its end; thence northerly along a line extended from the end of Pinevale Street to the Ludlow border; thence westerly along the Ludlow border to Main Street Indian Orchard; thence southerly along a line extended from the intersection of Main Street, Indian Orchard and the Ludlow border to Holly Street; thence southerly along Holly Street to Berkshire Avenue; thence southerly along Berkshire Avenue to Fiberloid Street; thence southerly along Fiberloid Street to its end; thence southerly along a line extended from the southerly end of Fiberloid Street to Page Boulevard; thence easterly along Page Boulevard to Crosley Street; thence easterly along Crosley Street to the point of beginning.

Ward 8, Precinct G. Beginning at the intersection of Oak Street, Indian Orchard and Essex Street; thence easterly along Essex Street to Pinevale Street; thence northerly along Pinevale Street to its end; thence northerly along a line extended from the end of Pinevale Street to the Ludlow border; thence easterly along the Ludlow border to a point opposite Indian Leap Street; thence southerly from said point to Indian Leap Street; thence southerly along Indian Leap Street to Main Street, Indian Orchard; thence easterly on Main Street, Indian Orchard to Rogers Avenue; thence westerly along Rogers Avenue to Milton Court; thence westerly along Milton Court to Milton Street; thence southerly along Milton Street to Goodwin Street; thence westerly along Goodwin Street to Oak Street, Indian Orchard; thence northerly on Oak Street, Indian Orchard to the point of beginning.

Ward 8, Precinct H. Beginning at the intersection of Oak Street, Indian Orchard and Goodwin Street; thence easterly along Goodwin Street to Milton Street; thence northerly along Milton Street to Milton Court; thence easterly along Milton Court to Rogers Avenue; thence northerly along Rogers Avenue to Main Street, Indian Orchard; thence westerly along Main Street, Indian Orchard to Indian Leap Street; thence northerly along Indian Leap Street to its end; thence northerly along a line extended from the northerly end of Indian Leap Street to the Ludlow border; thence easterly along the Ludlow border to Wilbraham border; thence southerly along Wilbraham border to Fernbank Road; thence westerly along Fernbank Road to North Branch River; thence westerly along North Branch River to North Brook; thence southerly along North Brook to point opposite of Southern Road; thence westerly from said point to Southern

Road; thence westerly along Southern Road to Flint Street; thence southerly along Flint Street to Hermitage Drive; thence westerly along Hermitage Drive to Parker Street; thence northerly along Parker Street to the Boston & Albany Railroad tracks; thence westerly along the Boston & Albany Railroad tracks to Kamuda Street; thence westerly along Kamuda Street to Oak Street, Indian Orchard; thence northerly along Oak Street, Indian Orchard to the point of beginning.

### **Chapter Five - ADMINISTRATION**

- ARTICLE I: Election or Appointment of Officers (§ 5-1 — § 5-2)  
ARTICLE II: Meetings and Reports (§ 5-3 — § 5-7)  
ARTICLE III: Polling Places in Public Buildings (§ 5-8 — § 5-9)

#### **Article I. Election or Appointment of Officers**

##### **§ 5-1. Time of election or appointment.**

All City officers whose election or appointment rests with the City Council, except those officers the time of whose election or appointment is otherwise prescribed by law or ordinance, shall be elected or appointed, as the case may be, on the first Monday of February in each year, or within 60 days thereafter.

##### **§ 5-2. Term of office.**

Every City officer elected or appointed under the provisions of § 5-1, and whose term of office is not otherwise fixed by law or ordinance, shall hold his office, if not sooner removed, for one year from the first Monday of April in the year in which he shall be elected or appointed, and until a successor shall be elected and qualified.

#### **Article II. Meetings and Reports**

##### **§ 5-3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

EXECUTIVE SESSION: A discussion or deliberation of those matters which by statute or ordinance cannot be made public and those matters which would adversely affect the public security, the financial interests of the City or the reputation of any employee or citizen thereof, if made public.

##### **§ 5-4. Meetings to be open to public.**

All meetings of every board, commission or committee established or created by the City Council shall be open to the public and the press unless such board, commission or committee, by a majority vote of the members present, votes to go into executive session.

##### **§ 5-5. Meetings prohibited on Monday.**

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.

**§ 5-6. Notice; emergency meetings.**

- A. Except in an emergency, no meeting of any board, commission or committee established or created by the City Council shall be held unless a notice of such meeting, together with an agenda of the tentative matters to be acted upon at such meeting, has been filed with the City Clerk at least 24 hours prior to the time of such meeting.
- B. In the event that an emergency meeting is held, the minutes of such meeting shall state the nature of the emergency and all actions taken at such meeting.

**§ 5-7. Filing of rules and regulations.**

A copy of all rules and regulations made by City boards or officers for which a penalty is provided by law shall be filed with the City Clerk within 10 days after they take effect.

Article III. Polling Places in Public Buildings

**§ 5-8. Buildings erected by City.**

In every public building hereafter erected by the City, adequate provision shall be made for a polling place whenever the Board of Election Commissioners shall so require.

**§ 5-9. Buildings under control of Superintendent of Public Buildings.**

In every public building under the control of the Superintendent of Public Buildings, provision shall be made for a polling place whenever the Board of Election Commissioners require.

**Chapter 10 – ASSESSORS**

- § 10-1. Organizational meeting of Board of Assessors; availability to public.
- § 10-2. Duties of Secretary.
- § 10-3. Division of City into districts.
- § 10-4. Time for assessments and filing of warrant with Auditor.
- § 10-5. Report of abatements.
- § 10-6. Compensation.

**§ 10-1. Organizational meeting of Board of Assessors; availability to public.**

- A. The Assessors shall meet as soon as practicable after their appointment, and organize themselves into a board, to be called the "Board of Assessors," by the choice of a Chairman and Secretary from among their own number.

- B. At least one Assessor shall be in attendance within the City at all times for the purpose of providing service to the public.

**§ 10-2. Duties of Secretary.**

It shall be the duty of the Secretary of the Board organized as provided in § 10-1 to keep the records of its doings in a book provided for the purpose, recording them in the order in which they occur.

**§ 10-3. Division of City into districts.**

Each year, the Board of Assessors shall, for the purposes of assessment, divide the City into as many districts as there are, or in any year shall be, Assistant Assessors, and shall assign the work in such districts to the Assistant Assessors as they deem best.

**§ 10-4. Time for assessments and filing of warrant with Auditor.**

The Assessors shall annually complete assessment of taxes and commit the same with the warrants to the Collector as required by the law of the commonwealth, and file a copy of the warrant with the City Auditor.

**§ 10-5. Report of abatements.**

The Assessors of each year shall report a list of abatements made by them to the City Auditor monthly and to the City Council on or before the first day of February in each year.

**§ 10-6. Compensation.**

The compensation of Assessors shall include that provided for assessors by the General Laws or any amendments thereof.

**Chapter 16 - BOARDS, COMMISSIONS AND COMMITTEES**

ARTICLE I	Retirement Board (§ 16-1 — § 16-2)
ARTICLE II	Building Standards Committee (§ 16-3 — § 16-5)
ARTICLE III	Council on Aging (§ 16-6 — § 16-8)
ARTICLE IV	Commission on Women's Affairs (§ 16-9 — § 16-12)
ARTICLE V	Youth Commission (§ 16-13 — § 16-15)
ARTICLE VI	Deferred Compensation Advisory Commission (§ 16-16 — § 16-17)
ARTICLE VII	Riverfront Development Commission (§ 16-18 — § 16-22)
ARTICLE VIII	Commission on Disability (§ 16-23 — § 16-24)
ARTICLE IX	Board of Public Works (§ 16-25 — § 16-26)
ARTICLE X	Board of Election Commissioners (§ 16-27)
ARTICLE XI	School Building Commission (§ 16-28 — § 16-29)
ARTICLE XII	Municipal Office of Community Affairs (§ 16-30 — § 16-32)
ARTICLE XIII	Audit Committee (§ 16-33 — § 16-34)
ARTICLE XIV	Human Relations Commission (§ 16-35 — § 16-36)
ARTICLE XV	Technology Commission (§ 16-37 — § 16-39)

ARTICLE XVI	Housing Commission (§ 16-40 — § 16-49)
ARTICLE XVII	Capital Improvement Planning Committee (§ 16-50 — § 16-52)
ARTICLE XVIII	Mobile Home Park Rent Control Board (§ 16-53 — § 16-58)

#### Article I. Retirement Board

##### **§ 16-1. Establishment; authority.**

There is established in the City, subject to the provision of Chapter 728, Acts of 1960, and further pursuant to MGL c. 32, § 20, Subparagraphs 4(a) through (f) and 5, inclusive, a municipal board to be known as the "Retirement Board" of the City.

##### **§ 16-2. Administrator of retirement system.**

There is created and established the position of Administrator of the retirement system of the City, the retirement system of which shall be a division of the Department of the City Auditor. The Administrator shall be under the management, control and operation of the City Auditor, but in no event shall the Administrator be a member of the Retirement Board, nor shall such Administrator be compensated for services rendered in excess of regularly scheduled hours of employment.

#### Article II. Building Standards Committee

##### **§ 16-3. Establishment and composition; qualifications of members.**

- A. There is established in the City a committee to be known as the "Building Standards Committee."
- B. The Committee shall be composed of seven members, one of whom shall be the Building Commissioner or in his absence the Deputy Building Commissioner; one a registered architect; one a registered professional engineer (structural); one a registered professional engineer (mechanical); one whose principal occupation is the construction of buildings other than homes; one whose principal occupation is the construction of homes; and one whose principal occupation is a building craftsman.
- C. Each of the members, other than the Building Commissioner and the Deputy Building Commissioner, shall have had at least 10 years' experience in his respective occupation.

##### **§ 16-4. Appointment and terms of members; meetings.**

- A. Each of the members, other than the Building Commissioner and the Deputy Commissioner, shall be appointed by the Mayor.
- B. Such members of the Building Standards Committee as are first appointed under this article shall be appointed for terms of one year, two years, three years, four years, five years, and

six years respectively. Annually thereafter, the Mayor shall appoint one such member for a term of six years.

- C. Each member appointed shall hold office during his term unless sooner removed for cause by the Mayor and until his successor is appointed.
- D. Upon the vacancy of a member so appointed, the Mayor shall, within one month thereafter, make another appointment.
- E. Members of the Building Standards Committee shall meet annually and elect one of their members as Chairman and such other officers as they may deem necessary.
- F. The terms and qualifications of members presently serving on this Committee shall continue unaffected by this section and § 16-3 until the expiration of said terms.

**§ 16-5. Powers and duties.**

The Building Standards Committee shall have the right, power and duty to:

- A. Ascertain, study and investigate current developments in building materials and in methods of construction and in the equipment of buildings.
- B. Make recommendations to the Mayor and City Council with respect to amendments to the Building Code necessary to conform with current methods and practices.
- C. Advise and assist the Building Commissioner in all such matters when called upon by such Building Commissioner.
- D. In general, do all things necessary and proper to make the Building Code efficient and effective under modern building methods and practices.

Article III. Council on Aging

**§ 16-6. Establishment, composition and compensation.**

- A. There is established in the City a board to be known as the "Council on Aging." Such board shall consist of 12 members, all of whom shall be citizens of the City and none of whom shall be members of the City Council.
- B. The director of the municipal hospital shall serve as an ex officio member of the Council with full voting rights.
- C. Such members shall serve without compensation.

**§ 16-7. Appointment and terms of members.**

- A. The Chairman of the Council on Aging shall be designated from time to time by the Mayor from 12 appointed members.
- B. The 12 members shall be appointed by the Mayor and shall hold office for a term coextensive with the Mayor.
- C. Any vacancy which shall occur in such board shall be filled in like manner.
- D. The ex officio member shall serve as long as he is director of the municipal hospital, but he shall not be designated Chairman of the Council on Aging.

**§ 16-8. Powers and duties.**

The Council on Aging shall act in an advisory and consultative capacity with the general objective of coordinating within the City departments and interested organizations the problems of the aging, and may promote, assist and coordinate all activities designed to meet such problems at community levels.

Article IV. Commission on Women's Affairs

**§ 16-9. Establishment; appointment and term; salary.**

- A. There is established a Commission on Women's Affairs in the City, which shall consist of nine members to be appointed by the Mayor, all of whom shall be residents of the City. In the first instance, three members shall be appointed for one year, three members shall be appointed for a term of two years, and three members shall be appointed for a term of three years; annually thereafter, on or before January 15 of each year, three members shall be appointed for a term of three years.
- B. An appointment to fill a vacancy shall be for the unexpired term only of the vacating member.
- C. No member of the Commission shall receive any salary for services rendered to said Commission.

**§ 16-10. Meetings; officers and minutes.**

- A. The Commission on Women's Affairs shall hold monthly meetings and shall elect a Chairperson, a Vice Chairperson and Secretary and such other officers as it deems necessary. Minutes of the meetings shall be kept by the Secretary.
- B. The Commission on Women's Affairs shall hold its annual meeting on the first Thursday in December, at which time the officers for the ensuing year shall be elected.

**§ 16-11. Executive office.**

The person occupying the office of Chairperson shall serve as the coordinator of the Commission on Women's Affairs and shall have the responsibility of advising and assisting in the planning and development of policies and programs of the Commission on Women's Affairs, and for providing leadership in executing and coordinating these policies and programs.

**§ 16-12. Powers and duties.**

A. The powers and duties of the Commission shall be:

1. To engender, encourage and promote in the community as amongst the business and professional persons and organizations, together with the educational, religious, political and civic leaders of our City, a more profound understanding of the need for and the value of the contributions women can and do make within all such areas of endeavor, nationally as well as locally; and further to prevent and eliminate any and all discriminatory practices against women in our society, wherever their spirit and talents may lead them.
2. To make such studies as necessary to effectuate said general purpose as is set forth in this article; to disseminate information and educational materials and reports which will assist in the elimination of prejudice, intolerance, and discrimination against the women of our area; and to further promote programs in community education and information with a view to achieving a healthier and more rewarding lifestyle for the modern-day woman in the City.
3. To recommend to the Mayor and City Council the enactment of such ordinances and other legislation or action as in the judgment of the Commission shall eliminate such conditions as result in discriminatory practices against women in our society and more specifically the City.
4. To hold conferences, hearings, workshops and other special meetings in the interest of addressing itself to problems which are peculiar to the needs of the area's women and with a view to resolving in an equitable fashion and manner such problems as may have been occasioned by virtue of distinctions of sex.

B. The Commission shall act, upon request only, and solely in an advisory capacity to the Mayor, City Council, or any commission or department in respect to City plans or the operation of any City department where questions of conflicts or differences between cities involving discriminatory practices by reason of sex arise; and may further serve as a consultant to such groups and agencies within the municipality and/or community through cooperating in educational campaigns devoted to the elimination of prejudice, intolerance or discrimination as such is or becomes applicable to women's rights.



- C. The City, on behalf of the Commission, may accept grants and donations from foundations and others for the purpose of carrying out the Commission's functions.
- D. The Commission may consult with and maintain relations with surrounding cities and towns and, where feasible, cooperate with them in the development and implementation of programs designed to further equal protection of women in pursuit of their recognized aspirations.
- E. The Commission on Women's Affairs shall adopt such rules and regulations for the conduct of its business as are necessary to effectuate the purpose of this article.

#### Article V. Youth Commission

##### **§ 16-13. Establishment; appointment and compensation; terms of office.**

- A. There is established, under the provisions of MGL c. 40, § 8E, a Youth Commission.
- B. The Commission shall consist of 11 members, who shall serve without compensation. The members shall be appointed by the Mayor and shall consist of the following:
  - 1. The Chief of Police or his designated representative;
  - 2. The Superintendent of Schools or his designated representative;
  - 3. The Superintendent of the Park Department or his designated representative;
  - 4. The President of the City Council or his designated representative; and
  - 5. Seven residents of the City, at least two of whom shall be from 18 years of age to 21 years of age.
- C. When the Commission is first established, four members shall be appointed for a term of one year, three members shall be appointed for a term of two years and four members shall be appointed for a term of three years. At the expiration of the original terms, the successive terms shall be for three years. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

##### **§ 16-14. Powers and duties.**

- A. The Commission shall develop, establish and carry on, and encourage others to establish and carry on, programs and activities designed to reduce or prevent delinquency and other problems among the youth of the City or to improve the health or welfare of juveniles in the City in need of guidance, recreation, counseling, assistance, referral, testing, care, education, training, placement or cultural or social development. Special attention shall be given to the prevention and control of juvenile vandalism.

- B. The Commission shall cooperate with federal, state and municipal agencies concerned with any of the foregoing, and shall coordinate its functions with private agencies concerned therewith.
- C. The Commission shall keep accurate records of its meetings and actions, and shall file an annual report with the Mayor.

**§ 16-15. Delegation of powers and duties.**

- A. The Commission may employ an executive director and such other personnel as it may require, and determine their qualifications and duties.
- B. Neither Chapter 31 of the General Laws nor any rule made thereunder shall apply to such executive or other personnel.
- C. The Commission may delegate to the executive director or to any of its other personnel or to one or more of its members such powers and duties as it deems expedient to carry out any action determined upon by it.

Article VI. Deferred Compensation Advisory Commission

**§ 16-16. Establishment; members; terms of office.**

- A. The members of the Deferred Compensation Advisory Commission shall be appointed by the Mayor and shall consist of the following:
  - 1. The Treasurer of the City;
  - 2. The Data Systems Manager of the City;
  - 3. The City Solicitor or his or her designee;
  - 4. The Personnel Director of the City;
  - 5. The Mayor of the City or his or her designee;
  - 6. A representative of a union representing City employees; and
  - 7. A member of the local business community not related to any investment concern.
- B. The Treasurer of the City shall be Chairman of the Commission.
- C. All members shall serve one-year terms, and shall continue to serve until their successor is appointed.
- D. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

**§ 16-17. Powers and duties; meetings and records.**

- A. The Commission shall act solely in an advisory capacity and only upon the request of the Mayor, the President of the City Council or the Treasurer of the City.
- B. The Commission shall, upon request of those persons designated in this article, advise such individual with respect to the following matters:
  - 1. Specifications for and responses to all bids solicited on behalf of the City by the City Treasurer for the purpose of investment under the provisions of MGL c. 44, §§ 67 and 67A.
  - 2. Compliance with all applicable federal and state laws and regulations.
  - 3. Employees eligibility for participation in and termination from a deferred compensation program.
  - 4. Methods and programs for recordkeeping and accounting.
  - 5. Personnel requirements necessary to ensure the complete and effective administration of the deferred compensation program.
  - 6. Requirements for selection of a plan coordinator.
  - 7. Any and all other matters for which designated individuals seek advice.
- C. The Commission shall keep accurate records of its meetings and actions. It shall meet on a regular basis as well as upon call of the chairman. It shall file an annual report with the Mayor.

#### Article VII. Riverfront Development Commission

##### **§ 16-18. Definition.**

For the purposes of this article, "riverfront" means that portion of land extending from the Longmeadow Town line on the south to the Chicopee City line on the north and West Columbus Avenue on the east and the Connecticut River on the west.

##### **§ 16-19. Establishment; membership; terms of office; compensation.**

- A. There is established in the City the Springfield Riverfront Development Commission for the purpose of promoting, coordinating and developing, as provided in this article, the area abutting the Connecticut River or any part thereof in the City. Such Commission shall consist of five residents of the City, all of whom shall be appointed by the Mayor and confirmed by the City Council pursuant to the provisions of the City Charter. The Chairman of the Commission shall be designated by the Mayor.
- B. The members of the Commission shall serve for terms of five years unless sooner removed; provided, however, the initial appointees shall serve for terms of one, two, three, four and five years, respectively. Members, unless sooner removed, shall serve until the appointment of their successors, and vacancies other than by reason of expiration of a term shall be filled by appointment by the Mayor for the balance of the unexpired term. In addition to the five voting members, the Mayor shall designate a member of the Springfield City Council to be a

nonvoting member of the Commission on a yearly basis. Any member of the Commission may be removed by the Mayor pursuant to the provisions of the City Charter and in accordance with the procedures therein provided. Members of the Commission shall serve without compensation, but shall be allowed their reasonable and necessary expenses incurred in the performance of their duties as such members.

**§ 16-20. Powers and duties.**

- A. The Commission shall submit all plans for approval to the City Council and the Mayor for the development of the riverfront as outlined in the boundaries mentioned in this article. This plan shall include recommendations for the design, location, relocation, construction, equipment, alteration, enlargement, use, maintenance, operation or lease, either as lessee or lessor, of facilities or open space for the development of the Connecticut riverfront, whenever and to the extent that the Commission deems such facilities or open spaces to be necessary or desirable in the City. Such riverfront development facilities may consist of one or more single-purpose or multipurpose buildings with or without off-street parking facilities incorporated thereon or in close proximity thereto. If such off-street parking facilities are so provided by the Commission, they shall remain subject to the Commission's jurisdiction; provided, however, that nothing contained in this article shall prohibit the Commission from permitting public or special purpose off-street automobile parking as defined in Section 2 of Chapter 486 of the Acts of 1955 as amended therein with or without a reasonable charge for the same.
- B. For the purposes of this article, the Commission shall in the first instance use the personnel and services of other departments of the City where available, provided that the cost of such services and personnel is properly charged against the Commission. If these department services are not available, reasons for the unavailability shall be submitted in writing to the Commission, which will in turn submit them to the City Council.
- C. The Commission shall, when municipal personnel and services are unavailable, submit any proposal to contract with such firms and for such studies and survey as it deems necessary to accomplish the purposes of this article, subject only to limitations and procedures established by MGL c. 43, § 29.
- D. The Commission shall present plans to the Mayor and the City Council to lease, exchange, demolish or otherwise dispose of property and property rights of the City if in so doing it deems that the interest of the City will be best served and that the same are no longer needed for strictly public purposes in the overall riverfront development.
- E. For the purposes of making surveys, planning, acquiring land for, erecting, equipping or furnishing open space areas or recreational or entertainment facilities on the Connecticut riverfront, the Commission, on behalf of the City, is authorized to accept and use such

federal funds, credits and benefits as may now or hereafter be available for the same and to secure the benefits in regard to the riverfront of the provisions of Chapter 74 of the Acts of 1945, as amended, but in all events subject to the applicable provisions of federal law.

- F. The Commission is authorized and empowered, subject to the limitations of general or special laws of the Commonwealth:
  - 1. To promote, maintain, operate, repair and improve such open spaces along the Connecticut riverfront with the assistance of the necessary City departments.
  - 2. To provide, through employees of the City under the Commission's supervision or by the grant of one or more concessions to private persons or firms or in part through such employees of the City and in part by the granting of one or more concessions to private persons or firms, for the furnishing of services and things for the accommodation of persons using the riverfront open space property, or any facility or function thereof.

**§ 16-21. Annual reports.**

The Riverfront Development Commission shall, on or before the first day of September in each year, submit a written report to the Mayor and the City Council outlining the progress made to date and the future goals and plans for the City riverfront property.

**§ 16-22. Meetings; rules and regulations.**

- A. The Commission shall adopt rules, not inconsistent with the provisions of any statute or ordinance, for conducting its business and meetings and otherwise carrying out the purpose of this article.
- B. Meetings of the Commission shall be held at the call of the Chairman or in such other manner as may be set forth in said rules, but not less often than monthly.
- C. All decisions of the Commission, including the adoption of said rules, shall be by vote of a majority of the members thereof.

Article VIII. Commission on Disability

**§ 16-23. Establishment; membership; function.**

- A. There shall be established in the City a Commission on Disability, herein after referred to as the "Commission," pursuant to MGL c. 40, § 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 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 nine members for the following term of services:

1. Three persons shall be appointed for a term of three years;
  2. Three persons shall be appointed for a term of two years; and
  3. Three persons shall be appointed for a term of one year.
- B. All new appointments and reappointments shall be for a three-year term of service. Each member appointed shall serve past his term until his 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 remaining 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 be limited to:
1. Identifying problems and concerns of people with disabilities;
  2. Serving 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. Advising 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 bylaws for the conduct of its meetings and affairs.

**§ 16-24. 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, support 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 collecting 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 article and MGL c. 40, § 8J, as may be hereafter amended; and
12. Take such action as the Commission considers appropriate to ensure the equal status of persons with disabilities.

#### Article IX. Board of Public Works

##### **§ 16-25. Continuation.**

The Board of Public Works shall continue in all respects as established under the provisions of Chapter 334 of the Acts of 1872 as amended by Chapter 126 of the Acts of 1873 and Chapter 708 of the Acts of 1977.

##### **§ 16-26. Compensation of members.**

The compensation of each member of the Board of Public Works is established at \$25 for each day or part of a day of actual service.

#### Article X. Board of Election Commissioners

##### **§ 16-27. Registration of voters.**

The Board of Election Commissioners shall provide for the registration of voters at the office of such Board at any and all times when such office is open for business and when such registration is not prohibited by law, and at such other times and places as such Board may deem necessary.

#### Article XI. School Building Commission



**§ 16-28. Composition and compensation.**

- A. The City School Building Commission shall consist of nine (9) voting members, of which three 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 School Building Commission.
- B. The Director of Facilities Management, the Code Enforcement Commissioner, the Chief Administrative and Financial Officer or designee, and the Superintendent of Schools or designee, shall each be voting members of the City School Building Commission.
- C. All members of the City School Building Commission shall serve without receiving compensation.

**§ 16-29. 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 buildings, 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 buildings are the responsibility of the Department of Facilities Management under Chapter 27, Departments, Article IX, of the Code 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 and/or the remodeling of school buildings whose estimated projected costs are in excess of \$3,000,000.
- D. Notwithstanding Chapter 27, Article IX, § 27-69B(5)(b), of the Code 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 School Building Commission and responsible for overall project management of a given project or

project(s). 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 its fee.

- E. Notwithstanding Chapter 27, Article IX, § 27-69B(5)(b), of the Code 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 or individuals 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.

#### Article XII. Municipal Office of Community Affairs

##### **§ 16-30. 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.

##### **§ 16-31. Appointment, terms of office; conditions of employment.**

- 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 he/she may be removed by the Mayor with or without cause at any time.

- C. Those who serve as Deputy Commissioner, Program Coordinator, Administrative Assistant, Public Relations 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 residency requirements of the City's ordinances.

**§ 16-32. 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 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. Advising the Mayor and the City Council on community affairs.
- G. Administering the office.
- H. Performing such other duties as the Mayor may prescribe.

Article XIII. Audit Committee

**§ 16-33. Membership and qualifications.**

The Audit Committee shall consist of three City Councilors appointed by the City Council President.

**§ 16-34. Powers and duties.**

- A. The Audit Committee, through the Director of Internal Audit, shall have the right and power to:

1. Review, study and issue a written report on the findings of the independent auditor's report required under the federal Single Audit Act of 1984, as amended.
  2. Make recommendations to the Mayor and the City Council for improvements in the process and methodology and to ensure compliance with recommendations of the independent auditor's report and federal standards.
  3. Act in an advisory and consultative capacity with the Comptroller and Chief Administrative and Financial Officer (CAFO) to promote, assist and coordinate general accounting principles in connection with the City's fiscal affairs.
  4. Act in an investigatory fashion with respect to the fiscal health and status of the City and its departments, authorities, boards, commissions, agencies and other entities, directly or indirectly affiliated with the City.
- B. The Director of Internal Audit shall be required to present his/her annual goals to the City Council by January 31 of each year. By November 1 of each year, the Audit Committee shall conduct an annual review of the performance of the Director of Internal Audit, with a report to the full Council by December 15.
- C. It is understood that the CAFO and the Comptroller shall respond to any and all inquiries of the Audit Committee or any of its individual members in a prompt, diligent and fully responsive manner.

#### Article XIV. Human Relations Commission

##### **§ 16-35. Establishment; organization; function.**

- A. There shall be in the City a commission to be known as the "Human Relations Commission," referred to in this article as the "Commission," which will consist of nine persons, appointed by the Mayor, who shall be residents of the City. In the year of commencement, the Mayor shall appoint the nine members for the following terms of service:
1. Four persons, including the Chairperson, shall be appointed for the term of three years.
  2. Three persons shall be appointed for the term of two years.
  3. Two persons shall be appointed for the term of one year.
- B. All new appointments and reappointments shall be for a three-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.
- C. The Mayor shall designate one of the members of the Commission as Chairperson.

D. All members of the Commission shall serve with the right of formal vote.

**§ 16-36. 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 in 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 fewer than five 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 Commission Chairperson in consultation with the other Commissioners, in accordance with the goals outlined in Subsections 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 article, and shall be submitted in writing to the Chairperson no later than three days before the scheduled meeting. The 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 Chairperson.

Article XV. Technology Commission

**§ 16-37. 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 members, appointed by the Mayor, of which seven members shall be City department heads or their designees and two may be technology experts not necessarily employed by the City. All members shall serve for a period coterminous 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 his/her designated representative;
  - 3. The Director of Municipal Information Systems or his/her 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 of the members of the Commission as Chairperson.
- E. All members of the Commission shall serve with the right of a formal vote.

**§ 16-38. Meetings and minutes.**

- A. The Technology Commission 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 meetings.
- B. The Technology 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.

**§ 16-39. Powers and duties.**

- A. The powers and duties of the Commission shall be to:
  - 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 infrastructure 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(s) 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 the behalf of the Commission, may accept grants, gifts and donations from foundations and others for carrying out the Commission's functions.

#### Article XVI. Housing Commission

##### **§ 16-40. Purpose and intent.**

- A. The purposes of the Housing Commission 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 and 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.

##### **§ 16-41. Establishment.**

A Housing Commission, consisting of seven 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.

##### **§ 16-42. Terms of office.**

Appointments are for a three-year term with the initial appointments staggered so that approximately 1/3 shall be appointed for one year; 1/3 for two years; and 1/3 for three years.

Any vacancy shall be filled for the unexpired term, and the Mayor may remove any member for cause.

**§ 16-43. Advisory 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 Homebuilders' 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.

**§ 16-44. Officers.**

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.

**§ 16-45. 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.

**§ 16-46. 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.

**§ 16-47. Expenditures.**

The Housing Commission may expend such money as may be appropriated therefor by the City Council.

**§ 16-48. Public hearings.**



The Housing Commission shall have powers relative to the holding of public hearings or any matter within its area of review.

**§ 16-49. Review of housing projects.**

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.

Article XVII. Capital Improvement Planning Committee

**§ 16-50. 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 members, one of whom shall be the President of the City Council or his/her designee; one of whom shall be the Planning Director or his/her designee; one of whom shall be the Commissioner of the Community Development Department or his/her designee; one of whom shall be a member of the City Council Finance Committee or his/her designee; and one 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 ex officio Committee staff members without a right of vote. The Committee shall choose its own Chairman.

**§ 16-51. Duties and authority.**

- A. The Committee shall study proposed capital projects and improvements involving major nonrecurring tangible assets and projects which:
  - 1. Are purchased or undertaken at intervals of not less than five years;
  - 2. Have a useful life of at least five years; and
  - 3. Cost over \$10,000.
- 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, on a form prepared by it, information concerning all anticipated projects requiring City Council action during the ensuing six 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.

**§ 16-52. 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 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 projects to be undertaken more than five 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.

Article XVIII. Mobile Home Park Rent Control Board

**§ 16-53. Establishment; officers; powers.**

- A. Establishment and membership. 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.

- B. Clerk. The Board shall elect a Clerk, who shall have charge of all documents, receive all filings and maintain records for the Board. The Clerk shall receive such compensation as the City Council may determine.
- C. Powers.
  - 1. 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 MGL 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.
  - 2. 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 MGL c. 30A, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations.

**§ 16-54. Rent regulation.**

- A. 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, at a minimum, on a yearly basis.
- B. 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.

**§ 16-55. Eviction 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.

**§ 16-56. Review of decisions.**

- A. The provisions of MGL c. 30A 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.
- B. 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 MGL c. 30A, § 14.
- C. The Superior Court Department and the Housing Court Department shall have jurisdiction to enforce the provisions of this article and any regulations adopted thereunder, and may restrain violations thereof.

**§ 16-57. Definitions.**

For purposes of this article and regulations issued pursuant hereto, the following terms shall have the meanings indicated:

**MOBILE HOME PARKS**

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 MGL c. 140, § 32F.

**MOBILE HOMES**

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 MGL c. 140, § 32Q.

**§ 16-58. Violations and penalties.**

Violation of this article or any order of the Board shall be punishable by a fine of not more than \$1,000 for any one offense.

**Chapter 23 - DEEDS, LEASES AND MORTGAGES**

**§ 23-1. Execution of deeds and leases.**

All deeds, conveyances, leases and other instruments, which shall be given by the City, and which to be valid in law must be signed, sealed and acknowledged, shall be signed and acknowledged by the Mayor, on behalf of the City, and shall be sealed with the common seal of the City.

**§ 23-2. Certification of payment and discharge of mortgages.**

Whenever the amount due and payable on any mortgage belonging to the City is paid to the City Treasurer, he shall certify the same to the Mayor, who shall thereupon discharge the mortgage, or may assign the same, and for that purpose the Mayor shall execute and deliver all necessary deeds and instruments.

### **Chapter 27 - DEPARTMENTS**

- ARTICLE I Department of Law (§ 27-1 — § 27-14)
- ARTICLE II Department of Municipal Information Systems (§ 27-15 — § 27-17)
- ARTICLE III Department of Elder Affairs (§ 27-18 — § 27-21)
- ARTICLE IV Police Department (§ 27-22 — § 27-38)
- ARTICLE V Department of Code Enforcement (§ 27-39 — § 27-47)
- ARTICLE VI Human Services Department (§ 27-48 — § 27-51)
- ARTICLE VII Veterans Services Department (§ 27-52 — § 27-57)
- ARTICLE VIII Department of Public Works (§ 27-58 — § 27-64)
- ARTICLE IX Department of Facilities Management (§ 27-65 — § 27-66)
- ARTICLE X Library Department and Board of Library Commissioners (§ 27-67 — § 27-76)
- ARTICLE XI Fire Department (§ 27-77 — § 27-99)
- ARTICLE XII Labor Relations Department (§ 27-100 — § 27-103)
- ARTICLE XIII Dispatch Department (§ 27-104 — § 27-110.1)
- ARTICLE XIV CitiStat Department (§ 27-111 — § 27-115)
- ARTICLE XV Department of Administration and Finance (§ 27-116 — § 27-126)

#### **Article I. Department of Law**

##### **§ 27-1. Authority.**

The Department of Law shall have the charge and conduct of all the law business of the City and its departments.

##### **§ 27-2. 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.

##### **§ 27-3. Qualifications of Solicitor.**

The person appointed City Solicitor shall be a resident of the City; shall be an admitted attorney and counselor of the courts of the commonwealth; and shall have been engaged in the actual practice of law for at least five years.

##### **§ 27-4. Duties as to legal instruments.**

The City Solicitor shall draw up and prepare all bonds, deeds, obligations and other legal instruments, of whatever nature, which may be required of him by any ordinance or order of the City Council or by the Mayor or by any committee of the City Council or by the head of any department.

**§ 27-5. Prosecution and defense of actions and suits.**

The City Solicitor shall appear for and protect the rights and interests of the City in all actions, suits, proceedings or claims brought against it or any City officer, in his official capacity, or by or against any board or department.

**§ 27-6. Appearance of Solicitor before Legislature; legal opinions; other duties.**

The City Solicitor shall, when directed to do so by the Mayor or City Council, appear before the Legislature of the Commonwealth, or any committee thereof, whether of either or both branches of the same, when the interest or welfare of the City is directly or indirectly affected; and he shall, when required, furnish the Mayor, the City Council, any member thereof, or any committee thereof, the School Committee, any member thereof, or any committee thereof, or the head of any department who may require it in the discharge of his official duties, his legal opinion in writing on any subject touching the duties of their respective offices, and shall discharge such other duties as may properly pertain to the Law Department of the City.

**§ 27-7. Annual report; certifying correctness of bills.**

The City Solicitor shall transmit to the Mayor annually, in the month of January, a report of the business done by the Law Department during the preceding year. He shall certify as to the correctness of all bills contracted by the Law Department.

**§ 27-8. Docket, records and copies of opinions.**

- A. The City Solicitor shall keep a properly indexed docket, giving the names of the parties who have claims against the City, or who have begun actions against the City, or against whom the City has any action pending.
- B. The City Solicitor shall keep a complete record, properly indexed, of all finished cases wherein the City is a party, and he shall also keep copies of all written opinions furnished by him.
- C. The docket, records and copies of opinions referred to in this section shall, at the expiration of his term of office, be delivered to the Solicitor's successor, and shall be and remain the property of the City.

**§ 27-9. Approval of contracts.**

No written contract providing for the payment of \$1,000 or more shall be executed on behalf of the City until there is endorsed thereon by the City Solicitor a certificate to the effect that such contract is in proper form.

**§ 27-10. Employment of special counsel, stenographer and experts.**

The City Solicitor, with the written consent of the Mayor, may employ counsel to assist him in the examination of titles or in the preparation, argument or conduct of important cases or proceedings in which the City, or any of its departments, boards, bureaus or officers, is a party or interested, and he may with like consent employ a stenographer and secure expert services of any kind whenever necessary.

**§ 27-11. Solicitor's traveling expenses.**

In all cases when the City Solicitor's attendance may be required out of the City, his reasonable traveling expenses shall be allowed him.

**§ 27-12. Disposition of costs received.**

All taxable costs which may be received by the City Solicitor from the adverse party in any suit wherein the City or any of its boards or departments is a party shall be paid by him to the City Collector within 30 days after payment to him.

**§ 27-13. Deputy City Solicitor; Associate City Solicitors; Labor Relations Director.**

- A. There may be one Deputy City Solicitor appointed by the Mayor for a term of four years. The Deputy City Solicitor shall serve at the pleasure of the Mayor. The person thereto appointed shall hold office until his successor is appointed and qualified.
- B. There shall be between two and six Associate City Solicitors appointed by the Mayor for a term of four years. Associate City Solicitors shall serve at the pleasure of the Mayor. The persons thereto appointed shall hold office until their successors are appointed and qualified.
- C. Under the direction of the City Solicitor, one of the referenced Associate City Solicitors shall have the title of "Labor Relations Director" and shall be primarily responsible for matters arising out of collective bargaining by municipal employees and municipal employee relations generally.
- D. Any vacancy in the office of Associate City Solicitor and/or Deputy 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 admitted attorneys and counselors of the courts of the commonwealth; and shall have been engaged in the actual practice of law for at least five

years. They shall perform such duties as the City Solicitor requires and, when requested by the City Solicitor to do so, shall perform the duties of the City Solicitor.

**§ 27-14. Assistant City Solicitors.**

- A. There may be up to nine Assistant City Solicitors appointed by the Mayor annually in the month of January, or whenever a vacancy occurs. All Assistant City Solicitors shall serve at the pleasure of the Mayor. The persons thereto appointed shall hold office until their successors are appointed and qualified.
- B. Vacancies in the position of Assistant 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 admitted attorneys and counselors of the courts of the commonwealth. They shall perform such duties as the City Solicitor requires.

Article II. Department of Municipal Information Systems

**§ 27-15. Establishment.**

There is established in the City a municipal department to be known as the "Department of Municipal Information Systems."

**§ 27-16. Management and operation.**

- 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, boards, committees or agencies of the City, including the School Committee, pursuant to MGL 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 the 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.



**§ 27-17. Data processing center.**

The Department of Municipal Information Systems established pursuant to § 27-15 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 MGL c. 41, § 23D. The Director of Municipal Information Systems 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 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 services and recommendations as to the types of equipment or services which will most economically and efficiently service the recognized need therefor.

Article III. Department of Elder Affairs

**§ 27-18. Establishment.**

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

**§ 27-19. Powers and duties.**

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.

**§ 27-20. Supervision and control.**

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.

**§ 27-21. Grants manager.**

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.

Article IV. Police Department

**§ 27-22. Composition.**

The Police Department shall consist of the Board of Police Commissioners, one Chief of Police, two Deputy Chiefs of Police, and as many policemen as the City Council may authorize from time to time, and four policewomen (all of whom shall be also police officers), and as many special police officers as in the opinion of the Board of Police Commissioners shall be necessary.

**§ 27-23. Rank and grade of members.**

The rank and grade of members of the Police Department below the Board of Police Commissioners shall be as follows: Chief; Deputy Chief; Captain; Lieutenant; Radio Engineer with a rank not higher than a Lieutenant, such rank to be determined by the Board of Police Commissioners; Sergeant; patrolman, Grade A; patrolman, Grade B; patrolman, Grade C; policewoman; and special police officer.

**§ 27-24. Number of Captains, Lieutenants and Sergeants.**

The Board of Police Commissioners shall have authority to increase the number of Captains, Lieutenants, Sergeants and policewomen whenever, in its judgment, the services may require it; provided that the total number of policemen shall not be increased, and provided, further, that the Board is first authorized to do so by the annual budget, a supplementary budget or other appropriation order passed by the City Council and approved by the Mayor.

**§ 27-25. Days of work for policemen.**

- A. The provisions of MGL c. 147, § 16C, are accepted and the services of all policemen shall be restricted to five days in any one week; provided that when the Chief of Police or other officer designated by him determines that public necessity so requires, services in excess of the days mentioned in this section may be authorized.
- B. The compensation of any policeman shall not be reduced by reason of this section.

**§ 27-26. Authority of Chief.**

- A. The Chief shall have precedence over all members and employees of the Police Department below the grade of Chief, and such members and employees shall at all times be subject to his command and control.
- B. He shall, subject to the rules and regulations of the Board of Police Commissioners, from time to time issue orders consistent with the laws of the commonwealth and the ordinances of the City as may be necessary for the maintenance of proper discipline in the Department, for the detail and duties of its members and employees, and for the use and disposition of its equipment.

**§ 27-27. Preferring and investigating charges against members.**

- A. Except as otherwise provided by law, the Chief of Police may prefer charges against any member or employee of the Department.
- B. Such charges shall be specific and in writing and may contain a recommendation for immediate suspension pending investigation.

- C. The Board of Police Commissioners shall forthwith proceed to investigate such charges and recommendation and shall with reasonable dispatch render its decision and take suitable action thereon.

**§ 27-28. Penalizing members and employees.**

The Board of Police Commissioners may penalize any member or employee of the Department by reprimand, the performance of extra or regular duty without pay, suspension with loss of pay, reduction in rank or grade, or dismissal; provided, however, that the procedure established by MGL c. 31 is followed.

**§ 27-29. Approval and certification of payrolls.**

- A. The Chief of Police, or the Deputy Chief of Police in the absence of the Chief, may approve payrolls and certify them to the City Auditor.
- B. The Chief of Police, and the Deputy Chief of Police in the absence of the Chief, is to be considered as the head of the Department for the purpose of swearing to every payroll, bill or account for salary or compensation to any person in the service of the Police Department within the provisions of § 42-3.

**§ 27-30. Order of precedence of members.**

The order of precedence among members of the Police Department below the grade of Chief shall be Deputy Chief, Captain, lieutenant and Sergeant, and among the members of the same rank. All members and employees of the Department shall at all times be subject to the command of the ranking officer present.

**§ 27-31. Bond of Chief and Deputies.**

The Chief and Deputy Chiefs, before entering upon the duties of their respective offices, shall give a bond for the faithful performance thereof, the Chief in the sum of \$2,000 and each Deputy Chief in the sum of \$1,500, with sufficient sureties to be approved by the Board of Police Commissioners.

**§ 27-32. Appointment of employees.**

The Board of Police Commissioners may, subject to the provisions of law, and subject to the provisions of § 73-12, appoint such employees as it may deem necessary, and such employees shall be subject to the provisions of §§ 27-23 through 27-26 and § 27-30.

**§ 27-33. Indemnification of police officers for damages.**

A police officer shall, subject to the provisions of law, be indemnified in such amount as may be recommended by the indemnification board as provided by MGL c. 41, § 100, for expenses or damages to persons or personal property sustained by him while legally acting as

police officer, in such sum as may be recommended by the indemnification board as provided by MGL c. 41, § 100.

**§ 27-34. Superintendent of Police Signal System.**

- A. The Superintendent of the Police Signal System shall have supervision and general charge and care of the apparatus, machinery and fixtures of the police signal telegraph system and shall see that they are kept in good working order, for which he shall be responsible to the Chief of Police.
- B. He shall keep an accurate account of all extra labor and material needed for the proper maintenance of such system, and all the expense of such maintenance shall be charged to the account of the Police Department.
- C. He shall annually, in the month of January, prepare and submit to the Board of Police Commissioners an estimate of the amount of money necessary for the proper care, maintenance and extension of the police signal system for the then-current fiscal year.

**§ 27-35. Police training school not affected.**

Nothing contained in Chapter 67, Officers and Employees, Article XIII, Police Commissioner, and §§ 27-22 through 27-36 shall in any manner affect § 27-37.

**§ 27-36. Enforcement of ordinances.**

The Chief of Police, Deputy Chief of Police and all police officers are especially charged to see that the provisions of all ordinances are enforced.

**§ 27-37. Training school.**

- A. Establishment. A police training school is created and established for the training and instruction of all reserve police officers and of any regular police officers who may be found to require it.
- B. Course of training. The police training school shall provide a thorough course of training and instruction in the laws and the manner of their enforcement, the powers and duties of a police officer, personal hygiene and physical development, the art of self-defense, the art of handling resisting prisoners with the least necessary application of force and the least possible injury to the prisoner, the art of accurate snap shooting with the revolver, pistol and riot gun, and the proper deportment and conduct of a police officer.
- C. Authority to require regular police to take course. Every regular police officer shall take a course in the police training school, or any part or parts thereof, or the equivalent thereof of

such course, whenever the Board of Police Commissioners or other authority in control of the Police Department shall deem it desirable.

- D. Institution and maintenance of school. The training school shall be instituted and maintained by the Board of Police Commissioners or by such other body or officers as may hereafter be invested with the supervision and control of the Police Department.

**§ 27-38. Injury, illness and disability of members.**

- A. Temporary injury, illness or disability in performance of duty.

1. Full pay for 12 weeks. Any member of the Police Department in active service who is injured, becomes ill, or is disabled while in the performance of his duties as a member of such Department shall receive his full pay from the City during his temporary injury, illness or disability, if the injury, illness or disability renders him temporarily unable to attend to his regular duties, not to exceed 12 weeks in all for each such injury, illness or disability.
2. Extension of time of payment. The time for receiving full pay during a temporary injury, illness or disability may be extended beyond such twelve-week period for each injury, illness or disability at the discretion of the Board of Police Commissioners.
3. Notice of injury. Members of the Police Department shall give notice in writing, or cause notice to be given to the Chief, in all cases of injury, illness or disability within three days of the date of the occurrence claimed to be the cause of the injury, illness or disability, and all such claims shall be submitted to the Commissioners and the Chief for their approval.
4. Evidence of injury. The Commissioners and the Chief are empowered to take such steps and require such evidence as they deem necessary to be satisfied of the validity of the claim for injury, illness or disability.

- B. Temporary injury, illness or disability not connected with duties.

1. Full pay for 12 weeks. Any member of the Police Department in active service who suffers an injury, illness or disability not connected with the performance of his duties as a member of such Department shall receive his full pay from the City during his temporary injury, illness or disability, if the injury, illness or disability renders him temporarily unable to attend to his regular duties, not to exceed a total of 12 weeks in any twelve-month period.

2. Self-inflicted or similarly caused injuries. The Board of Police Commissioners is directed and empowered, if the injury, illness or disability is self-inflicted or self-imposed, or if there is any other good cause, to deny a member of the Department sick relief under Subsection B(1).
  3. Extension of time of payment. The time for receiving full pay during any temporary injury, illness or disability may be extended beyond such total twelve-week period at the discretion of the Board of Police Commissioners.
  4. Notice of injury. Members of the Police Department shall give notice in writing, or cause notice to be given to the Chief, in all cases of injury, illness or disability within three days of the date of the commencement of such injury, illness or disability, and all such claims shall be submitted to the Commissioners and the Chief for their approval.
  5. Requiring evidence of validity of claim. The Commissioners and the Chief are empowered to take such steps and require such evidence as they deem necessary to be satisfied of the validity of the claim for injury, illness or disability.
- C. Commissioners may disregard failure to give notice. In case any member who is injured, ill or disabled fails to give notice in writing or cause notice to be given to the Chief as required by Subsections A(3) or B(4) within the required three days, such failure may be disregarded by the Commissioners in awarding payments during injury, illness or disability if, in the discretion of the Commissioners, they are of the opinion that equity and fairness require it.
- D. Notice when Chief incapacitated. In case of the injury, illness or disability of the Chief, the notice of such injury, illness or disability required by Subsections A and B of this section shall be given by the Chief to the Chairman of the Board of Police Commissioners.

#### Article V. Department of Code Enforcement

##### **§ 27-39. Establishment; head of Department.**

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."

##### **§ 27-40. Commissioner of Code Enforcement.**

- A. 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 MGL c. 30, § 9A, or Chapter 31 of the General Laws.

- B. The Commissioner shall have all the powers and duties formerly vested in the Building Commissioner, Housing Code Enforcement Director and the Sealer of Weights and Measures.
- C. 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: MGL c. 40A, c. 94, §§ 176 to 180, c. 98, c. 99, c. 111, §§ 127 to 127L, c. 143, c. 166, Chapter 349 of the Acts of 1910, and Chapter 842 of the Acts of 1967.
- D. 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.
- E. It shall be the duty of the Commissioner to enforce Chapter 140, Building Construction, Article II, and this article, 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, so as to secure their intent.
- F. The Commissioner 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.
- G. 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.

**§ 27-41. Assistant Commissioner of Code Enforcement.**

There shall be an Assistant Commissioner of Code Enforcement, who shall be appointed by the Commissioner in accordance with the civil service law. The Assistant Commissioner of Code Enforcement shall, during the absence or disability of the Commissioner, exercise all the powers of the Commissioner.

**§ 27-42. Housing Code Deputy Director; inspection of rental dwellings.**

- A. There shall be a Housing Code Deputy Director appointed by the Commissioner in accordance with the civil service 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.
- C. The state sanitary code inspection user fee for the Housing Division-Code Enforcement Department to inspect rental dwelling as required under the Massachusetts rental voucher program shall be \$75 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.

**§ 27-43. Sealer of Weights and Measures.**

- A. There shall be a 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 MGL c. 94, §§ 176 to 180, c. 98, c. 99, §§ 1 to 5, and ordinances and regulations relating to the testing, adjustment, sealing, or condemnation and collection of fees for sealing all types of weighing and measuring devices.

C. Fees.

- 1. The fees of the Sealer of Weights and Measures shall be as enumerated in MGL c. 98, § 56, except as follows:

Sealing Fees

- A. Balances and scales
  - 1. Over 10,000 pounds     \$250
  - 2. 5,000 to 10,000 pounds \$200
  - 3. 1,000 to 5,000 pounds \$175
  - 4. 100 to 1,000 pounds   \$100
  - 5. 10 to 100 pounds       \$50
  - 6. 0 to 10 pounds         \$85
- B. Weights
  - 1. Avoirdupois     \$2
  - 2. Metric           \$2
  - 3. Apothecary      \$2
  - 4. Troy             \$2



- C. Capacity measures
  - 1. Vehicle tanks \$15
    - a. Each indicator
    - b. Each 100 gallons or fraction thereof \$10
  - 2. Liquid \$5
    - a. 1 gallon or less
    - b. More than 1 gallon \$10
  
- D. Liquid measuring meters
  - 1. Oil and grease \$20
  - 2. Gasoline \$50
  - 3. Vehicle tank, pump \$100
  - 4. Vehicle tank, gravity \$100
  - 5. Bulk storage \$125
  - 6. Company supplies prover \$100
  
- E. Price verification inspections
  - 1. Fewer than 4 scanners \$75
  - 2. 4 to 11 scanners \$150
  - 3. More than 11 scanners \$250
  
- F. Pumps
  - 1. Each stop on pump \$15
  
- G. Other devices
  - 1. Taximeters \$65
  - 2. Odometer—hubodometer \$35
  - 3. Timing devices \$40
  - 4. Fabric measuring \$40
  - 5. Wire-rope-cordage \$40
  - 6. Mass flow meter—gaseous \$100
  
- H. Linear measures
  - 1. Yard stick \$10
  - 2. Tapes \$10
  
- I. Miscellaneous
  - 1. Dry measures \$10
  - 2. Minimum charge \$30
  
- J. Adjusting—ordered repairs—not sealed—condemned charges = 25% of sealing fee

2. The payment of the fees shall be made at the time of the device sealing. The fine for violating any provision of this subsection, including the nonpayment of the listed fee, shall be \$300. Each day on which any violation exists or continues to exist shall be deemed to be a separate offense.

**§ 27-44. 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.

**§ 27-45. 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 the City Council from time to time.

**§ 27-46. 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.

**§ 27-47. 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.

Article VI. Human Services Department

**§ 27-48. Establishment.**

There is established in the City a municipal department to be known as the "Human Services Department."

**§ 27-49. Human Services Director.**

The position of Human Services Director is created. The Human Services Director shall be responsible for the administration of the Human Services Department. The Human Services Director shall be appointed by the Mayor and serve a term concurrent with the Mayor.

**§ 27-50. Powers and duties.**

- A. It shall be the responsibility of the Human Services Department to provide, through direct service or contract, the City's human services activities.
- B. These activity areas shall include, but not be limited to, elderly, youth, consumer protection, handicapped, intergroup relations, equal opportunity, programming, community organization and citizen participation.
- C. The Department shall provide staff support to all City boards and commissions responsible for the activities mentioned in this section as well as assisting other City departments.
- D. The Human Services Department shall be the successor agency to the Model Cities Agency for the purposes of all pertinent contracts and other financial agreements.

**§ 27-51. Human Services Board.**

- A. Establishment; composition; terms of office.
  - 1. A Human Services Board is established, such Board to consist of 15 members, five of whom shall be appointed by the Mayor, five of whom shall be appointed by the elected neighborhood councils from designated target areas, and five of whom shall be appointed by and representatives of private nonprofit agencies designed by the Board in conformance with any applicable federal guidelines.
  - 2. When the Board is first established, five members shall be appointed for a term of one year and five members shall be appointed for a term of three years. At the expiration of the respective terms of the first appointees, successors shall be appointed for a term of three years or until a successor is appointed and qualified.
  - 3. In the event a vacancy occurs, it shall be filled in the same manner as that of an original appointment for the unexpired term.

4. The five private nonprofit agencies to be represented on the Board at the time of its establishment shall be selected jointly by the initial five mayoral appointees and initial five elected neighborhood council representatives.
- B. Powers and duties.
1. The Human Services Board shall exercise those powers stipulated by federal and state guidelines in the awarding and contracting of human services moneys.
  2. In all other matters, the Human Services Board shall serve in an advisory capacity to the Director of Human Services.

#### Article VII. Veterans Services Department

##### **§ 27-52. Establishment; powers and duties.**

- A. There is established in the City a Veterans Services Department which shall administer the disbursement of veterans' benefits.
- B. This Department shall render such service to veterans, members of the armed forces, their families and dependents as required by law.

##### **§ 27-53. Director of Veterans' Services.**

The Director of Veterans' Services shall be the executive head of this Department and the veterans' agent of the City. Such Director shall perform the duties of burial agent.

##### **§ 27-54. Salary of Director; office.**

The Director of Veterans' Services shall receive such salary as the City Council may from time to time provide, and he shall be provided with an office by the Superintendent of Public Buildings.

##### **§ 27-55. Vacancy in office of Director.**

Whenever a vacancy occurs in the office of the Director of Veterans' Services, the Mayor shall appoint a Director of Veterans' Services subject to the civil service laws, rules and regulations.

##### **§ 27-56. Clerk and assistant.**

The Director of Veterans' Services may employ a clerk or clerks to assist him in the performance of his duties.

##### **§ 27-57. Supervisor of Graves.**

- A. The person appointed by the Mayor to see that every cemetery lot where there is a grave of a soldier, sailor or marine is suitably kept and cared for, as provided by MGL c. 115, § 9, is designated as the Supervisor of Soldiers' and Sailors' Graves.
- B. He shall procure for the grave of every United States war veteran buried in the City a flag of the United States and a marker symbolic of the particular war in which such United States war veteran served.

Article VIII. Department of Public Works

**§ 27-58. Divisions and persons in charge thereof.**

- A. The Department of Public Works shall be divided into such divisions as the Director of Public Works deems administratively and operationally necessary.
- B. Each of the major functions of engineering, streets, traffic engineering, sewers and waste disposal shall be in the charge of a person who shall be an expert in the duties which may devolve upon him, and said person shall be appointed by the Director, subject to MGL c. 31.
- C. Each such person in charge shall devote his entire time to the work of his office, or such other duties as the Director may assign.

**§ 27-59. Director.**

- A. Appointment.
  - 1. 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.
  - 2. The Director of Public Works shall hold his office for a term of five years unless sooner removed in accordance with applicable laws and ordinances.
  - 3. The Director shall be a person fitted by education, training and experience to perform the duties of the office.
  - 4. A vacancy may be filled at any time for the unexpired term.
  - 5. The Director shall devote his entire time to the work of such Department.
  - 6. 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.

B. Duties.

1. The Director of Public Works shall:
  - a. Supervise and care for the streets, roads, sidewalks, lanes and bridges of the City, all main drains and common sewers built or permitted to be built, or owned by the City, and all connections built under provisions of Chapter 300, Sewers, Part 1.
  - b. Attend to the making, widening or altering of the same.
  - c. Cause the same to be kept in repair, subject to the appropriation authorized, and to the provisions of Chapter 82, Purchasing and Contracts, Article I.
  - d. Make all contracts for labor and materials.
2. He shall notify the City Council and the Board of Public Works of the completion of the laying out, altering, widening, discontinuing or changing of the grades of any street, and of the completion of the laying, making or repairing of any main drains or common sewers, or both, such notice to be given forthwith upon the completion of such work.
3. The Director shall make all necessary and proper arrangements for laying dust in and cleaning the streets and disposing of manure, refuse and street dirt, and for collecting and disposing of ashes, garbage and rubbish, shall have the care and custody of all streetlights except as otherwise provided by law, and shall have the care and superintendence of all property of the Department and all plans, delineations, estimates and reports. All field books, notes and other memoranda made by him or any of his deputies or assistants in connection with their official duties shall be and remain the property of the City.
4. The Director of Public Works or his designee shall investigate, study and render reports and recommendations on all matters pertaining to traffic in the City, including the location of traffic signals, stop signs, establishment of overpasses and underpasses, the width, grade, location and design of streets and safety islands, traffic noises, elimination of heavy trucking in congested areas, establishment of parking lots and all other matters pertaining directly or indirectly to traffic conditions in the City.
5. He shall have charge of the records of the former Bureau of Traffic Engineering and of the records of the Division of Traffic Engineering as established in § 27-60, and he shall discharge such other duties as may properly relate to the management of said division.

6. He shall attend all meetings of the Traffic Commission, prepare the agenda for each meeting and keep a properly indexed docket of all investigations, reports and recommendations.
  7. He may call upon other departments for assistance in the performance of his duties, provided that the granting of such assistance would not unreasonably interfere with the normal function of such other department.
  8. He shall procure through the Purchasing Department materials and supplies needed for his Department.
  9. The Director of Public Works or his designees shall install, erect or cause to be maintained all necessary and proper authorized traffic control devices, traffic and parking regulatory signs and all highway pavement markings.
  10. The Director of Public Works or his designee shall establish and determine the design, timing, type, size and location of any and all signs, signals, markings, pylons, channels, islands and other devices for guiding, directing or otherwise regulating and controlling vehicular and pedestrian traffic.
- C. Construction of public works. Unless otherwise provided, the Director of Public Works, either by himself or by the deputies, shall take charge of the construction of all public works of the City which come under this Department.
- D. 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.
- E. 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.
- F. 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.
- G. 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 under taken by this Department and shall perform any and all such services as may be required of him by the Mayor, the City Council or any committee thereof, the City Solicitor or by any other department.

**§ 27-60. Authority of Traffic Engineer and Bureau of Traffic Engineering transferred to Director of Public Works.**

- A. The Director of Public Works shall have and assume all powers, duties and authorities, however granted, which were heretofore or shall be hereinafter vested in the Traffic Engineer of the City or in the Bureau of Traffic Engineering of the City.
- B. The Director of Public Works shall, however, appoint, in accordance with the rules and regulations of the Civil Service Commission and the provisions of Chapter 31 of the General Laws of Massachusetts, a Traffic Engineer to assume said powers and duties, and who shall have said authorities as transferred in this article; provided, however, that the Director of Public Works shall have the power to revoke such delegation of said powers, duties and authorities in conformity with and not inconsistent with the provisions Chapter 31 of the General Laws.

**§ 27-61. Qualifications of Traffic Engineer.**

- A. The person appointed to hold the position of Traffic Engineer as set forth in this article shall be a registered professional engineer. He shall also have six years of experience in a professional status in traffic engineering with at least two of said years in responsible charge. In the event such appointee does not have six years of experience with at least two years in responsible charge as mentioned in this article, he shall be a graduate of a recognized engineering college with a Bachelor of Science degree with a reasonable number of credit hours in engineering or a graduate of a recognized traffic engineering school and three years of experience in a professional status in traffic engineering with at least one year in responsible charge.
- B. A person so appointed, if not a resident of the City on the date of such permanent appointment, shall be required to become a resident of the City within two years from said date as mentioned in this article.

**§ 27-62. Field assistants; materials and implements.**

- A. The Director of Public Works may from time to time employ such office of field assistants, in addition to the deputies provided for in this article, as he may require in the performance of the duties of the Department, and shall determine their compensation, in accordance, however, with the ordinances of the City, and within the appropriation for such Department and subject to the approval of the Mayor.



- B. He may, subject to the approval of the Mayor and subject to the provisions of Chapter 82, Purchasing and Contracts, Article I, expend such sums for labor, materials, implements, appliances and incidental expenses as may be necessary for the use of such Department; provided, however, that all such expenditures for employment of assistants and for material and other incidentals shall be limited to the amount actually appropriated by the City Council for such Department.

**§ 27-63. Notice of encroachments.**

Whenever the Director of Public Works ascertains that any building or structure has been placed within the lines of a public street, or so that it may cause injury thereto or inconvenience to travelers thereon, he shall immediately give notice thereof in writing to the Mayor.

**§ 27-64. Account of expenditures; annual report.**

The Director of Public Works shall keep an exact account of the expenditures in his Department with the names of all persons who have furnished materials and of all workmen and the amount due to each individual and shall lay the same before the Mayor for his examination and approval at such times as he may direct; and he shall annually, on or before the last Monday in January, present to the Mayor a report containing a detailed statement of the expenditures of the Department during the preceding fiscal year, specifying, as near as may be, the amounts expended upon different streets for construction and maintenance, the condition of all structures that come under his supervision that are in the process of construction or have been completed during the previous year, together with a schedule in detail of the property under his charge belonging to the City, and such other information relating to the work of the Department as he may deem expedient, or as the Mayor may require.

Article IX. Department of Facilities Management

**§ 27-65. Divisions 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 said person 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.

**§ 27-66. Director.**

A. Appointment.

1. The Department of Facilities Management shall be under the charge of the Director of Facilities Management.
2. There shall be a Director of Facilities Management who shall be appointed by the Mayor to hold office for a term of five years, or until his successor is appointed.
3. The Director of Facilities Management shall be a person fitted by education, training and experience to perform the duties of the office.
4. The Director shall devote his entire time to the work of such Department.

B. Duties.

1. 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 wastewater treatment plant.
2. Exercise direct supervision and control over all matters pertaining to the structural, mechanical and electrical integrity of all public buildings.

b. In the construction of this subsection, "control" does not include the power to sell any real estate of the City without specific order of the City Council.

2. 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 other than the Department of Facilities Management.
3. The Director of Facilities Management shall supervise the reception 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 wastewater treatment plant under the control of the Department of Public Works.
4. 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.
5. The Director of Facilities Management shall:

- a. 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 of and additions to all public buildings and structures and the preparation of grounds connected therewith for any purpose directly or indirectly concerned with such building.
  - b. 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 causing to be prepared, plans, specifications and pertinent contract documentation. The Director of Facilities Management shall be a voting member of the School Building Commission.
6. The Director of Facilities Management shall:
  - a. Except as otherwise provided by the 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.
  - b. 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.
  - c. Have charge of assigning parking spaces on all grounds under his control and clearly showing nine marked spaces for City Councilor automobiles in the area known as the "horseshoe."
  - d. 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.
7. 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 months, but all leases of such properties for periods exceeding six months shall be authorized by order of the City Council. No sale of any such properties shall be effected except by order of the City Council authorizing the Mayor in the name and on behalf of the City to execute a quit-claim deed of the parcel to be sold at such price as is stated in the City Council order.
8. This subsection shall not apply to property acquired by the City by the foreclosures of tax titles.

- C. 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.
- D. 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.
- E. Director 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.
- F. Energy conservation. The Director of Facilities Management shall develop and control all matters pertaining to energy conservation efforts within 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.
- G. 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.

Article X. Library Department and Board of Library Commissioners

**§ 27-67. Purpose.**

- A. The City of Springfield hereby states and acknowledges that the preservation and maintenance of a Citywide branch library system is critically important to the continuing education of all our citizens. Furthermore, branch libraries located in or near the City's various residential neighborhoods are vital to the continued year-round education of the City's youth and school age population.
- B. The City of Springfield regrets the recent closing of four branch libraries within this City by the Springfield Library and Museum Association, hereinafter referred to as the "SLMA."
- C. It is declared that regular and constant library services are an essential City function and in order to provide such services the City must, at this time, institute a library department that is directly responsive to the requests and demands of the City and its residents.

- D. The City of Springfield, acting through and pursuant to MGL c. 78, § 7, does hereby create its Library Department.

**§ 27-68. Establishment; composition; appointment, term and number of Board members.**

- A. There shall be established in the City a Library Department as a department of the City and which is subject to all rights, benefits and duties incumbent on such a department. The Department may lend books and related materials, establish branch libraries, depositories or bookmobile service, and purchase books, recordings, films and related library materials.
- B. The Library Department shall be under the management and operations of a Board of Commissioners, hereinafter the "Board," consisting of seven persons appointed by the Mayor.
- C. The term of a Board member shall be for five years, provided that any member may be removed in accordance with the City Charter.
- D. Three initial members of this Board shall hold office for terms of one year and the remaining members of the Board shall hold office for terms of two, three, four and five years respectively from the first Monday in February next following such appointment; and thereafter the Mayor shall annually, before the first Monday in February, appoint such member for a term of five years from said first Monday in February.

**§ 27-69. Qualifications for members.**

- A. The Mayor is encouraged to select for membership to the Board individuals exhibiting a sincere interest in learning, literacy and library use and promotion. In making appointments, the Mayor shall strive to reflect the great diversity of this City and as such, and in order to allow more participation on this Board, no member shall serve more than two terms as a member of the Board. No person shall be appointed a member of such Board who has not been a resident of the City for at least three years, next prior to his or her appointment, or who serves as an elected official or department or deputy department head within the City.
- B. In the event any member establishes his principal residence outside of the City, he shall no longer serve as a member of the Board.

**§ 27-70. Governing rules; Chairperson.**

The Board may make rules for the governance of its procedures, consistent with state statute, regulations and ordinances of the City of Springfield. It shall elect one of its members to serve as Chairperson, and no member shall serve as Chair for more than two years consecutively.

**§ 27-71. Management and control of library system.**

- A. The Board shall be responsible for the management and operations of the Springfield City Library Department and its branch libraries. In operating said Department and libraries the Board shall acknowledge and govern its actions according to the financial support and authorizations appropriated by the City, acting through its Mayor and City Council, and said Board in its activities is subject to the provisions of Laws of 1989, c. 656.
- B. The Library Board is expressly encouraged to recruit volunteers to assist in the staffing and operation of the City library system. The Board is charged with the fiscal constraints of City and state government to increase and maximize the hours of operation and the circulation and use of its resources.

**§ 27-72. Acquisition of property for libraries.**

The Board may locate, relocate, or expand any branch within the City and for that purpose may take in fee by eminent domain under MGL c. 79 or by purchase, gift, devise or otherwise land for the purposes thereof. Any such taking by eminent domain or by purchase shall be subject to the provisions of MGL c. 40, § 14. The City may take and hold in trust or otherwise any grant, gift, bequest or devise, made to or for the purpose of locating, relocating or expanding any branch, or otherwise aiding or assisting in financial support or operations of the Library Department.

**§ 27-73. Annual report.**

The Board shall report to the Mayor and the City Council on an annual basis, within 45 days of the end of the fiscal year, as to the Department's activities and shall include a detailed statement of all receipts, expenditures and liabilities for the preceding financial year.

**§ 27-74. Composition of Department.**

The Library Director shall be the head of the Library Department and in charge of the day-to-day operations of the Department. The Library Director shall be a graduate of an accredited college or university with a degree in liberal arts, library science or information science or related areas or have five years of experience as a librarian.

**§ 27-75. Seniority and tenure of employees transferring from Springfield Library and Museum Association.**

Employees hereinafter transferred to the Library Department from the SLMA shall retain their seniority and tenure rights, if any, in accordance with their length of service with the SLMA.

**§ 27-76. Annual City appropriations; contracts for library services.**

- A. Upon the creation of the City Library Department, the City shall make an appropriation for libraries and library services to the Board for the Library Department. The City of Springfield may make an appropriation of money to the SLMA for library or museum services as the City

may deem necessary. The Library Department, acting by and through its Board, may contract with the SLMA, state agency, City or town, and a public or private library for such library services as the Board deems necessary.

- B. Any and all contracts for library services, any and all personal service contracts and all other records and business of the Library Department, unless a specific legal exception applies, shall be regarded as public records and shall be made available upon a reasonable basis to any member of the public.

#### Article XI. Fire Department

##### **§ 27-77. Composition.**

The Fire Department shall consist of one Fire Commissioner, three Deputy Chiefs, eight District Chiefs, one Supervisor of the Fire Alarm, one Assistant Supervisor of the Fire Alarm, one Supervisor of Repairs, one Assistant Fire Repair Supervisor, one administrative assistant, one Supervisor of the Bureau of Fire Prevention, and such number of assistant inspectors of the Bureau of Fire Prevention as may be appointed by the Fire Commissioner, and such number of permanently employed members as may from time to time be authorized, all of whom shall be appointed by the Fire Commissioner.

##### **§ 27-78. Appointment of members.**

Subject to such rules as may be prescribed by the Civil Service Commissioners of the commonwealth, all appointments to the Fire Department, except the Fire Commissioner, shall be made by the Fire Commissioner.

##### **§ 27-79. Qualifications of members.**

- A. No person shall be a member of the Fire Department unless he is at the time a citizen of the City, and not less than 21 years of age.
- B. No person fully or permanently employed by the state or by the City in any other department shall be a member of the Fire Department, and any member of the Fire Department accepting a position requiring him to be so employed or removing from the City shall be considered thereby to have resigned his membership in the Fire Department.

##### **§ 27-80. Composition of companies; duties of officers.**

The composition of the various companies of the Fire Department, and the duties of all the officers and members of the Fire Department, shall be such as the Fire Commissioner may from time to time determine and establish.

##### **§ 27-81. Pay for working out of grade.**

- A. A City employee who is performing, pursuant to assignment, temporary intermittent service in a position occupied by incumbent, which incumbent is classified in a grade higher than the grade of the position in which the performing employee performs regular service, and an employee occupying a vacant position of higher rank, shall be compensated for such service at the rate to which he would be entitled had he been promoted to such position.
- B. Compensation under this section shall be payable to the employee only for each full hour in which he so performs.
- C. A period of performance of less than one hour in the course of a working day shall not be compensable; however, if the same employee is required to perform for two or more periods in a day, regardless of duration, he shall be compensated for time spent in the out-of-grade position. Notwithstanding the above, an employee so serving in a position of higher grade as aforesaid shall receive a minimum of \$0.30 per hour of service.
- D. The provisions of this section do not apply to uniformed members of the Fire Department.

**§ 27-82. Duties of Fire Commissioner.**

It shall be the duty of the Fire Commissioner to make a report in writing to the Building Commissioner and Police Commissioner of any violations coming to his notice of any provision of any ordinance of the City establishing a fire district and regulating the construction of buildings, and he shall perform such other duties as the Mayor shall from time to time prescribe. He shall devote his whole time to the interests and business of the Department.

**§ 27-83. Officers to act during absence or disability of Fire Commissioner.**

- A. In case of the Fire Commissioner's absence from the City, vacancy of office or disability from any cause to perform his duties, his powers shall vest in and his duties devolve upon the senior Deputy Chief.
- B. In case of the absence from the City or disability to perform such duties on the part of both the Fire Commissioner and the senior Deputy Chief, the senior officer by date of appointment shall be Acting Fire Commissioner.

**§ 27-84. Captains and Lieutenants.**

So many of the members permanently employed as the Commissioner may from time to time determine shall hold the ranks of Captain and of lieutenant.

**§ 27-85. Records of members; new members.**



- A. There shall be established and maintained, under the direction of the Fire Commissioner, a suitable record system which shall contain all possible information concerning the efficiency and desirability of each individual member of the Department.
- B. All conspicuous acts and conduct of any permanent member shall be made a matter of record, and all records shall show the date of each entry, and the date of any occurrence referred to therein, and the entry of any occurrence shall be made within two weeks thereafter and shall be signed by the Fire Commissioner.
- C. These records shall be accurately copied into a book permanently bound and kept for that purpose, within five days next after the entry is made by the Fire Commissioner, which book shall remain at all times in the custody of the Fire Commissioner or such representative as he may appoint.
- D. These individual records shall be compared and considered at least once in six months by the Fire Commissioner, who shall justly assign each member to his proper class in accordance with such record.
- E. Any change in the standing of members shall be noted with the reasons for the same and copied as already provided.
- F. New members serving a six-month probationary period shall be considered at the expiration of two months and again at the expiration of five months, at which latter time the Fire Commissioner shall forward to the Mayor, in each case, a recommendation as to their continuance in the service or otherwise.

**§ 27-86. Injury in performance of duty.**

- A. Full pay during disability. Any member of the Fire Department in active service who is injured, becomes ill or is disabled while in the performance of his duties as a member of the Department shall receive his full pay from the City during his temporary injury, illness or disability, if the injury, illness or disability renders him temporarily unable to attend to his regular duties, not to exceed 12 weeks in all for each such injury, illness or disability.
- B. Extending time for receiving full pay. The time for receiving full pay during a temporary injury, illness or disability may be extended beyond such twelve-week period for each injury, illness or disability at the discretion of the Commissioner.
- C. Giving notice of injury; evidence of validity of claims.
  - 1. Members of the Fire Department shall give notice in writing, or cause notice to be given to their respective District Fire Chief, in all cases of injury, illness or disability, within

three days of the date of the occurrence claimed to be the cause of the injury, illness or disability, and all such claims shall be submitted to the Fire Commissioner for his approval.

2. The Fire Commissioner is empowered to take such steps and require such evidence as he deems necessary to be satisfied of the validity of the claim for injury, illness or disability.

**§ 27-87. Injury not in performance of duty.**

A. Full pay during disability; denying sick relief.

1. Any member of the Fire Department in active service who suffers an injury, illness or disability not connected with the performance of his duties as a member of such department shall receive his full pay from the City during his temporary injury, illness or disability, if the injury, illness or disability renders him temporarily unable to attend to his regular duties, not to exceed a total of 12 weeks in any twelve-month period.
2. The Fire Commissioner is directed and empowered, if the injury, illness or disability is self-inflicted or self-imposed, or if there is any other good cause, to deny a member of the Department sick relief under this section.

B. Extending time for receiving full pay. The time for receiving full pay during any temporary illness, injury or disability may be extended beyond such total twelve-week period at the discretion of the Fire Commissioner.

C. Giving notice of injury; evidence of validity of claim.

1. Members of the Fire Department shall give notice in writing or cause notice to be given to the Fire Commissioner in all cases of injury, illness or disability within three days of the date of the commencement of such injury, illness or disability, and all such claims shall be submitted to the Fire Commissioner for his approval.
2. The Fire Commissioner is empowered to take such steps and require such evidence as he deems necessary to be satisfied of the validity of the claim for injury, illness or disability.

**§ 27-88. Disregarding failure to give notice of injury.**

In case any member, injured, ill or disabled fails to give notice in writing or cause notice to be given to the Commissioner of the Fire Department; as required by §§ 27-86C and 27-87C, within the required three days, such failure may be disregarded by the Commissioner in

awarding payments during injury, illness or disability if, in the discretion of the Commissioner, he is of the opinion that equity and fairness require it.

**§ 27-89. Suspension of officers and members.**

Subject to the laws, rules and regulations of the commonwealth relating to the civil service, any officer or member of the Fire Department may, at any time, be suspended, removed or discharged by the Fire Commissioner.

**§ 27-90. Supervisor of the Fire Alarm.**

The Supervisor of the Fire Alarm shall perform all duties designated under the provisions of Chapter 276 of the Acts of 1900, as amended, and also the duties specified in § 27-34, relating to the police signal system.

**§ 27-91. Supervisor of Repairs.**

The Supervisor of Repairs shall have general charge of the care and repairs of the apparatus and equipment of the Fire Department, subject to such rules and regulations as the Commissioner may from time to time prescribe.

**§ 27-92. Pensions and annuities.**

- A. Physical examinations. Every person recommended or petitioning for a pension under the provisions of MGL c. 32, §§ 81A and 81B, shall be examined by a medical panel consisting of three physicians, as provided in MGL c. 32, § 85F.
- B. Statement of cause of disability. When any member of the Fire Department makes application for a pension because of a permanent disability incurred in discharge of his duties as a fireman, the Fire Commissioner shall forthwith furnish to the Mayor a written statement of the circumstance under which the disability of the applicant for pension was incurred and the source of his information.

**§ 27-93. Reimbursing members for damage to clothing.**

The Fire Commissioner may, at his discretion, at the expense of the City, reimburse any member of the Fire Department for damage to his clothing received while on duty.

**§ 27-94. Telephones in homes of officers and members.**

Every officer and member of the Fire Department shall cause to be installed at his home means of communication by telephone which shall be satisfactory to the Chief of the Fire Department or the officer lawfully exercising his powers.

**§ 27-95. Removing apparatus from City.**

No engine or any part of the apparatus belonging to the Fire Department shall be taken from the City at any time, except for the purpose of having the same repaired; provided, however, that in case of a fire and such other emergencies or potential public disasters that might arise in a neighboring town, city or area under federal jurisdiction, the Chief may order any engine, or any of such apparatus, to be taken to such town, city or area under federal jurisdiction for the purpose of assisting in the extinguishing of such fire.

**§ 27-96. Exclusion of persons from streets 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 of the officers of one of such departments, willfully 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.

**§ 27-97. Tampering with fire alarm apparatus.**

- A. No person shall, without authority from the Supervisor of the Fire Alarm, open, or in any way interfere with, break or injure a signal box, wire or anything connected with the fire alarm apparatus, except for the purpose of giving an alarm in case of fire.
- B. No person shall willfully or without cause destroy, injure or deface a signal box, wire or any other thing connected with the fire alarm apparatus.

**§ 27-98. Obstructing fire hydrants.**

No person shall throw or put, or cause to be thrown or put, any snow or ice or any other thing or material upon or against any fire hydrant in any street, lane, alley, park or common in the City.

**§ 27-99. Vehicles obstructing private ways furnishing access for fire apparatus.**

- A. No person shall permit a vehicle in his charge or control to remain unattended within the limits of private ways furnishing means of access for fire apparatus to any building.
- B. If any vehicle is found upon any private way in violation of this section, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

Article XII. Labor Relations Department

**§ 27-100. Establishment; purpose.**

There is established in the City a municipal department to be known as the "Labor Relations Department" that will conduct all labor relations matters for the City and its departments.

**§ 27-101. Director of Labor Relations; appointment and removal, duties and oath.**

- A. The Labor Relations Department shall be under the charge and control of the Director of Labor Relations.
- B. The Director of Labor Relations shall be appointed by the Chief Administrative and Financial Officer, with the approval of the Mayor. In the absence of a Chief Administrative and Financial Officer, the Acting Chief Administrative and Financial Officer shall appoint the Director of Labor Relations, with the approval of the Mayor.
- C. The Director of Labor Relations shall comply with the residency requirements of the City of Springfield.
- D. The Director of Labor Relations shall report to and be under the direction and control of the Chief Administrative and Financial Officer. In the absence of the Chief Administrative and Financial Officer, the Director of Labor Relations will report to and be under the direction of the Acting Chief Administrative and Financial Officer.
- E. The Director of Labor Relations shall have direct responsibility for the organization, administration and management of the Labor Relations Department. Before entering upon the duties of the office, the person shall be sworn to faithfully discharge the duties thereof.
- F. The Director of Labor Relations may be removed by the Chief Administrative and Financial Officer with written notice. His or her successor shall be appointed in the same manner as the original appointment.
- G. The person appointed Director of Labor Relations shall be especially suited by education, training and experience to perform the duties of the office and shall hold no less than an advanced degree or juris doctorate from an accredited college or university.
- H. The position of Director of Labor Relations shall not be subject to the civil service laws of the Commonwealth of Massachusetts, including without limitation Chapter 31 of the Massachusetts General Laws.
- I. The Director of Labor Relations shall report to the Chief Administrative and Financial Officer any problems requiring further action or intervention by the Chief Administrative and Financial Officer. In the absence of a Chief Administrative Officer or Acting Chief

Administrative Officer, the Director of Labor Relations shall report any problem requiring further action or intervention to the Mayor.

**§ 27-102. Composition.**

- A. The Director of Labor Relations shall consist of the Director and such other personnel as from time to time may be authorized. Any such positions within the Labor Relations Department shall be appointed by the Director of Labor Relations, subject to the approval of the Chief Administrative and Financial Officer.
- B. Any personnel appointed by the Director of Labor Relations shall serve in that capacity; however, the Director of Labor Relations may remove such personnel upon written notification by the Chief Administrative and Financial Officer.
- C. The Director of Labor Relations may, with approval from the Chief Administrative and Financial Officer, appoint a Deputy Director of Labor Relations.
- D. The positions created hereunder shall not be subject to the civil service laws of the commonwealth, including without limitation Chapter 31 of the Massachusetts General Laws.

**§ 27-103. Powers and duties; violations and penalties.**

- A. The Department of Labor Relations shall be responsible for overseeing all aspects of the City's labor-management activities, including negotiations of contracts and formulating and administering policies for departmental managers. Working with the Mayor and the Chief Administrative and Financial Officer, the Department will oversee and coordinate all strategies, negotiations and settlements regarding collective bargaining, grievance/arbitration, employee discipline, and all matters related to the promotion and maintenance of a harmonious labor-management relationship. The Department shall:
  - 1. Plan, implement, direct and maintain the City's negotiations, labor relations and contract management;
  - 2. Evaluate and analyze contracts and agreements and make recommendations for ensuring compliance with City, state, and/or federal regulations, and the intent, spirit and terms of contracts;
  - 3. Investigates grievances. The Director serves as hearing officer and represents the City's interests in resolving grievance issues;
  - 4. Advise management and union officials in the development, application and interpretation of labor relations policies and practices according to policy;
  - 5. Represent the City before various state and federal boards, commissions and agencies, including but not limited to the Human Resources Division and Division of Labor Relations;

6. Implement rules, regulations, polices and procedures for effective departmental operations;
  7. Respond to and handle all MCAD complaints and filings;
  8. Maintain current knowledge of state and local statutes, ordinances and case settlements; and
  9. Provide legal support to all City departments regarding employee discipline matters.
- B. The Department of Labor Relations shall have the power, right and duty to:
1. Request data and information from any City department.
  2. Regularly track and analyze information regarding salaries, benefits, hours, wages, working conditions and other terms of employment for all staff (excluding the School Department).
  3. Prepare reports, memoranda and briefing materials for the Mayor, Chief Administrative and Financial Officer and other officials relating to contract bargaining and employee issues and recommend appropriate courses of action.
  4. Meet with City staff to review and discuss contract issues and concerns.
  5. Record, monitor and keep copies of all City bargaining contracts, terms and conditions to ensure compliance with state and federal regulations and City ordinances.
  6. Maintain copies of all records, grievances, opinions, briefs, judgments and settlements relating to labor relations business.
  7. Prepare an annual departmental budget outlining personal services and expenses for the fiscal year.
  8. Perform such other duties as the Chief Administrative and Financial Officer may prescribe from time to time.
- C. The Director of Labor Relations shall protect the right and interests of the City in all actions, suits, proceedings or claims brought against or in relation to labor relations issues brought against it, or any City officer, in his official capacity, or by or against any board or department.
- D. The Director of Labor Relations, with the written consent of the Chief Administrative and Financial Officer, may employ special counsel to assist him/her in the preparation, argument or conduct of important cases or proceedings in which the City, or any of its departments, boards, bureaus or officers, is a party of interest, and he/she may with like consent employ a stenographer and secure expert services of any kind whenever necessary.
- E. All City departments shall cooperate with the Labor Relations Department in the performance of its duties under this article and shall furnish any information or other records requested by the Labor Relations Department within a reasonable period of time, except as otherwise prohibited by law.

- F. Any official who intentionally violates the provisions of this article by failing to cooperate with the Labor Relations Department may be subject to appropriate discipline. For the purposes of this article, the word "official" shall mean a chair, head or employee of a City department, board, commission or committee, temporary or acting, but shall not be construed to include the Mayor or the members of the City Council or School Committee. Any dispute arising out of the disclosure of or access to data and other information reasonably requested by the Labor Relations Department shall be submitted to the Chief Administrative and Financial Officer for review.

### Article XIII. Dispatch Department

#### **§ 27-104. Establishment.**

There is hereby established under the jurisdiction of the Mayor a department of the City to be known as the "Dispatch Department" ("Department").

#### **§ 27-105. Function.**

It shall be the function of the Department to provide and maintain a primary and secondary public safety answering point for the City.

#### **§ 27-106. Dispatch Director; Dispatch Advisory Committee.**

- A. The Department shall be headed by the Dispatch Director ("Director"), who shall be appointed by the Mayor upon recommendation of the Dispatch Advisory Committee described in Subsection B. The Dispatch Director shall be appointed for a term of three years, may be reappointed, and shall be subject to removal with cause.
- B. The Director shall report to the Dispatch Advisory Committee (the "Committee"), which shall be comprised of the Mayor, the Commissioner of the Police Department, the Commissioner of the Fire Department, the Director of 3-1-1, the Chief Information Officer, and the Chief Administrative and Financial Officer, or their designees. The Committee shall:
1. Recommend to the Mayor candidates for the position of Director;
  2. Establish the Department's goals, objectives, and performance targets;
  3. Adopt and revise, as needed, the Department's policies and procedures;
  4. Provide periodic performance evaluations of the Department's management staff; and
  5. Appoint an operations subcommittee or other subcommittees as needed to carry out the work of the Committee; include, as needed, on such committees membership from the City's ambulance service provider.
- C. The Director shall be responsible for the performance of the functions of the Department and shall:



1. Have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the Department.
2. Manage the budget for the Department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the Committee and the Mayor.
3. Administer the award and implementation of contracts concerning matters under the responsibility of the Department and payable from funds appropriated to the Department.
4. Provide and maintain all radio, telecommunications, audio, video, and mobile data services and facilities necessary for operations of the Department as a primary public safety answering point and necessary for communications with emergency services via radio and data. The Department's access to data and information contained in these systems shall be governed by the Committee.
5. Operate and maintain a central communication center and a secondary communications center, as necessary, for all public safety communications, keep audio recording of emergency telephone activity and public safety radio transmissions, and make the same available to public safety agencies as their needs might require.
6. Supervise and direct the employees in the Department by establishing rules, polices and practices governing the operations of the Department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training or providing for the training of employees in the specialized tasks of the Department; evaluating the performance of individual employees in the Department; recommending promotions and honors and disciplining personnel at any level, including suspensions for more than five working days.
7. Keep the Committee informed of the activities and needs of the Department and provide the Committee with the information developed by the Department which would have a material impact on the peace, security and good order of the City.
8. Seek the advice and approval of the Committee prior to changing any existing policy or initiating any new programs or service.
9. Prepare prompt and thorough response to requests for reports, memoranda, opinions or other documents or actions as may be requested by the Mayor and the Committee.
10. Identify, acquire, maintain and renew any license necessary or useful in carrying out the duties and responsibilities of this section.

11. Allocate and assign various portions of the radio and telecommunications facilities of the City to the various City departments and agencies.
12. Ensure compliance with all state and federal laws and regulations concerning the radio and telecommunications facilities and services provided by the Department.
13. Administer the Department and its employees and inform the head of City departments or divisions whenever employees of such departments or divisions fail to comply with applicable laws, regulations, training or practices required or recommended by the Department.
14. Perform such other dispatch and communications tasks and functions as may be requested by the Committee and Mayor.
15. Ensure that all actions of the Department are taken in accordance with all executive orders and administrative directives issued by the Mayor, policies of the Committee, policies of the Police and Fire Departments, the financial procedures of the City, the provisions of these revised ordinances, the City Charter, the Constitutions and the laws of the Commonwealth and the United States.
16. Have care custody and control of the property, including real property and tangible and intangible property, that has been, or may be, allocated to the Department.
17. Determine the priorities of the Department and prepare long-range strategic plans and objectives consistent with the strategic direction of the Committee.
18. Prepare, implement, evaluate and improve Department operations, programs, projects, and interoperability in accordance with the goals and objectives established for the Department by the Committee.

**§ 27-107. Personnel.**

The Department shall consist of the Director and such other personnel as from time to time shall be authorized.

**§ 27-108. Licenses.**

- A. To the extent permitted by law or regulation, the Director, with the approval of the Mayor and the Committee, may issue licenses to any public or private entity interested in utilizing any radio or telecommunications service or facility under the care, custody and control of the Department. No such license shall be issued unless:

1. The Director determines in writing that the service or facility usage permitted by the license shall not materially diminish the radio or telecommunications services or facilities required by the City departments and agencies; and
  2. The licensee pays a license fee to the City as established by City ordinance.
- B. The Director shall, with the approval of the Mayor, establish appropriate fees for such licenses. Any license issue under this section shall not exceed a term of 12 months, but may be renewable or self-renewable for additional one-year periods, and shall be revocable at the will of the Director.

**§ 27-109. Conflict with state law or authority of other officials.**

Nothing in this article shall be deemed to conflict with the General Laws or abridge the authority vested in the Mayor, the Commissioner of the Police Department, or the Commissioner of the Fire Department.

**§ 27-110. Rules and regulations.**

The Director, with the approval of the Committee, may promulgate such rules and regulations as may be deemed necessary or proper to carry out the purposes of this article.

**§ 27-110.1. Language access.**

- A. The purpose of this section is to establish language access, consistent with Title VI of the Civil Rights Act of 1964, 560 CMR and Enhanced 911 guidelines provided by the Commonwealth of Massachusetts for public safety services as provided through the Emergency Dispatch Center of the City of Springfield.
- B. The Dispatch Director shall facilitate the development of protocol and procedures for language access to public safety services, including the Police Department, Fire Department, EMS provider, and Emergency Dispatch Center. Such protocol and procedures shall be included in a language access plan for the limited English proficient (LEP) public during 9-1-1 calls, emergency situations in the field, "walk-in" emergencies, and nonemergency situations while accessing public safety services in the City.
- C. Public safety services, including the Police Department, Fire Department, EMS provider, and Emergency Dispatch Center, and any other City department utilizing language access programs as identified by the Dispatch Director, shall establish written protocol and procedures for their members to follow when encountering a LEP person. Each commissioner/director of these departments is responsible for ensuring full compliance with this section and the protocol and procedures developed by the Dispatch Director.

- D. The Dispatch Director shall coordinate an outreach program to educate the LEP public about how to access language services during emergencies or other public-safety-related situations. Outreach shall specifically include providing instructions in multiple languages for use by public safety personnel on how to access language services.
- E. The Dispatch Director will assist the City's public safety services in meeting the training needs for personnel to carry out language access policies.
- F. The Dispatch Director shall make himself or herself available to the community to review reports from residents regarding language access issues that arise, and will be responsible for resolving these issues.
- G. The Dispatch Director shall provide an annual report to the Mayor and City Council for public dissemination detailing the LEP numbers served, training provided, review of problems addressed, and recommendations for policy changes.
- H. All language access programs and policies referenced in Subsections B and C of this section shall be made available for public access at the main office of the department for which the program or policy was created upon completion of its drafting according to the implementation requirements set forth in Subsection I.
- I. The Dispatch Director shall submit a language access plan adherent to Subsection B within 30 days of the date of passage of this section.
- J. Each City department utilizing language access programs shall establish written policies regarding such within 60 days of passage of this section.
- K. The Dispatch Director shall provide the annual report (See Subsection G.) within 30 days after one year from passage of this section.

#### Article XIV. CitiStat Department

##### **§ 27-111. Establishment.**

There is established in the City a municipal department to be known as the "CitiStat Department."

##### **§ 27-112. Director.**

- A. The CitiStat Department shall be under the charge and control of the Director of CitiStat.
- B. The Director of CitiStat shall be appointed by the Mayor.

- C. The Director of CitiStat shall report to and be under the direction and control of the Mayor.
- D. The Director of CitiStat shall have direct responsibility for the organization, administration and operation of the CitiStat Department. Before entering upon the duties of the office, the person shall be sworn to faithfully discharge the duties thereof.
- E. The Director of CitiStat may be removed by the Mayor upon written notice. The reasons for removal may not be arbitrary or capricious. His or her successor shall be appointed in the same manner as the original appointment.
- F. The person appointed Director of CitiStat shall be especially suited by education, training and experience to perform the duties of the office and shall hold no less than a bachelor's degree from an accredited college or university.
- G. As a department head, the position of Director of CitiStat shall not be subject to the civil service laws of the Commonwealth of Massachusetts, including without limitation Chapter 31 of the Massachusetts General Laws. See MGL c. 31, § 48.
- H. The Director of CitiStat shall report to the Mayor any problems requiring further action or intervention by the Mayor.

**§ 27-113. Composition.**

- A. The CitiStat Department shall consist of the Director and such other personnel as from time to time may be authorized. Any such positions within the CitiStat Department shall be appointed by the Director of CitiStat, subject to the approval of the Mayor.
- B. All incumbents in the positions of the Director of CitiStat or CitiStat Department staff shall continue to serve in such capacity after the effective date of this article; provided, however, that the Mayor may remove such incumbents upon written notice.
- C. The positions created hereunder shall not be subject to the civil service laws of the Commonwealth of Massachusetts, including without limitation Chapter 31 of the Massachusetts General Laws.

**§ 27-114. Powers and duties; cooperation of other departments required.**

- A. The CitiStat Department and CitiStat Review Team established pursuant to the provisions of § 27-115 shall be responsible for cultivating data-driven management and accountability of the operations of all City departments, boards, commissions and agencies and, upon the request of the School Committee and/or Superintendent of Schools, the School Department. The CitiStat Department and CitiStat Review Team shall work with departments, boards, commissions and agencies and, as applicable, the School Department, to improve their

operations, efficiency and effectiveness, and shall facilitate the process of cross-departmental cooperation for the purposes of improving the efficiency, effectiveness and quality of public services in Springfield.

- B. The CitiStat Department shall have the power, right and duty to:
1. Request data and information from any City department, board, commission and agency (including, pursuant to the provisions of Subsection A, the School Department);
  2. Regularly track, collect, review and analyze performance and management data and other information from all City departments (including, as applicable, the School Department), identify key issues and questions, and query any City departments (including, as applicable, the School Department) pertaining to such data and information;
  3. Conduct field investigations;
  4. Prepare reports, memoranda and briefing materials prior to CitiStat meetings, highlighting data and posing questions, and at other times as determined appropriate by the Director;
  5. Regularly schedule management and performance reviews and other meetings with all City departments, boards commissions and agencies (including, pursuant to the provisions of Subsection A, the School Department);
  6. Record and monitor until completion all action items, open tasks, and follow-up actions identified during any CitiStat meetings;
  7. Notify, on at least a monthly basis, all City departments (including, pursuant to the provisions of Subsection A, the School Department) of uncompleted action items and follow-up items for which they are responsible;
  8. Advise and make recommendations to the Mayor and others, upon mayoral direction, pertaining to the operations of the City;
  9. Establish, operate and maintain a call center, to be known as the "3-1-1 Citizen Service Center," that will receive, respond to, manage, monitor, evaluate and track departmental responses to, resolve and report on all nonemergency calls, citizen inquiries, requests for services or information, and complaints for all City departments;
  10. Issue a public report on no less than on a quarterly basis regarding departmental activities, results and future items; and

11. Perform such other duties as the Mayor may prescribe from time to time.
- C. The CitiStat Department shall, so far as may be necessary for the proper performance of its duties and except as prohibited by law, have access to all books, documents, data and other information in the possession, custody or control of any City department, board, commission and agency and, pursuant to the provisions of Subsection A, the School Department.
- D. All City departments (including, as applicable, the School Department) shall cooperate with the CitiStat Department in the performance of its duties under this article and shall furnish any data or other information reasonably requested by the CitiStat Department within a reasonable or agreed-upon time, except as otherwise prohibited by law.
- E. Any official who intentionally violates the provisions of this article by failing to cooperate with the CitiStat Department or CitiStat Review Team may be subject to appropriate discipline. For the purposes of this article, the word "official" shall mean a chair, head or employee of a City department, board, commission or committee, temporary or acting, but shall not be construed to include the Mayor or the members of the City Council or School Committee. Any dispute arising out of the disclosure of or access to data and other information reasonably requested by the CitiStat Department shall be submitted to the Mayor for final resolution.

**§ 27-115. CitiStat Review Team.**

- A. There is established in the City a CitiStat Review Team. The CitiStat Review Team shall consist of eight members as follows:
1. The Mayor or his or her designee;
  2. The Chief Administrative and Financial Officer or his or her designee;
  3. The City Solicitor or his or her designee;
  4. The Director of Finance or other officer performing similar duties but with a different title or his or her designee;
  5. The Chief of Information Technology or his or her designee;
  6. The Director of Personnel or his or her designee;
  7. The Director of Labor Relations or his or her designee; and
  8. The Director of CitiStat or his or her designee.
- B. The CitiStat Review Team shall be responsible for reviewing reports, memoranda and briefing materials prepared by the CitiStat Department and for conducting regular management reviews, performance reviews, and other meetings. City department personnel shall attend such reviews and meetings.

## Article XV. Department of Administration and Finance

### **§ 27-116. Establishment; responsibilities.**

- A. In accordance with the provisions of Chapter 656 of the Acts of 1989, as amended, and Chapter 468 of the Acts of 2008, there shall be established a Department of Administration and Finance.
- B. The Department of Administration and Finance shall be responsible for the overall budgetary, financial and personnel administration of the City.
- C. The Department shall be under the charge and control of the City's Chief Administrative and Financial Officer, herein referred to as the "CAFO."
- D. The Department of Administration and Finance, under the direction of the CAFO, shall oversee the Treasurer/Collector Department, Assessors Department, Human Resources Department, Labor Relations Department, Budget Department, Finance Department, Division of Capital Asset Management, Information Technology Department, Comptroller Department, Grants Management Department, Payroll Department and Purchasing Department, and such other departments as may be placed under the direction of the CAFO by the Mayor.
- E. The City shall annually appropriate amounts sufficient for the proper administration of the department, as determined in writing by the Secretary of Administration and Finance. If the City fails to appropriate such amounts, the Secretary shall direct the State Treasurer to deduct the necessary funds from the City's distribution from the State Lottery Fund and shall expend those funds directly for the benefit of the Department.
- F. Whenever the term "Department of Finance" appears in any general or special law or any ordinance, regulation, contract or other document with reference to the City of Springfield, it shall be taken to mean the Department of Administration and Finance of the City of Springfield.
- G. Whenever the term "Chief Financial Officer" appears in any general or special law or any ordinance, regulation, contract, or other document with reference to the City of Springfield, it shall be taken to mean the Chief Administrative and Financial Officer of the City of Springfield, unless specifically noted as pertaining to the Director of Finance.

### **§ 27-117. Responsibilities and duties.**

- A. The Department of Administration and Finance, under the direction and management of the CAFO, shall be responsible for the overall budgetary and financial administration of the City, including:



1. Coordination, administration, and supervision of all financial departments, services and activities;
  2. Assistance in all matters related to municipal financial affairs;
  3. Implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the School Department, boards, commissions, agencies and other units of City government, the operations of which have a financial impact upon the general fund and enterprise funds of the City, and including, but not limited to, maintenance of all financial and accounting data and records;
  4. Implementation and maintenance of uniform financial data processing capabilities for all departments;
  5. Supervision of all financial data processing and technological activities;
  6. Implementation and maintenance of uniform budget guidelines and procedures;
  7. Assistance in development and preparation of all department budgets and spending plans;
  8. Review of all proposed contracts and obligations with a term in excess of one year;
  9. Monitoring of the expenditure of all funds, including periodic reporting by and to appropriate agencies of the status of accounts;
  10. Review of the spending plan for each department as provided herein; and
  11. Providing for the allotment of funds on a periodic basis as provided for in Chapter 468 of the Acts of 2008.
- B. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the CAFO, under the auspices of the Department of Administration and Finance, to promote, secure, and preserve the financial interests of the City.
- C. All incumbents in the positions of Chief Financial Officer now known as the "Finance Director," "Collector/Treasurer," "Board of Assessors" and "Director of Information Technology" shall continue to serve in such capacity after the effective date of this article; provided, however, that the CAFO may, with approval of the Mayor, remove such incumbents at any time, without cause, upon written notice.

- D. All department budgets and requests for budget transfers shall be submitted to the CAFO for review and recommendation by the Department of Administration and Finance 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 MGL c. 44, § 4, 6 or 6A, the CAFO shall, if it be the case, submit in writing to the Mayor and City Council a certification that is the CAFO's 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 CAFO 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, but the absence of the certification of the CAFO shall be expressly noted in such order or vote.

**§ 27-118. Financial information.**

- A. The City Council by majority vote may request in writing an 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:
  - 1. An expenditure which is or may be in excess of an appropriation;
  - 2. A condition where an allotment is or may be exceeded;
  - 3. A certification of the CAFO that the City's financial resources and revenues are and will continue to be adequate to support a proposed expenditure or obligation pursuant to the terms set forth in this article; or
  - 4. Any actions with respect to temporary or permanent indebtedness.
- B. With respect to any year in which a loan under Section 2 of Chapter 169 of the Acts of 2004 remains outstanding, on or before July 1, the CAFO shall submit to the Director of Accounts a pro-forma tax rate recapitulation for the following fiscal year. The Director shall ascertain whether the City budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised

under MGL c. 59, § 23, and the Director shall report his conclusion to the Commissioner of Revenue.

- C. With respect to any such year, upon submission of the annual tax rate recapitulation, the Director shall also ascertain whether the City budget for that fiscal year contains reasonable revenues from taxation and other sources to meet the appropriations and other amounts required by law to be raised under MGL c. 59, § 23, and the Director shall report his conclusion to the Commissioner. If the Commissioner determines that the City budget as presented on the pro-forma or annual tax rate recapitulation would not permit certification of the tax rate for the applicable fiscal year, he shall certify this determination in writing and provide notice of this determination with a copy of the certificate to the Secretary of Administration and Finance. Upon such notification, the Secretary may recommend to the Governor that he propose legislation reviving the Finance Control Board or establishing a receiver for the City.

**§ 27-119. Appointment, term, qualifications and requirements of CAFO.**

- A. The Chief Administrative and Financial Officer shall report to and be under the direction of the Mayor. The Mayor shall appoint the CAFO for a term of not more than three years. Before entering upon the duties of the office, the person shall be sworn to faithfully discharge the duties thereof.
- B. The CAFO shall be appointed solely on the basis of administrative and executive qualifications, and shall be especially fitted by education, training and previous experience to perform the duties of the office and shall hold no less than a bachelor's degree from an accredited college or university.
- C. So long as the loan under Section 2 of Chapter 169 of the Acts of 2004 remains outstanding, the appointment, including an acting appointment, or removal of the CAFO shall not take effect until it has been approved in writing by the Secretary of Administration and Finance.
- D. Under the policy direction of the Mayor, the CAFO shall function with considerable independence and be directly accountable for his or her actions.
- E. The Chief Administrative and Financial Officer need not be a resident of the City or commonwealth when appointed, but shall become a resident of the City within one year of appointment to the extent required by law.

**§ 27-120. Selection of CAFO.**

- A. When the office of the CAFO is vacant or will become vacant, the Mayor shall initiate the selection process by giving notice of his intent to establish a "screening committee" to

review applicants for the position. The Mayor shall send a copy of the notice to each agency or officer responsible for appointing persons to serve on the screening committee.

- B. The Mayor shall appoint a screening committee no later than 21 days after sending the notice. No screening committee is required if the Mayor reappoints an incumbent CAFO.
- C. The screening committee shall consist of seven members. The School Committee, City Council and Secretary of Administration and Finance of the commonwealth shall each appoint one person to serve on the screening committee. The Mayor shall appoint four other members to the screening committee, two of whom shall be experts in municipal management specifically in the areas of finance and/or personnel management.
- D. The screening committee shall recommend to the Mayor the names of not less than two nor more than five candidates whom it believes to be best suited to perform the duties of the CAFO. If the screening committee determines that there are not at least two candidates qualified to perform the duties of CAFO, the screening committee shall report to the Mayor that it is unable to complete its assigned task. In that event, the Mayor shall direct the screening committee to reopen the search.
- E. In the absence of a Chief Administrative and Financial Officer, or while the process of appointing a CAFO is proceeding, the Mayor may appoint an Acting CAFO in accordance with Chapter 656 of the Acts of 1989, as amended, and Chapter 468 of the Acts of 2008.

**§ 27-121. Powers and duties of CAFO; violations and penalties.**

- A. The Chief Administrative and Financial Officer shall cause the laws of the commonwealth and the ordinances, orders and regulations of the City to be executed and enforced by the officers under the direction of the CAFO. The CAFO shall exercise and have direct responsibility for the organization, administration and management of the following:
  - 1. Coordination, administration, and supervision of all financial services and activities;
  - 2. Assistance in all matters related to municipal financial affairs;
  - 3. Implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the School Department, boards, commissions, agencies or other units of City government, the operations of which have a financial impact upon the general fund and enterprise funds of the City, and including, but not limited to, maintenance of all financial and accounting data and records;
  - 4. Implementation and maintenance of uniform financial data processing capabilities for all departments;

5. Supervision of all financial and information technology and data processing activities; overseeing all management information systems; making recommendations for improvements and implementation of appropriate policies;
  6. Implementation and maintenance of uniform budget guidelines and procedures;
  7. Direction, guidance and assistance in development and preparation of all department budgets and spending plans; establishing and overseeing budget processes from developing instructions and setting deadlines to providing recommendations;
  8. Coordination of the development of strategic financial goals;
  9. Review and approval of all proposed contracts and obligations with a term in excess of one year;
  10. Monitoring of the expenditure of all funds, including periodic reporting by and to appropriate agencies on the status of accounts;
  11. Review of the spending plan for each department; reviewing all revenues collected and making recommendations concerning fees, charges, enterprise fund rates as well as new sources of revenue;
  12. Providing for the allotment of funds on a periodic basis as provided for in this article and in accordance with Chapter 458 of the Acts of 2008.
- B. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the CAFO to promote, secure, and preserve the financial interests of the City.
- C. In the case of the School Department, MGL c. 71, § 37M, shall be deemed to have been accepted by the City for the purpose of consolidating the operations of the business and financial services department of the School Department with those of the City under the authority of the CAFO which shall, at a minimum, include the following:
1. Finance and budget;
  2. Information technology;
  3. Procurement;
  4. Administration of personnel functions, including payroll and accounting;
  5. Labor relations; and
  6. Building maintenance.

- D. No revocation of acceptance of MGL c. 71, § 37M, shall be valid or effective in any year during which a loan under Section 2 of Chapter 169 of the Acts of 2004 remains outstanding, without the written approval of the Secretary of Administration and Finance.
- E. All department budgets and requests for budget transfers shall be submitted to the CAFO for review and recommendation before submission to the Mayor, City Council or School Committee, as appropriate. For each 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 MGL c. 44, § 4, 6, or 6A, the CAFO shall, if it be the case, submit in writing to the Mayor and City Council a certification that it is the CAFO's 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.
- F. If the CAFO fails to provide the certification in Subsection E above within seven days after a request for such certification from the City Council or Mayor, the appropriation order, financial transfer, ordinance revision, special legislation or borrowing authorization may nonetheless be approved, but only if the absence of the certification of the CAFO is expressly noted in that order or vote.
- G. All departments, officers, boards, commissions, agencies and other units of the City, including the school department, shall submit budget requests to the Mayor upon the schedule and in the form established by the CAFO.
- H. On or before March 30 of each year, the CAFO shall submit to the Mayor and City Council a four-year financial plan and a five-year capital plan that includes all capital needs of the City.
- I. In any year in which a loan under Section 2 of Chapter 169 of the Acts of 2004 remains outstanding, on or before July 1, the CAFO shall submit to the Director of Accounts a pro-forma tax rate recapitulation for the following fiscal year. (See MGL c. 468, § 5.)
- J. The Board of Assessors, Treasurer/Collector, Budget Director, Finance Director, Comptroller, Director of Information Technology, Director of Purchasing, Director of Human Resources, Director of Labor Relations, Director of Capital Asset Construction, School Building Commission and employees performing similar duties but with different titles shall report to and be under the direction of the CAFO. The CAFO shall appoint all such officers and employees with the approval of the Mayor.

- K. The CAFO shall be responsible for overseeing all aspects of the City's human resource and employee relations functions, including establishing and maintaining impartial and uniform personnel policies, job classifications, compensation, and benefits. The CAFO will oversee and coordinate budgets for insurance or self-insurance plans, including health, accident, life and other forms of insurance, including workers' compensation and unemployment compensation.
- L. The CAFO shall be responsible for overseeing all aspects of the City's labor-management activities. Working with the Mayor and Director of Labor Relations, the CAFO will provide professional guidance and oversee and coordinate all strategies, negotiations and settlements regarding collective bargaining, grievance/arbitration, and all matters related to the promotion and maintenance of a harmonious labor-management relationship. The CAFO shall protect the rights and interests of the City in all actions, suits, proceedings or claims brought against it.
- M. By executive order, the Mayor may place other positions and departments under the direction of the CAFO.
- N. The CAFO shall not assume the duties or responsibilities of the Director of Internal Audit or Treasurer/Collector and shall not hold any elective office or engage in any other business or occupation.
- O. If the CAFO finds, after receiving such information and report from the Director of Internal Audit, and after notice and opportunity for hearing, that an officer or employee of any unit of City government, including the School Department, has refused information or access to the office of the Director of Internal Audit, or knowingly or through neglect provided false information to the Director, the officer or employee shall be individually and personally subject to a civil fine of \$100 per violation, per day, until the violation is cured. This fine shall be payable to the general fund of the City. Notwithstanding any general or special law, contract or collective bargaining agreement to the contrary, a violation of this subsection shall be just cause for termination.

**§ 27-122. Requests for information from School Department.**

- A. The CAFO and the Director of Internal Audit shall comply with all requests of the School Department to provide information relating to the operation of the School Department held within the authority or control of the CAFO or the Director of Internal Audit as the result of consolidation.
- B. If the CAFO, the Director of Internal Audit, or any employee thereof refuses to provide such information or engages in unreasonable delay, the School Department shall notify the Secretary of Administration and Finance that the CAFO, Director of Internal Audit or other

employee has not made a good faith effort to provide said information in a timely manner. The Secretary shall, within a reasonable time, make a determination that any such information shall be provided to the School Department, which shall be binding upon the CAFO, the Director of Internal Audit and the School Department. The Secretary's determination shall not be an adjudicatory proceeding reviewable under Chapter 30A of the General Laws. Nothing in this subsection shall abrogate any of the other powers or duties of the School Committee under Chapter 71 of the General Laws.

**§ 27-123. Composition; appropriations; cooperation of other departments required.**

- A. The Department of Administration and Finance shall consist of the CAFO and such other personnel as from time to time may be deemed necessary for the proper execution and fulfillment of his/her duties and responsibilities.
- B. The CAFO may remove such personnel upon written notification and shall have direct supervisory responsibility for all staff reporting to him/her. The CAFO shall be responsible for overseeing and coordinating the work and administrative activities of those employees in the departments under the CAFO's authority as specified in Chapter 468 of the Acts of 2008, as well as those positions and departments placed under the direction of the CAFO by the Mayor.
- C. The CAFO may appoint a Deputy Chief Administrative and Financial Officer who shall be qualified by particular education and expertise. The powers and duties of the Deputy Chief Administrative and Financial Officer shall be such as are designated and assigned from time to time by the CAFO. In the temporary absence or disability of the Chief Administrative and Financial Officer, the Deputy Chief Administrative and Financial Officer shall temporarily assume the duties of the CAFO, subject to the approval of the Mayor.
- D. The City shall annually appropriate amounts sufficient for the proper administration of the Department, as determined in writing by the Secretary of Administration and Finance. If the City fails to appropriate such amount, the Secretary shall direct the State Treasurer to deduct the necessary funds from the City's distribution from the State Lottery Fund and shall expend those funds directly for the benefit of the Department.
- E. All City departments, employees, officials, boards, commissions, agencies and other units of City government, including the School Department, shall cooperate with the CAFO in the performance of his/her duties under this article and in accordance with Chapter 468 of the Acts of 2008. They shall furnish any information or other records requested by the CAFO within a reasonable period of time, except as otherwise prohibited by law. Any official who intentionally violates the provisions of this article by failing to cooperate with the CAFO may be subject to appropriate discipline. For the purposes of this article, the word "official" shall mean a chair, head or employee of a City department, board, commission or committee,



temporary or acting, but shall not be construed to include the Mayor or the members of the City Council or School Committee.

**§ 27-124. Consolidation of financial activities.**

- 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 CAFO with the approval of the Mayor. For purposes of this article, 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 CAFO 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 Director of Internal Audit 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 CAFO is authorized to 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 of the full employment expenses of the aforementioned personnel.

**§ 27-125. Stabilization funds.**

The City shall maintain all stabilization and reserve funds required by policy, ordinance and law, including without limitation those required by Chapter 656 of the Acts of 1989, Chapter 169 of the Acts of 2004 and Chapter 468 of the Acts of 2008.

**§ 27-126. Expenditures in excess of appropriations; personal liability.**

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. Any official who intentionally violates this section, which incorporates Section 8 of Chapter 656 of the Acts of 1989, may 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. For purposes of this section, the word "official" shall mean a City department head, 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.

### **Chapter Thirty Four - EMERGENCY SERVICES**

ARTICLE I Office of Emergency Preparedness (§ 34-1 — § 34-7)

ARTICLE II Emergency Medical Services Commission (§ 34-8 — § 34-11)

#### **Article I. Office of Emergency Preparedness**

##### **§ 34-1. Establishment; 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.

##### **§ 34-2. Director; appointment, term, removal and compensation.**

- A. The Department established by § 34-1 shall be under the direction of a Director who shall be appointed by the Mayor and shall serve during the pleasure of the Mayor.
- B. He may be removed at any time with or without cause and his successor shall be appointed in the same manner as the original appointment.
- C. The Director shall devote his full time to his duties under this article, shall not hold any other public office, and shall receive, subject to appropriation, such compensation as the Mayor and City Council may determine.
- D. The Director shall have direct responsibility for the organization, administration and operation of the Department, subject to the direction and control of the Mayor.

##### **§ 34-3. Powers and duties of Director.**

- A. The Director shall utilize and coordinate the services, equipment, supplies and facilities of existing departments, offices and agencies of the City for the purpose of performing local civil defense functions and other local emergencies.
- B. The Director may, within limits of the amount appropriated therefor, appoint deputy directors and such experts, clerks, employees and assistants as the work of the Department may require.
- C. The Director is authorized and directed to issue rules and regulations, to make executive orders, expend funds and do all things necessary and proper to carry out the provisions of Chapter 639 of the Acts of 1950 or any act in substitution or amendment thereof, and for the preservation of the public safety, health, morals and general welfare, including, but without limiting the generality of the foregoing:
  - 1. Measures appropriate to defense against air raids, including the regulations of lights and lighting and the distribution of lighting, electricity, gas and power of every kind throughout the City, the formulation, execution and enforcement of blackout plans, and the ordering of test or practice blackouts as well as blackouts in time of actual need;
  - 2. Measures appropriate to the mobilization of regular, special, and volunteer facilities for fire fighting, for the preservation of order, of lives, of property and of health and sanitation, and to these ends he may cause the demolition of buildings and other structures;
  - 3. Measures appropriate to the regulation of traffic, the prevention of sabotage, and the protection of public and private facilities of every kind, the control of firearms and explosives, the provision of ambulance service and of first aid and other medical care, and of relief;
  - 4. Measures appropriate to the preparation, execution and enforcement of disaster plans and the organization of all transportation and communication facilities, and of emergency services of every kind;
  - 5. Measures appropriate to the preservation of public morals; and measures appropriate to all other subjects designed to further the accomplishment of the purposes of this article, whether or not such subjects be of the same or a similar kind with the subjects listed in this article.
- D. Whenever he deems it appropriate the Director may require drills and practice exercises.

- E. Whenever it is necessary in specific emergencies, he may cause to be commandeered for the public use automobiles, trucks, and other equipment, materials, food, clothing, medical and other supplies.

**§ 34-4. Advisory Council.**

- A. There is established an Office of Emergency Preparedness Advisory Council.
- B. Such Council shall serve without pay and shall consist of the Director of Emergency Preparedness, such other department heads and such other persons as the Mayor, after consultation with the Director, may deem necessary.
- C. Such member of the Council as the Mayor shall designate shall serve as Chairman of the Council.
- 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.

**§ 34-5. Authority of Mayor to accept gifts, grants or loans.**

The Mayor is authorized to accept and receive on behalf of the City any offer by the federal government or agency or officer thereof or any person, firm or corporation of services, equipment, supplies, materials or funds by way of gift, grant, or loan for purposes of civil defense, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

**§ 34-6. Auxiliary firemen and policemen; authority of police to aid other cities and towns.**

- A. The Board of Police Commissioners and the Board of Fire Commissioners shall act for the City in carrying out the provisions of Section 11 of Chapter 639 of the Acts of 1950, as amended, relative to auxiliary firemen and auxiliary policemen.
- B. The Chief of Police, subject to the rules and order of the Board of Police Commissioners and upon the approval of the Mayor, is authorized to go to the aid of any city or town at the request of the city or town in the suppression of riots or other forms of violence in accordance with the provisions of Section 11B of Chapter 639 of the Acts of 1950.

**§ 34-7. Duration of article.**

This article shall remain in force during the effective period of Chapter 639 of the Acts of 1950 or any act in substitution, amendment or continuation thereof.

Article II. Emergency Medical Services Commission

**§ 34-8. Purpose.**

The purpose of the Emergency Medical Services Commission is to facilitate the coordination of the provision of emergency medical services between the public safety departments of the City and the providers of emergency medical services.

**§ 34-9. Establishment; composition.**

- A. An Emergency Medical Services Commission is established.
- B. Such Commission shall consist of five members:
  - 1. One of whom shall be the Chairman of the Police Commission or his designee;
  - 2. One of whom shall be the Chairman of the Fire Commission or his designee;
  - 3. Two of whom shall be appointed by the Mayor, one of which shall be a physician on the nomination of the executive of hospitals located within the City receiving ambulance service, who shall not be subject to the provisions of Chapter 73, Personnel, § 73-11; and
  - 4. The fifth member shall be appointed by the Mayor.

**§ 34-10. Terms of office.**

- A. The original members of the Emergency Medical Services Commission, aside from the Chairmen of the Police and Fire Commissions, shall be appointed in the following manner:
  - 1. One of the Commissioners shall be appointed for a term ending one year from the effective date of this article;
  - 2. One shall be appointed for a term of two years from said date; and
  - 3. One shall be appointed for a term of three years from said date.
- B. Thereafter, all appointments shall be for a term ending three years from the end of the prior term established by this section, notwithstanding that any Commissioner appointed shall serve until a successor has been appointed.

**§ 34-11. Powers.**

- A. The Emergency Medical Services Commission shall exercise on behalf of the City, subject to appropriation, all powers granted by MGL c. 40, § 5(21A).
- B. The Emergency Medical Services Commission may enter into contracts subject to appropriation and approval of the Mayor, upon such terms and conditions as it deems

proper, for response to calls for ambulance services received or initiated by the City, its officers or employees. If such contracts require the cooperation or assistance of any municipal departments, the Commission shall obtain the consent of the department head of such department.

- C. The Emergency Medical Services Commission may organize or undertake, subject to appropriation, such planning or other activities to improve ambulance and related services within the City as it may deem proper.
- D. The Emergency Medical Services Commission may, with the consent of the Director of Civil Defense of the City, collaborate with said Director to prepare a medical disaster response plan for the City.

### **Chapter 38 - ETHICS**

ARTICLE I	General Provisions (§ 38-1 — § 38-2)
ARTICLE II	Conflicts of Interest (§ 38-3 — § 38-13)
ARTICLE III	Lobbying (§ 38-14 — § 38-20)
ARTICLE IV	Statements of Financial Interest (§ 38-21 — § 38-22)
ARTICLE V	Administration (§ 38-23 — § 38-31)

#### **Article I. General Provisions**

##### **§ 38-1. Purpose.**

This chapter establishes a standard of conduct for City employees and their immediate families and a standard of conduct for municipal agents and lobbyists. It also establishes a requirement for the filing of a statement of financial interests by candidates for elected office and City officials.

##### **§ 38-2. Definitions.**

Whenever used in this chapter, the following terms shall have the following meanings unless the context requires otherwise:

ACT TO COMMUNICATE DIRECTLY WITH A COVERED CITY OFFICIAL TO INFLUENCE A  
DECISION CONCERNING POLICY, PERMITTING OR PROCUREMENT:

Any direct communication by a person to such official by telephone, mail, commercial messenger, facsimile transmission, electronic mail, other direct means or in person, but shall not be deemed to include the following activities:

- A. A request for a meeting, a request for the status of an action or any similar administrative request, if the request does not include an attempt to influence a covered City official.

- B. An act made in the course of participation in an advisory committee or task force.
- C. Providing information in writing in response to a written request for specific information by an officer or employee of the City.
- D. An act required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation or other action of the City.
- E. A communication made to a City official or employee with regard to a:
  - 1. Judicial proceeding or a criminal or civil law enforcement inquiry, investigation or proceeding; or
  - 2. Filing or proceeding that the City is specifically required by statute or regulation to maintain or conduct on a confidential basis, if the City is charged with responsibility for such proceeding, inquiry, investigation or filing.
- F. A petition or application for action by the City made in writing and required to be a matter of public record.
- G. An act made on behalf of an individual with regard to that individual's benefits, employment or other personal matters.
- H. A response to a request for proposals or similar invitation by an officer or employee of the City for information relevant to a contract.
- I. Participation in a bid conference.
- J. An appeal or request for review of a procurement decision.

**AFFINITY:** Related by marriage.

**APPOINTED OFFICIAL:** A City official who is not an elected official.

**BUSINESS:** Any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint-stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes.

**BUSINESS WITH WHICH HE/SHE IS ASSOCIATED:**

Any business in which a covered City official or a member of his or her immediate family is a general partner, proprietor, officer or other employee, including one who is self-employed, or serves as a director, trustee or in any similar managerial capacity; and any business more than 1% of any class of the outstanding equity of which is beneficially owned in the aggregate by the covered City official and members of his or her immediate family.

**CANDIDATE FOR PUBLIC OFFICE:**

Any individual who seeks nomination or election to local public office, as deemed by this article. For the purposes of this chapter, an individual shall be deemed to be seeking nomination or election to public office if he/she has:

- A. Received a political contribution or made an expenditure, or has given his/her consent for any other person or committee to receive a political contribution or make an expenditure, for the purpose of influencing his/her nomination or election to such office, whether or not the specific public office for which he/she will seek nomination or election is known at the time the political contribution is received or the expenditure is made; or
- B. Taken the action necessary under the laws of the commonwealth to qualify himself/herself for nomination or election to such office.

**CITY:** The City of Springfield.

**CITY AGENCY:** Any multiple-member body, any department, division, or office of the City of Springfield.

**CITY CONTRACTOR:**

Any person (including agents or employees acting within the scope of their employment) who is paid from the City treasury or under City auspices for goods or services, regardless of the nature of the relationship of such person to the City for purposes other than this chapter.

**CITY EMPLOYEE and CITY OFFICIAL**

- A. Any person who holds any elected or paid position in the City. "City employee" and "City official" shall expressly include all members of the following City boards and commissions, whether paid or unpaid:
  - 1. Appeals (zoning), Board of.
  - 2. Board of Assessors.
  - 3. Conservation Commission.
  - 4. Cultural Council, Springfield.



5. Election Commission, Springfield.
  6. Ethics Commission, Springfield.
  7. Historical Commission, Springfield.
  8. Library Commission, Springfield.
  9. License Commissioners, Board of.
  10. Park Commission.
  11. Personnel Board.
  12. Planning Board.
  13. Public Health Council.
  14. Public Works, Board of.
  15. Retirement Board.
  16. Riverfront Development Commission.
  17. School Building Commission.
  18. School Committee.
  19. Taxi and Livery Commission.
  20. Traffic Commission.
  21. Any other City board or commission that has authority to expend public funds (other than to approve reimbursements for expenses) or any City board or commission which has authority to grant or recommend any license, permit, certificate, variance, site plan approval, or any other permission or approval.
- B. For purposes of this chapter, all officers and directors of the Springfield Library Foundation, Inc. and members of the Barney Trust Fund shall be considered a "City official."
- C. Note: Persons who are not considered City employees under this chapter may still be considered a "municipal employee" under the State Ethics Law, MGL c. 268A.

**CLIENT:** An individual or business entity that contracts with another individual or business entity to receive lobbyist services.

**COMMISSION:** The State Ethics Commission.

**CONSANGUINITY:**

Related by blood. The degree of relationship by consanguinity between an individual and a relative is determined by the number of generations that separate them. A parent and child are related in the first degree; a grandparent and grandchild, in the second degree; a great-grandparent and great-grandchild, in the third degree; and so on.

**CONTRACT MANAGEMENT AUTHORITY:**

Personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including, without limitation, the preparation of

specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

**COVERED CITY OFFICIAL:**

All officials elected by popular vote or the head, deputy or assistant head of any department, board, commission or division of the City government, and the Springfield public schools' superintendent, assistant or deputy superintendents, business manager, Personnel Director, and principals.

**ECONOMIC INTEREST:**

A financial interest, whether vested or contingent, legal or beneficial, with a present fair market value of greater than \$250, which is distinguishable from that of the public generally.

**ELECTED OFFICE:**

Any position for which one is nominated at a local preliminary election or elected at a local final election.

**ELECTED OFFICIAL:**

A City official who holds an elected office.

**EQUITY:**

Any stock or similar ownership interest in a business.

**GIFT:**

- A. A delivery of goods, payment, entertainment, subscription, advance services or anything of value, unless consideration of equal or greater value is received; or
- B. The difference in an amount paid for goods or services less their fair market value; but
- C. It shall not mean a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance, or good or services received from a relative within the third degree of consanguinity of the recipient, the recipient's spouse or the spouse of any such relative.

**GOVERNMENTAL DECISION:**

A decision that requires a City employee to use his or her judgment or discretion.

**IMMEDIATE FAMILY:**

Means, as it does in Chapter 268A of the General Laws, the City employee or official and his/her spouse, and their parents, children, brothers and sisters.

**INCOME:**

Income from whatever source derived, whether in the form of a fee, salary, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof; provided, however, that interest from savings accounts or from government obligations other than those of the commonwealth or any political subdivision thereof or any public agency or authority created by the General Court, alimony and support payments, proceeds from a life insurance policy, retirement or disability benefits, and social security payments shall not be considered income for the purposes of this chapter.

**LEGISLATION:**

Ordinances, resolutions and proposals of every kind, character or description considered by the City Council or any committee thereof.

**LOBBYIST ENTITY:**

An entity providing lobbyist services, consisting of at least one municipal agent, including a foreign or domestic corporation, association, sole proprietor, partnership, limited-liability partnership or company, joint-stock company, joint venture or any other similar business formation.

**LOCAL PUBLIC OFFICE:**

Any position for which one is nominated at a local preliminary election or elected at a local final election.

**MUNICIPAL AGENT:**

A firm, company, partnership or person who for monetary compensation or its equivalent does any act to influence the decision of any covered City official where such decision concerns permitting, or the amendment, adoption, defeat, postponement or enforcement related thereto, legislation or the adoption, defeat or postponement of a standard, rate, rule, enforcement or regulation pursuant thereto, or any act to communicate directly with a covered City official to influence a decision concerning policy or procurement, or a firm, company or partnership which employs individuals for such purposes. The term "municipal agent" shall include a person who, as part of his/her regular and usual business or professional activities and not simply incidental thereto, attempts to influence any such decision, whether or not any compensation in addition to the salary for such activities is received for such services; provided, however, that for the purposes of this definition a person shall be presumed to engage in activity covered

by this definition in a manner that is simply incidental to his/her regular and usual business or professional activities if he/she engages in any activity or activities covered by this definition for not more than 50 hours during any reporting period or receives less than \$5,000 during any reporting period for any activity or activities covered by this definition, or a firm, company or partnership who employs individuals for such purposes. For purposes of this definition, "reporting period" shall mean the six-month periods from January 1 through June 30 and July 1 through December 31.

**PERSON:**

A business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

**POLICY:**

A plan or course of action which is applicable to a class of persons, proceedings or other matters and which is designed to influence or determine the subsequent decisions and actions of any covered City employee, including, but not limited to, a plan or course of action which would constitute a "regulation." The term shall not include the adjudication or determination of any rights, duties, or obligations of a person made on a case-by-case basis, including but not limited to the issuance or denial of a license, permit, or certification or a disciplinary action or investigation involving a person.

**POLITICAL CONTRIBUTION**

A contribution of money or anything of value to an individual, candidate, political committee, or person acting on behalf of an individual, candidate or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or for the purpose of promoting or opposing a Charter change, referendum question, constitutional amendment, or other question submitted to the voters.

A. "Political contribution" includes any:

1. Gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business;
2. Transfer of money or anything of value between political committees;
3. Payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee;

4. Purchase from an individual, candidate or political committee, or person acting on behalf of an individual, candidate or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered;
  5. Discount or rebate not available to other candidates for the same office and to the general public; and
  6. Forgiveness of indebtedness or payment of indebtedness by another person.
- B. "Political contribution" shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality.

#### PROCUREMENT

The buying, purchasing, renting, leasing or otherwise acquiring or disposing, by contract or otherwise, of supplies, services or construction or the acquisition or disposition of real property or any interest therein, including, but not limited to, the purchase, lease or rental of any such real property or the granting of easements or rights-of-way therein; but not including any item of expenditure the value of which is \$25,000 or less.

#### RELATIVE

A person who is related to an official or employee as a spouse, as a descendent of any grandparent of such official or employee, whether by the whole or half-blood or by adoption, or as the spouse of any of the foregoing and any person who resides with an employee or an official.

#### REPORTING PERSON

Anyone who is required to file a statement of financial interests pursuant to Article IV.

#### STATE ETHICS LAW

Chapter 268A of the General Laws.

#### Article II. Conflicts of Interest

##### **§ 38-3. Statement of policy.**

The provisions of this article supplement the conflict of interest provisions of the State Ethics Law. All City employees shall comply with the requirements of the State Ethics Law, including, but not limited to, Sections 2, 3, 17 through 20, and 23 of the State Ethics Law, in addition to the provisions of this article. Note: Persons who are not considered City employees under this chapter may still be considered a "municipal employee" under the State Ethics Law, MGL c. 268A.

**§ 38-4. Improper influence.**

No City official or City employee shall make or participate in making any decision on any issue in which he or she has an economic interest. No City official or City employee shall in any way attempt to use his or her position to influence any City governmental decision or action in which he or she has an economic interest distinguishable from its effect on the public generally or, with respect to the City Council, any economic interest distinguishable from its effect on all Councilors generally. This provision shall not prohibit the Mayor and City Council from considering, voting on and authorizing their own compensation.

**§ 38-5. Surrender of illegal gifts.**

Any gift given in violation of the provisions of Chapter 268A of the General Laws shall be surrendered to the Treasurer-Collector, who shall add the gift to the inventory of City property. Surrender shall occur after such gift is no longer considered to be evidence in any administrative, civil, or criminal proceeding.

**§ 38-6. Use of City-owned property.**

No City official, City employee or City contractor shall engage in or permit the unauthorized use of City-owned property or any other property being held by the City for public purposes.

**§ 38-7. Use or disclosure of confidential information.**

- A. No current or former City employee shall knowingly, or with reason to know, engage in any business or professional activity which will require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority.
- B. No current or former City official or City employee shall use or disclose, other than in the performance of his or her official duties and responsibilities, or as may be required by law, confidential information gained in the course of, or by reason of, his or her position or employment.
- C. For purposes of this section, "confidential information" means any information that is not made available to the general public on request or could not be obtained pursuant to the Massachusetts Public Records Act, Chapter 66 of the General Laws, as amended.

**§ 38-8. Interest in City business.**

- A. No City official or City employee or member of his or her immediate family shall have an economic interest, directly or indirectly, in work or business of the City, or in the sale to the City of any property or service when consideration for the contract, work, business or sale is paid with funds belonging to or administered by the City. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no City official or City employee shall have a financial interest in the purchase of any property that belongs to the City or a City agency, or is sold for taxes or assessments, or is sold by virtue of legal process at the suit of the City. No City official or City employee nor their spouse shall engage in a transaction described in this section, unless the matter is wholly unrelated to the employee's or official's City duties and responsibilities.
- B. To the degree allowed under the State Ethics Law (MGL c. 268A), it shall not be a violation of this section if:
  - 1. The work, business or sale of a property or services is wholly unrelated to the duties and responsibilities of the City employee and the City employee discloses such interest to the individual responsible for his/her appointment or contract of hire; or, in the case of an elected official, files a disclosure with the City Clerk;
  - 2. A City employee acting in good faith discovers an actual or prospective violation of this section and, within 30 days, files a disclosure of such economic interest with the City Clerk and terminates or disposes of the interest; or
  - 3. The economic interest constitutes compensation for property taken pursuant to the City's eminent domain power.

**§ 38-9. Conferring benefits to others; employment of immediate family.**

- A. No City official or City employee may appoint or advocate for employment, in any City agency in which said official or employee serves, or over which he/she exercises authority, supervision, or control, any person:
  - 1. Who is a relative of said official or employee; or
  - 2. In exchange for or in consideration of the employment of any of said City official's or City employee's relatives by any other City official or City employee.
- B. No City official or City employee shall exercise contract management authority over a contract involving any relative of the City official or City employee.

- C. No City official or City employee shall use or permit the use of his/her position to assist any relative in securing employment or contracts with persons over whom the City official or City employee exercises contract management authority. The employment of or contracting with a relative of such a City official or City employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a City contract shall be evidence that said employment or contract was obtained in violation of this article.

**§ 38-10. Prohibited acts by Mayor or members of City Council.**

Neither the Mayor nor members of the City Council shall make loans, gifts of value equal to or exceeding \$50, offers of employment or future employment, except within the discharge of their official capacities, or of business or investment opportunities to heads of City agencies, to the City Solicitor and Assistant City Solicitors or to members of boards or commissions involved in the granting of variances, permits, licenses or other such discretionary or adjudicatory functions.

**§ 38-11. Prohibited acts by School Committee members.**

School Committee members shall not make loans, gifts of value equal to or exceeding \$50, offers of employment or future employment, except within the discharge of their official capacities, or of business or investment opportunities to the Superintendent, Assistant or Deputy Superintendents, the Business Manager, the Personnel Director, the Principals of the Springfield public schools, or consultants or legal advisers contracted to the School Department.

**§ 38-12. Gifts among City employees.**

- A. No City employee shall knowingly and willfully offer or give to another City employee or member of such employee's immediate family, and no City employee or member of such employee's immediate family shall knowingly and willfully solicit or accept from another City employee, gifts with an aggregate value of \$50 or more in a calendar year.
- B. This section shall not apply to gifts given for a wholly social purpose.

**§ 38-13. Income of City Councilors, School Committee members and commission members from individuals and entities which appear before them; duty to disclose.**

When any individual or entity appears before the City Council, the City School Committee, and/or any City board or commission which has the authority to grant or recommend any license, permit, certificate, variance, site plan approval, or any other permission or approvals and such individual or entity has, within the preceding five years, paid compensation to a City Councilor, City School Committee member or board or commission member, or to any entity or person from which such City Councilor, City School Committee member or board or commission member has derived income, the City Councilor, School Committee member or board or commission member who has received such compensation,



directly or indirectly, shall, prior to each appearance of such individual or entity before the City Council, School Committee or City board or commission, publicly disclose orally and in writing that he/she has received such compensation, directly or indirectly. Such written disclosure shall be filed with the City Clerk, and in a form prescribed and provided by the City Clerk, which shall be the same as, or similar to, the State Ethics Law disclosures pursuant to MGL c. 268A, § 23(b)(3). No City Councilor, School Committee member or board or commission member may take any official action on matters which would foreseeably affect his/her own financial interests, or the financial interests of his/her immediate family members, partners, employers (other than the municipality), those with whom he/she is negotiating or has an arrangement concerning prospective employment, or organizations for which he serves as an officer, director, partner or trustee. When such matters come before City Councilors or School Committee members or board or commission members, they shall recuse themselves by departing the room wherein any discussion relating to such matters is to take place. The recused City Councilor, City School Committee member and/or City commission member shall not return until all such discussions relating in any way to such matters have been completed.

### Article III. Lobbying

#### **§ 38-14. Statement of policy.**

This article establishes a standard of conduct for officials and employees of the City of Springfield, consistent with MGL c. 268A, § 23.

#### **§ 38-15. Registration of lobbyists.**

- A. The City Clerk shall keep a docket, which may be in the form of an electronic database. All information required to be filed under this article shall be organized into the docket and shall be posted on the City website and otherwise and be made available for public inspection during normal business hours.
- B. Each municipal agent and lobbyist entity shall file an annual disclosure statement with the City Clerk on forms prescribed and provided by the City Clerk. The annual disclosure shall be completed not later than December 15 of the year proceeding the disclosure year.
- C. A client retaining the services of a municipal agent or lobbyist entity shall also file an annual disclosure statement with the City Clerk on forms prescribed and provided by the City Clerk. The annual registration shall be completed not later than December 15 of the year proceeding the registration year.
- D. A client or lobbyist entity hiring, employing or agreeing to employ a lobbyist entity or municipal agent after January 1 of the registration year shall, within 10 days after such employment or agreement, cause the name of the lobbyist entity or municipal agent to be registered with the City Clerk as provided in this section. Notice of termination of such

employment shall also be filed promptly with the City Clerk by the client, municipal agent, or lobbyist entity.

- E. The City Clerk shall assess each lobbyist entity an annual filing fee of \$500 to register the entity on the docket. The City Clerk shall assess each municipal agent an annual filing fee of \$100 upon entering the agent's name on the docket. The City Clerk may, in his/her discretion and upon written request, waive the filing fees for a not-for-profit client or a lobbyist entity which registers to exclusively represent not-for-profit clients.
- F. Upon registration, the City Clerk shall issue to each municipal agent a nontransferable identification card that shall include the person's name and photograph. All municipal agents shall submit three passport-sized photographs to the City Clerk upon registration.

**§ 38-16. Agreements to influence decisions prohibited.**

- A. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon a decision as described in the definition of "municipal agent," or the passage or defeat of any permit, legislation or the approval or veto of any legislation or permit. No person shall agree to undertake to influence such a decision, or to communicate to influence such a decision or to promote, oppose or influence legislation or to communicate with members of the City Council, or to advocate approval or veto by the Mayor for consideration to be paid upon the contingency of the outcome of such a decision or that any legislation is passed or defeated. Determination of such shall render the legislation or permit null and void.
- B. Nothing in this section shall be construed to prohibit any salesperson engaging in legitimate City business on behalf of a company from receiving compensation or a commission as part of a bona fide contractual arrangement with that company.

**§ 38-17. Municipal agent standards.**

- A. On or before the 15th day of July, complete from January 1 through June 30; and the 15th day of January, complete from July 1 to December 31 of the preceding year, every municipal agent appearing on the docket shall render to the City Clerk an itemized statement, under oath, listing all campaign contributions as defined in MGL c. 55, § 1, all expenditures, and the total amount thereof, incurred, contributed or paid during the reporting period in the course of his/her employment as a municipal agent and all expenditures made for or on behalf of City officials and City employees incurred or paid during the reporting period, except that the municipal agent shall not be required to report such expenditures not in the course of his/her employment made for or on behalf of the immediate family of such municipal agent or a relative within the third degree of consanguinity of the municipal agent or City employee or of his/her spouse or the spouse of any such relative; and except that in the case of all expenditures, the municipal agent shall not be required to itemize the

expenditures of any one day in which the amount incurred or paid did not total \$35 or more. Such itemized accounting shall include, but not be limited to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing and telephone; and shall also include the names of the payees and the amount paid to each payee; and shall further include the names of the candidate or political committee to whom or to which the contribution was made, the amount and date of each contribution, and the names of City employees and officials for whom payments have been made.

- B. When such expenditure is for meals, entertainment or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such meal, entertainment or transportation. No expenditure shall be split or divided for the purpose of evading any provision of this section. The City Clerk shall, within 30 days of receipt of such accounting, notify persons whose names appear therein as having received campaign contributions, meals, transportation or entertainment as to the nature of the contribution or expenditure claimed, the date and amount of the contribution or expenditure, and the person or persons who reported the contribution or expenditure.
- C. Every municipal agent shall include in the statement required by this section a list of all matters the municipal agent acted to promote, oppose or influence during the reporting period in the course of his/her employment.
- D. The City Clerk shall assess a penalty for any statement which is filed by a municipal agent later than the prescribed date or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of \$100 when such statement has been filed 10 days late or less, and in the amount of \$200 when such statement is more than 10 days late.
- E. The City Clerk shall prescribe and make available the appropriate statement forms, which shall be open and accessible for public inspection during normal working hours.
- F. No municipal agent shall knowingly offer or knowingly give to any City official or City employee or to a member of such person's immediate family any gift of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such City official or City employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such agent's business or in connection with a personal or social event; provided, however, that a municipal agent shall not be prohibited from offering or giving to a City official or City employee who is a member of his/her immediate family or a relative within the third degree of consanguinity or of such agent's spouse or the spouse of any such relative any such, gift or meal, beverage or other item to be consumed.

**§ 38-18. Gifts from municipal agents.**

No municipal agent shall knowingly or willfully offer or give to a City employee or City official or member of such City employee's or City official's immediate family and no City official or City employee or member of such City official's or City employee's immediate family shall knowingly and/or willfully solicit or accept from any municipal agent gifts.

**§ 38-19. Enforcement.**

- A. Violation of any provision of this article shall be punished by a fine of \$300. In addition, the City Clerk shall report all violations of this article immediately to the City Solicitor. Any person acting as a municipal agent who, after being afforded a hearing and due process, is found to have violated any provision of this article shall, in addition to such fine, be disqualified from acting as a municipal agent for a period of five years after such finding.
- B. The City Clerk shall inspect all statements required by this article to be filed with him if it appears that any person has failed to file such statement as required by said sections, or if it appears to the City Clerk that any such statement filed with him does not conform to law, the City Clerk shall within a reasonable time notify the delinquent person, group or organization in writing.
- C. Upon failure to file a statement within 14 days after receiving notice under this section, or if any statement filed after receiving notice indicates any violation of this article, the City Clerk shall within a reasonable time notify the District Attorney thereof and shall furnish him with copies of all papers relating thereto.

**§ 38-20. Exemptions.**

The above §§ 38-14 through 38-19, inclusive, shall not apply to employees or agents of the commonwealth or of the City, or of the City's Redevelopment Authority, Housing Authority or Water and Sewer Commission who are acting in their capacity as such employees or agents or to any person requested to appear before any committee or official of the City. See also exemptions included in the definition of "act to communicate directly with a covered City official to influence a decision concerning policy, permitting or procurement" contained in § 38-2.

Article IV. Statements of Financial Interest

**§ 38-21. Statement of policy.**

The provisions of this article are intended to ensure the public's trust and confidence that decisions of City officials and City employees are not contaminated by such City official's and City employee's personal financial interests. This article requires covered City officials and candidates for local public office to make certain financial disclosures.

**§ 38-22. Financial statements.**

- A. Every candidate for local public office shall file with the City Clerk a statement of financial interests for the preceding calendar year on or before the date on which a certificate of nomination or nomination papers for such candidate are submitted to the City Clerk. Every candidate for local public office who has not filed nomination papers with the City Clerk, but on whose behalf a statement of organization of a political committee has been filed with the Director of Campaign and Political Finance under MGL c. 55, § 5, and who is seeking public office by the so-called "write in" or "sticker" method, shall within three days after such filing file a statement of financial interests with the City Clerk.
- B. Every covered City official shall file with the City Clerk a statement of financial interests for the preceding calendar year on or before the last Tuesday in May of the year in which such covered City official first enters such public office and of each year that such covered City official holds such office, and on or before May 1 of the year after such covered City official leaves such office; provided, however, that no covered City official shall be required to file a statement of financial interests for the year in which he/she ceased to be a City official or City employee if he/she served for fewer than 30 days in such year.
- C. The City Clerk shall, upon receipt of a statement of financial interests pursuant to the provisions of this article, issue to the person filing such statement a receipt verifying the fact that a statement of financial interests has been filed and a receipted copy of such statement.
- D. No covered City official shall be allowed to continue in his/her duties or to receive compensation from public funds unless he/she has filed a statement of financial interests with the City Clerk as required by this article.
- E. The statement of financial interests filed pursuant to the provisions of this article shall be on a form prescribed by the City Clerk and shall be signed under penalty of perjury by the reporting person.
- F. Information to be disclosed.
  - 1. Reporting persons shall disclose the following information for the preceding calendar year. Information required pursuant to Subsection F(1)(b), (c) and (f) below should be for the last day of the preceding calendar year.
    - a. The name and address of, the nature of association with, and the share of equity in each business with which he/she is associated and from which he/she derives any income.
    - b. The identity of all securities and other investments with a fair market value of greater than \$1,000 which were beneficially owned, including any security

which is issued by the commonwealth or any political subdivision thereof or any public agency or authority created by the General Court. (Mutual funds may be named without identifying each individual security contained within the fund.)

- c. The name and address of each creditor to whom more than \$1,000 was owed and the original amount, the amount outstanding, the terms of repayment, and the general nature of the security pledged for each such obligation, except that the amount(s) borrowed and the amount(s) outstanding need not be reported for a mortgage on the reporting person's primary residence. In addition, obligations arising out of retail installment transactions, educational loans, medical and dental expenses, debts incurred in the ordinary course of business, and any obligation to make alimony or support payments need not be reported.
- d. The name and address of the source, and the cash value of any reimbursement for expenses aggregating more than \$100 in the calendar year if the source of such reimbursement is a municipal agent; or if the recipient is an elected City official and the source of such reimbursement is a person having a direct interest in legislation, legislative action, or a matter before a City agency; or if the recipient is an appointed City official and the source of such reimbursement is a person having a direct interest in a matter before the City agency by which the recipient is employed.
- e. The name and address of the donor, and the fair market value, if determinable, of any gifts aggregating more than \$100 in the calendar year, if the recipient is an elected City official and the source of such gift(s) is a person having a direct interest in legislation, legislative action, or a matter before a City agency; or if the recipient is an appointed City official and the source of such gift(s) is a person having a direct interest in a matter before the City agency by which the recipient is employed.
- f. The description, as appearing on the most recent tax bill, and the amount of assessed value of all real property located within the commonwealth, in which a direct or indirect financial interest was held, which has an assessed value greater than \$1,000; and, if the property was transferred during the year, the name and address of the person furnishing consideration to the reporting person or receiving it from him in respect to such transfer.
- g. The name and address of the source of any honoraria aggregating more than \$100 if the source of such honoraria is a municipal agent; or if the recipient is an elected City official and the source of such honoraria is a person having a direct interest in legislation, legislative action, or a matter before a City agency; or if the recipient is an appointed City official and the source of such honoraria is a

person having a direct interest in a matter before the City agency by which the recipient is employed.

- h. The name and address of any creditor who has forgiven an indebtedness of over \$1,000.
  - i. The name and address of any business from which the reporting person is taking a leave of absence.
  - j. The identity of any equity in a business with which the reporting person is associated which has been transferred to a member of the reporting person's immediate family; provided, however, that a member of the reporting person's immediate family need not report any such transfer to the reporting person.
- 2. Nothing in this subsection shall be construed to require the disclosure of information which is privileged by law.
  - 3. Failure of a reporting person to file a statement of financial interests within 10 days after receiving notice as provided in this article, or the filing of an incomplete statement of financial interests after receipt of such a notice, is a violation of this article.

#### Article V. Administration

##### **§ 38-23. Advisory opinions.**

- A. Any City official or City employee or candidate for elected office shall be entitled to the opinion of the City Solicitor upon any question arising under this chapter relating to the duties, responsibilities and interests of such person. All requests for such opinions by a subordinate official or employee shall be made in confidence directly to the City Solicitor. The City Solicitor shall file such opinion in writing with the City Clerk, and such opinion shall be a matter of public record; however, no opinion will be rendered by the City Solicitor except upon the submission of detailed existing facts which pertain to a question of actual or prospective violation of any provision of this chapter.
- B. Any person who acts in reliance on an opinion of the City Solicitor shall be exempt from the penalties provided in this chapter if that person has made a good faith disclosure of all material facts related to the opinion.

##### **§ 38-24. Ethics Commission.**

- A. There is established a Springfield Ethics Commission composed of three members.

- B. One member of the Commission shall be appointed by the Mayor; one member shall be appointed by the City Council; and one member shall be appointed by the School Committee. The initial appointee of the Commission appointed by the Mayor shall serve for a three-year term; the initial appointee of the City Council shall serve for a two-year term; and the initial appointee of the School Committee shall serve for one year. Annually thereafter there shall be appointed one member to serve for a three-year term.
- C. Members of the Commission shall serve for terms of three years.
- D. Not less than 30 days prior to making any appointment to the Commission, the appointing official shall give public notice that a vacancy on the Commission exists.
- E. No member or employee of the Commission shall:
  - 1. Hold or be a candidate for any other public office while a member or employee, or for one year thereafter;
  - 2. Hold office in any political party or political committee; or
  - 3. Participate in or contribute to the political campaign of any candidate for public office.
- F. A member may be removed by the Mayor for cause, after charges preferred, reasonable notice of the charges and a hearing.
- G. Any vacancy occurring on the Commission shall be filled within 90 days by the original appointing authority. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he succeeds.
- H. The Commission shall elect a Chairperson and Vice Chair. The Vice Chair shall act as Chairperson in the absence of the Chairperson or in the event of a vacancy in that position.
- I. Two members of the Commission shall constitute a quorum, and two affirmative votes shall be required for any action or recommendation of the Commission. The Chairman or any two members of the Commission may call a meeting; advance notice of all meetings shall be given to each member of the Commission and to any other person who requests such notice.
- J. The Commission shall annually report to the Mayor and the City Council concerning the action it has taken; the names and salaries and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on matters within its jurisdiction as may appear necessary.



- K. The Commission shall utilize staff of the City Clerk's office and Law Department, subject to appropriation, and such other staff, including but not limited to clerks, accountants, and investigators, as is necessary to carry out its duties pursuant to this chapter. The City Clerk shall be responsible for the administrative operation of the Commission and shall perform such other tasks as the Commission shall determine. The City Solicitor shall be the chief legal officer of the Commission. The Clerk and City Solicitor may employ, subject to appropriation, the services of experts and consultants necessary to carry out their duties. The Police Commissioner may make available to the Commission personnel and other assistance as the Commission may request.

**§ 38-25. Duties and powers of Ethics Commission.**

- A. The Commission shall:
1. Prescribe and publish rules and regulations to carry out this chapter, including rules governing the conduct of proceedings hereunder.
  2. Prepare and publish, after giving the public an opportunity to comment, forms for the statements and reports required to be filed by this chapter and make such forms available to any and all persons required to file statements and reports pursuant to the provisions of this chapter.
  3. Prepare and publish methods of accounting and reporting to be used by persons required to file statements and reports by this chapter.
  4. Make statements and reports filed with the Commission available for public inspection and copying during regular office hours upon the written request of any individual who provides identification acceptable to the Commission, including his affiliation, if any, at a charge not to exceed the actual administrative and material costs required in reproducing said statements and reports; provided, however, that the Commission shall be authorized, in its discretion, to exempt from public disclosure those portions of a statement of financial interests filed pursuant to § 38-22 which contain the home address of the filer; and provided, further, that the Commission shall forward a copy of said request to the person whose statement has been examined.
  5. Compile and maintain an index of all reports and statements filed with the Commission to facilitate public access to such reports and statements.
  6. Inspect all statements of financial interests filed with the Commission in order to ascertain whether any reporting person has failed to file such a statement or has filed a deficient statement. If, upon inspection, it is ascertained that a reporting person has failed to file a statement of financial interests, or if it is ascertained that any such

statement filed with the Commission fails to conform with the requirements of this chapter, then the Commission shall, in writing, notify the delinquent; such notice shall state in detail the deficiency and the penalties for failure to file a statement of financial interests.

7. Upon written request from a person who is or may be subject to the provisions of this chapter, request the City Solicitor to render advisory opinions on the requirements of this chapter. An opinion rendered by the City Solicitor, until and unless amended or revoked, shall be a defense in an action brought under this chapter and shall be binding on the Commission in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests, insofar as they relate to this chapter, but not insofar as they relate to the State Ethics Law, shall be confidential; provided, however, that the Commission may publish such opinions, but the name of the requesting person and any other identifying information shall not be included in such publication unless the requesting person consents to such inclusion.
  8. Preserve all statements and reports filed with the Commission for a period of six years from the date of receipt.
  9. Act as a civil enforcement agency for violations of all sections of this chapter.
- B. On or before February 1 of each year, the Chairman of the Commission shall request a list of all major policymaking positions and covered City officials for the governmental bodies listed in the definition of "City employee and City official" in § 38-2 of this chapter; and for each department or other governmental body covered by this chapter, the executive or administrative head of such department or governmental body; and such persons shall furnish such lists within 60 days. The Chairman may add any position that he determines to be a major policymaking position or covered City official in such governmental body to such list. Any person aggrieved by such action of the Chairman may appeal such action to the Commission.

**§ 38-26. Violations and penalties.**

- A. Any City official or City employee who violates this chapter shall be subject to appropriate discipline by the appointing authority, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City Charter, as well as to civil or criminal prosecution under any other applicable state laws.
- B. Alleged violations of the State Ethics Law or this chapter by the Mayor, City Councilors, members of the School Committee and the Superintendent of Schools shall be directly filed with the District Attorney and the State Ethics Commission.

- C. Any person who has been convicted of a knowing or willful violation of the State Ethics Law shall be deemed to have vacated his or her office from the date of conviction, and shall not be eligible to serve in any other elective or appointive office or position under the City.
- D. Any person, not otherwise provided for by this chapter, shall immediately forfeit his or her office or position upon conviction for a knowing or willful violation of this chapter.
- E. All City contracts shall include therein a clause for termination in the event of a violation of this chapter in connection with the bidding, awarding, administration or performance of the contract.
- F. Any permit, license, ruling, determination or other official action taken in violation of this chapter shall be void; provided, however, that in the event that voiding would substantially damage the City or innocent third parties, then the City entity responsible for such official action may, subject to the prior approval of the Mayor, preserve, in whole or in part, the permit, license, ruling, determination or other action.
- G. A knowing or willful violation of this chapter shall constitute a misdemeanor and shall be punishable by a fine of not more than \$300 per offense.

**§ 38-27. Recovery of damages and other remedies.**

- A. The City may bring a civil action against any person who acted to his or her advantage in violation of this chapter, to recover damages in the amount of the economic advantage or \$500, whichever is greater.
- B. Consistent with Section 21 of the State Ethics Law, the City may recover the amount of any gift given in violation of Section 2 or 3 of the State Ethics Law.
- C. The City or any City agency may maintain an action for an accounting for any economic benefit received by any person in violation of this chapter or other law.

**§ 38-28. Conflict with other laws.**

In the event of any conflict or inconsistency of this chapter with any state law, the provision of broadest or most strict coverage shall control. No provision of this chapter shall be construed so as to be inconsistent with state law.

**§ 38-29. Distribution of chapter; training provisions; City website links.**

- A. The City Clerk shall cause a copy of this chapter to be distributed to every elected and appointed City official or City employee within 30 days of their entering upon the duties of their office or employment. The Personnel Director shall cause a copy of this chapter to be

distributed to all other employees of the City within 30 days of their entering upon the duties of their employment.

- B. In order to assure that all City officials and City employees of the City are familiar with their responsibilities and obligations under this chapter and the State Ethics Law, the Mayor shall at regular intervals provide for training on the meaning and application of this chapter and the State Ethics Law and every elected and appointed City official and City employee shall be required to attend at least one such session after beginning the duties of his/her employment.
- C. On its website, the City shall provide a link to this chapter; the Massachusetts State Ethics Commission (<http://www.mass.gov/ethics/>); and the Massachusetts Office of Campaign and Political Finance, or OCPF (<http://www.mass.gov/ocpf>).

**§ 38-30. Retaliatory action.**

No City official or City employee shall intimidate, threaten, coerce, or otherwise take adverse action against any individual who in good faith makes a complaint to the Mayor or the State Ethics Commission regarding any alleged violation of this chapter or the State Ethics Law by any City official or City employee.

**§ 38-31. Effective date.**

This chapter shall become effective on February 1, 2009.

**§ 38-32. Casino Ethics Ordinance.**

Notwithstanding Chapters 268A and 268B of Massachusetts General Law and any other state or federal rule or regulation to the contrary, the following shall apply in the City of Springfield or any subdivision thereof:

- A. No member of the Springfield City Council shall hold a direct or indirect interest in, or be employed by, the Region B licensee (as the terms are defined in M.G.L. c. 23k) for a period of 3 years after the termination of their service as a member of the City Council.
- B. The Mayor of the City of Springfield shall not hold a direct or indirect interest in, or be employed by, the Region B licensee (as the terms are defined in M.G.L. c. 23k) for a period of 3 years after the termination of his or her service as the Mayor of the City of Springfield.
- C. No employee of the City of Springfield or any subdivision thereof in a major policymaking position, shall acquire an interest in, or accept employment with, the Region B licensee (as the terms are defined in M.G.L. c. 23k) for a period of 2 years after the termination of employment with the City of Springfield or any subdivision thereof. For the purposes of this section a "major policymaking position" shall be defined as the executive or administrative

head of any city departments and any person whose salary equals or exceeds that of \$60,000 and who reports directly to the administrative head of any city department or persons exercising similar authority.

### **Chapter 42 - FINANCES**

ARTICLE I	Claims Against City (§ 42-1 — § 42-6)
ARTICLE II	Petty Cash Funds (§ 42-7 — § 42-10)
ARTICLE III	Public Hearings on Fee or Rate Increases (§ 42-11 — § 42-13)
ARTICLE IV	Municipal Charges Liens (§ 42-14 — § 42-21)
ARTICLE V	Expense of Advertising Petitions (§ 42-22)
ARTICLE VI	Productivity Bank (§ 42-23 — § 42-27)
ARTICLE VII	Financial Policies (§ 42-28 — § 42-38)

#### **Article I. Claims Against City**

##### **§ 42-1. Approval by Auditor required.**

No claim shall be paid by the City Treasurer unless it shall have been approved by the City Auditor.

##### **§ 42-2. Mayor's order required.**

No money shall be drawn out of the City Treasury without the written order of the Mayor. The Mayor, and in case of his absence or inability, the Acting Mayor, is authorized to draw orders on the City Treasurer for the payment of all accounts and claims allowed and certified by the City Auditor.

##### **§ 42-3. Department heads to certify and forward bills to Auditor.**

Heads of departments shall certify to the correctness of all bills incurred by them and, after approval thereof by the committee, commission or board authorized to approve their department expenditures, shall forward the same without delay to the City Auditor not later than the fourth day of each month.

##### **§ 42-4. Payrolls to be sworn to by department heads.**

Every payroll, bill or account for salary or compensation to any person in the service or employment of the City shall be sworn to by the head of the department or by the person who is immediately responsible for the appointment, employment, promotion or transfer of the persons named therein, or in case of the absence or disability of the head of the department or of such person, then by a person designated by the head of the department and approved by the Mayor.

##### **§ 42-5. Filing of claims with Auditor; transmission to Collector.**

All departments of the City government shall file with the City Auditor itemized bills, duly approved, of all claims as they become due the City in the several departments, giving full names and addresses of the debtor. The City Auditor shall examine and record such claims and transmit them to the City Collector for collection.

**§ 42-6. Uncollectible claims.**

- A. When the City Collector is unable to collect a claim by means other than court action, he may notify the City Solicitor of the pendency of such claim and the City Solicitor, after investigation, is authorized to take such appropriate action that he may deem advisable to collect such claim or, if in his opinion the claim is uncollectible, to recommend abatement to the proper department head.
- B. Copies of all claims which the City Collector refers to the City Solicitor shall be filed with the City Auditor.

Article II. Petty Cash Funds

**§ 42-7. Payment to department heads.**

The City Treasurer shall annually, upon the approval of the City Auditor and the written order of the Mayor, pay to the head of any department, or to such member or employee of any department as may be designated by the head of such department, such sums as may be from time to time appropriated by the City Council to be used by such department for the purpose stated in this article.

**§ 42-8. Custody and use.**

The money described in § 42-7 shall be kept by such official or employee apart from his own funds, and as money belonging to the City, and shall be used by him only for the payment of such traveling and other necessary expenditures as any emergency may call for, and which must be met at once and without delay incidental to the approval and payment of bills as provided by ordinance.

**§ 42-9. Replenishment.**

Whenever any expenditure has been made from the fund referred to in § 42-7, the bill for the same shall be transmitted to the City Auditor for his approval in conformity with existing ordinances and statutes, the same as if it had not been paid as mentioned in this article, and the amount thereof approved shall be paid by the City Treasurer to such official or employee and upon such repayment shall become a part of such fund.

**§ 42-10. Bond of custodial official or employee.**

- A. In all cases where the fund, referred to in § 42-7 exceeds \$300 in amount, the official or employee having custody thereof shall give a bond for the faithful performance of his duty in an amount equal to such fund and with a surety or sureties.
- B. Such bond shall be approved by the City Treasurer.

### Article III. Public Hearings on Fee or Rate Increases

#### **§ 42-11. Public hearings required.**

- A. Any department, board, commission or agency which has proposed a fee or rate increase shall conduct two 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.

#### **§ 42-12. 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 14 days prior to the first public hearing.
- C. The public hearing 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.

#### **§ 42-13. Effective date; voter protests.**

- A. The proposed increase shall take effect 20 days after its approval by the City Council, if required, or within 20 days after the department, board, commission or agency approves said fee or rate increase.
- B. If, within 20 days after the final passage of any such fee, rate, ordinance, resolution, order, or vote as stated in Subsection A above, a petition signed by registered voters of the City, equal in number to at least 12% 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 MGL c. 43, § 42.

## Article IV. Municipal Charges Liens

### **§ 42-14. Authority.**

This article is adopted pursuant to the authority of MGL c. 40, § 21 and MGL c. 40, § 58, as amended, and any other relevant statutes and regulations promulgated pursuant thereto.

### **§ 42-15. Purpose and intent.**

The purpose of this article is to establish a municipal charges lien program to provide a cost-effective method of collecting a charge and/or fee assessed against an owner of real property in the City of Springfield who fails and/or refuses to pay said charge and/or fee when due, by placing a lien upon the real estate owned by the property owner.

### **§ 42-16. Applicability.**

The municipal charges lien shall apply to the following municipal charges and/or fees:

- A. Charges or penalties for violations of the general ordinances of the City, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds.
- B. Charges or penalties for violations of the zoning ordinances of the City, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds.
- C. Charges or penalties for violations of the Massachusetts state sanitary codes, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds.
- D. Charges or penalties for violations of the Massachusetts state building codes, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds.

### **§ 42-17. When effective.**

The municipal charges lien will take effect upon the recording of a statement of unpaid municipal charges and fees, setting forth the amount due, including recording cost, and any administrative fee, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

### **§ 42-18. Collection of lien.**

- A. The Tax Collector shall be in charge of collecting the lien.
- B. The City Clerk shall notify the issuing department head of all tickets that have been paid or appealed to the courts at the end of each month.



- C. The issuing department head shall prepare a statement of municipal charges liens for each person from the list(s) received from the City Clerk or person responsible for collecting the charge, fee or penalty and shall forward said statement of lien to the Tax Collector, who shall cause said statement(s) to be recorded in the Hampden County Registry of Deeds.

**§ 42-19. Unpaid liens.**

- A. If the charge or fee secured by the lien is unpaid when the Assessors are preparing the real estate list and warrant, the Tax Collector shall certify the charge, fee or penalty to the Assessors' Department and the Assessors shall add the charge, fee or penalty to the next property tax bill to which it relates, and commit it with the warrant to the Tax Collector as part of the tax.
- B. If the property to which the charge fee relates is tax-exempt, the charge or fee shall be committed as a tax on said property.

**§ 42-20. Release of lien.**

The municipal charges lien may be discharged by the filing of a certificate from the Tax Collector that all municipal charges or fees constituting a lien, together with any interests and costs, have been paid or legally abated.

**§ 42-21. Abatement.**

The issuing department head or City Clerk, prior to a charge or fee being certified to the Assessors by the Tax Collector under § 42-19, may abate any charge or fee for justifiable cause, which shall be effective upon the issuing of a written statement setting forth said cause, and filing of said statement with the Tax Collector.

Article V. Expense of Advertising Petitions

**§ 42-22. Responsibility for expenses.**

All petitions for hearings or other requests or petitions which require or provide for publication or advertising in newspapers shall be advertised at the expense of the petitioner unless otherwise ordered.

Article VI. Productivity Bank

**§ 42-23. Establishment, purpose and management.**

- A. There shall be established in the City of Springfield a stabilization reserve fund pursuant to MGL c. 40, § 5B, to be known as the "Productivity Bank." This Productivity Bank shall be used to provide loans to Springfield City departments that can justify projects and/or initiatives that will generate additional revenues above current certified levels, and/or will generate savings and/or which will significantly improve the efficiency of service delivery.

- B. The Productivity Bank shall be managed by the Chief Administrative and Financial Office of the City of Springfield and will be staffed by that office and other City staff as determined appropriate by the Chief Administrative and Financial Officer. The Chief Administrative and Financial Officer shall be the custodian of the Productivity Bank.

**§ 42-24. Loan committee.**

- A. Requests for loans from the Productivity Bank shall be reviewed and considered for approval by a Bank Loan Committee. Approval of an application for a loan and issuance of a loan shall require a majority vote of all then-existing members of the Bank Loan Committee, except as otherwise provided herein. The Bank Loan Committee shall consist of seven members as follows, none of whom shall be an employee of the Office of Internal Audit:
1. The Mayor or his or her designee.
  2. The President of the City Council or his or her designee.
  3. The Chief Administrative and Financial Officer or his or her designee, who shall serve as the Bank Loan Committee Chair.
  4. The Budget Director or his or her designee.
  5. The Comptroller or his or her designee.
  6. One member of the public, not an elected official in the City of Springfield and not appointed or employed by the City of Springfield or Springfield School Department, with substantial experience in banking and commercial lending, and who is appointed by the Mayor with the approval of the City Council as set forth herein.
  7. One member of the public, not an elected official in the City of Springfield and not appointed or employed by the City of Springfield or Springfield School Department, with substantial experience in project finance, and who is appointed by the Mayor, with the approval of the City Council as set forth herein.
- B. Approval of members of the public. The Mayor shall transmit to the City Council, for a ten-day period of review, the nomination of the two public members of the Bank Loan Committee. The City Council shall be deemed to have approved the nomination if, during said ten-day period, no member objects to the nomination by filing with the City Clerk a letter objecting to the appointment setting forth specific reasons for his or her objections. If a member files a letter objecting to the appointment within the initial ten-day period, the City Council shall have an additional 10 days to vote to approve or disapprove of the

nomination, or it will be deemed approved. In the event that any member(s) of the City Council timely files a letter objecting to any appointment and the City Council timely disapproves of any nomination, the Mayor shall transmit to the City Council, within 10 days, the name of a substitute public member nominee, subject to the same process set forth herein.

- C. The public members of the Bank Loan Committee may be removed without cause by the Mayor upon written notice.
- D. The public member appointed pursuant to Subsection A(6) shall serve a term of three years, and the public member appointed pursuant to Subsection A(7) shall serve an initial term of two years, with all subsequent terms being three years such that the terms of the public members are staggered. Upon the vacancy of a public member so appointed, the Mayor shall within 10 days thereafter make another appointment, with the approval of the City Council as set forth herein, for the remainder of the unexpired term for said membership.
- E. The Bank Loan Committee shall meet no less than two times per year.
- F. The Bank Loan Committee shall be subject to the Massachusetts Open Meetings Law, as it is amended from time to time.

**§ 42-25. Loans.**

- A. The maximum term of any Productivity Bank loan shall be determined by the Bank Loan Committee, and in no event shall said loan term exceed five years. The Bank Loan Committee shall determine the applicable interest rate for any Productivity Bank loan, provided that the minimum interest rate shall be no less than 5% per annum. The Bank Loan Committee shall determine the applicable penalties and additional charges for the failure to repay Productivity Bank loans in a timely manner. All projects and initiatives financed, in whole or in part, by said loans shall be projected to produce sufficient savings and/or new revenue and/or efficiency improvements to enable the Productivity Bank loan recipient to fully repay said loan within the applicable loan term, plus accrued interest, penalties and charges.
- B. As determined by the Chief Administrative and Financial Officer, loans from the Productivity Bank may be expended directly from the Productivity Bank's funds by the City department that receives a loan, or the loan proceeds may be transferred to the budget of the City department receiving a Productivity Bank loan.
- C. Loans shall be repaid over the term of the loan on a schedule established by the Bank Loan Committee. To the extent permitted by law, loan repayments, plus accrued interest, penalties, and charges, shall be appropriated in the budget of the department receiving the

loan based upon the terms of the applicable loan repayment schedule. The following shall apply:

1. Loans whose projects and/or initiatives produce additional revenue. Loans made to finance projects and/or initiatives that produce additional revenue shall be repaid by dedicating 100% of new revenue generated by the project and/or initiative to repaying the loan; except that if new revenue in a year is greater than the loan repayment schedule for that year, revenue in excess of the repayment schedule amount shall be gain-shared in the following manner:
  - a. First year of the loan: To the extent permitted by law, 50% of revenue in excess of the amount required to repay the loan shall be appropriated to the department that has been issued the loan. Said revenue may only be used to fund nonrecurring expenditures in that department. Of the remaining 50%, to the extent permitted by law, half shall be appropriated to the Productivity Bank and the remaining half shall accrue to the General Fund.
  - b. Second year of the loan: To the extent permitted by law, 25% of revenue in excess of the amount required to repay the loan shall be appropriated to the department that has been issued the loan. Said revenue may only be used to fund nonrecurring expenditures in that department. Fifty percent of the revenue in excess of the amount required to repay the loan shall accrue to the General Fund. The remaining 25% shall be appropriated to the Productivity Bank to the extent permitted by law.
  - c. Third year of the loan and thereafter: All revenue in excess of the amount required to repay the loan shall accrue to the General Fund.
2. Loans whose projects and/or initiatives reduce costs. Loans made to finance projects and/or initiatives that reduce or avoid costs shall be repaid by dedicating 100% of the savings generated by this improvement to repaying the loan; except that if savings are greater than the loan repayment schedule, savings in excess of the repayment schedule amount shall be gain-shared in the following manner:
  - a. First year of the loan: To the extent permitted by law, 50% of the savings in excess of the amount required to repay the loan shall be appropriated to the department that has been issued the loan. Said savings may only be used to fund nonrecurring expenditures in that department. Of the remaining 50%, to the extent permitted by law, half shall be appropriated to the Productivity Bank and the remaining half shall accrue to the General Fund.

b. Second year of the loan: To the extent permitted by law, 25% of savings in excess of the amount required to repay the loan shall be appropriated to the department that has been issued the loan. Said savings may only be used to fund nonrecurring expenditures in that department. Fifty percent of the savings in excess of the amount required to repay the loan shall accrue to the General Fund. The remaining 25% shall be appropriated to the Productivity Bank to the extent permitted by law.

c. Third year of the loan and thereafter: All saving in excess of the amount required to repay the loan shall accrue to the General Fund

3. Projects and/or initiatives that substantially increase the efficiency of service delivery. At any given time, the Productivity Bank may have outstanding no more than 20% of its authorized funding amount in loans that invest in projects and/or initiatives that only meet the requirements of this Subsection C(3) and do not also meet the requirements of Subsection C(1) or C(2). In reviewing such projects and/or initiatives, the Bank Loan Committee shall perform due diligence to determine whether services are likely to improve substantially and measurably without increasing costs. The justification for making such loans and the analysis of the resulting increase in efficiency shall be provided in writing by the applicant department to the City Council, with a copy to the Bank Loan Committee, no less than one week prior to the issuance of such a loan.
- D. Nothing in this section shall be construed to require the City to dedicate or appropriate savings or revenue to any particular department or purpose unless said savings or revenue is the direct product of a project and/or initiative financed by the Productivity Bank.
- E. In the event that the purpose(s) of any project and/or initiative financed by Productivity Bank loans can no longer be accomplished or there is a substantial likelihood that the loan amount cannot be repaid with interest within the applicable term, as determined by the Bank Loan Committee, the Bank Loan Committee may require that said recipient department immediately return any unexpended Productivity Bank loan amounts. Any such returned amounts shall be reduced from the recipient department's obligation to repay the corresponding Productivity Bank loan.

**§ 42-26. Operating procedures.**

- A. The Bank Loan Committee shall issue rules setting forth the criteria by which it shall evaluate loan applications. The Bank Loan Committee shall publish such rules no later than July 1, 2009. These rules may be amended from time to time in accordance with the criteria set forth herein. The Bank Loan Committee may create and furnish a form to applicant departments which shall be used in conjunction with a Productivity Bank loan application.

- B. Loans may only be made for projects and/or initiatives that increase revenue and/or reduce costs and/or improve the efficiency of service delivery where said projects and/or initiatives cannot otherwise be funded from the City's capital budget or from a department's operating budget without negatively impacting normal service levels.
- C. Applications submitted to the Bank Loan Committee shall include all information requested by the Bank Loan Committee, including but not limited to a description of the project and/or initiative that the loan will fund, itemized and detailed costs of the project and/or initiative (nonrecurring and recurring), all funding sources, the benefits the project and/or initiative will provide and how the project and/or initiative is intended to increase revenue and/or reduce costs and/or improve the efficiency of service delivery, an assessment of the project's and/or initiative's implementation risks and the likelihood of success, and any other information required by the Bank Loan Committee or the Productivity Bank staff. The applicant shall also demonstrate its ability to repay the loan with interest within the applicable term.
- D. Productivity Bank staff will work with each applicant department to determine whether a project and/or initiative qualifies for a loan. An application for a Productivity Bank loan may proceed to the Bank Loan Committee only after the Productivity Bank staff has determined that an application is complete and ready for its review and consideration. A majority vote of all then-existing members of the Bank Loan Committee is required for approval of a Productivity Bank loan.
- E. Loans shall be made by the Bank Loan Committee based on quantitative measures, which shall at a minimum include a demonstrated ability to produce additional revenue and/or reduce costs and/or substantially increase the efficiency of service delivery. Qualitative measures regarding the relative merits of projects and/or initiatives may be used to break a tie in the ranking of projects and/or initiatives.
- F. The Bank Loan Committee shall use funds from loan repayments, interest payments on loans, interest earnings on proceeds in the Productivity Bank stabilization reserve fund, penalties and charges on loans, and gain-sharing funds to make loans for other qualifying projects and initiatives.
- G. All funds awarded shall be subject to audit by the Bank Loan Committee and the Office of Internal Audit, or their successors in interest.
- H. The Bank Loan Committee shall require a department to execute an agreement or a memorandum of understanding, containing the repayment terms and all other pertinent provisions, as a condition of awarding a Productivity Bank loan. In no instance shall any Productivity Bank loan proceeds be disbursed or expended without a fully signed agreement or memorandum of understanding being in effect.

**§ 42-27. Ongoing reporting requirements.**

- A. Staff of the Productivity Bank shall monitor and report on the progress of each project and initiative made by the Productivity Bank to ensure that the Productivity Bank will be repaid all outstanding loans plus accrued interest, penalties and charges, that the City is deriving the benefits originally projected for the project and/or initiative, and that the loan amounts are being used in accordance with the underlying purpose(s) of the project and/or initiative. The recipient department shall provide periodic updates on project and/or initiative implementation to the Productivity Bank staff as requested.
- B. No later than December 30 of each year, the Bank Loan Committee shall issue a report of the Productivity Bank, the status of all loans made from Productivity Bank funds, and the financial and operating performance of the projects and initiatives financed by the Productivity Bank.
- C. All recipient departments shall provide the Bank Loan Committee and Productivity Bank staff with all information required or requested for evaluating the performance of any project or initiative financed by a Productivity Bank loan.

Article VII. Financial Policies

**§ 42-28. Compliance with finance laws; annual updates.**

- A. All City employees, agents, boards, commissions and authorities shall comply with all General Laws, Special Acts of the Commonwealth, and City ordinances that relate to finance and financial management.
- B. By September 30 of each year, the Finance Department shall provide to all departments an update regarding the financial policies and ordinances of the City of Springfield. By November 1 of each year, the Law Department shall provide to all departments an annual update regarding changes to municipal finance law and regulations that may impact departmental operations.

**§ 42-29. Budget ordinances.**

- A. The Mayor shall propose to the City Council and the City Council shall adopt balanced budgets in which non-one-time revenue equals or exceeds expenditures.
- B. The City will not balance the budget by using one-time or other nonrecurring revenues to fund ongoing expenditures. Transfers from "free cash" and a "stabilization reserve fund" shall be the only exception; appropriation from free cash or a stabilization reserve fund to fund ongoing expenditures shall require a written disclosure by the Chief Administrative and Financial Officer of the size of the appropriation, the remaining balance in reserve after said

appropriation and a projection as to how the City will finance these recurring expenses in upcoming fiscal years.

- C. The City will not use budgetary procedures that balance the budget at the expense of future years, including postponing or deferring payment of expenses already incurred, accruing future year revenues, or rolling over short-term debt.
- D. The annual budget shall include the following sections: the expenditure budget, a summary of the City's financial condition, an analysis of revenues used in the proposed budget, a proposed allotment schedule for the budget as required by Chapter 656 of the Acts of 1989, an analysis of outstanding debt and a summary of the City's capital condition, including municipal buildings, infrastructure, equipment, rolling stock and information technology.
- E. The City's annual budget shall be adopted at the level of departmental salaries, expenses and capital.
- F. The budget will provide for adequate maintenance and the replacement of capital plant and equipment. In the event that the budget is not able to provide for adequate maintenance and replacement of capital plant and equipment, the City will identify and report on the funding gap and the maintenance, equipment and capital which are not funded in the proposed budget. All budgetary procedures will conform with existing state and local regulations.
- G. The Chief Administrative and Financial Officer shall produce and issue a four-year financial plan for the City by March 30 of each year. Said plan shall be comprised of reasonable revenue estimates and all expenditures the City may reasonably experience during said period. All assumptions contained in the forecasts shall be clearly presented within the forecast document.
- H. Within two weeks of the start of the fiscal year, the Comptroller shall encumber all personnel service funds in all departments for the entire fiscal year for each budgeted position then occupied by an employee.
- I. The Comptroller shall provide to the Mayor and City Council a monthly report of revenues and expenditures at the line item level.

**§ 42-30. Revenue.**

- A. The City's annual budget shall include a revenue budget that is created in line item detail for City operations.



- B. The City will estimate its revenue using conservative methods and present this along with the balanced budget.
- C. The Chief Administrative and Financial Officer shall review and propose to the City Council an updated fee schedule for each of the City's departments no less than every two years to ensure the cost of services is being adequately recovered.
- D. The City may build into its revenue base from one fiscal year to the next an increase in each revenue line item of no more than 3%, with the exception of:
  - 1. Real and personal property taxes, the increase of which shall not exceed the revenue permitted under law, with "new growth" set at a level certified by the Assessors as reasonable;
  - 2. Chapter 70 (school) aid and school building assistance payments from the commonwealth, which shall be budgeted in an amount no greater than the estimates provided by the Commonwealth of Massachusetts; and
  - 3. Certain fees and fines, which may increase more than 3% only if the underlying cost of the fee or fine is increased. In such an instance, the City may budget the entire increase associated with the fee and/or fine so long as said revenue assumptions are certified as reasonable by the Chief Administrative and Financial Officer.
- E. Any revenue increase in excess of the three-percent limit established herein shall be considered upwardly volatile revenue and may only be expended to increase reserve fund levels or to fund nonrecurring capital expenditures.
- F. The City will maintain property assessment for the purpose of taxation at full and fair market value, as prescribed by state law.
- G. The City shall collect all revenue using fair and consistent methods, exercising all powers provided to it under law. On or before May 30 of each year, the City shall commence tax title proceedings against all properties that owe property taxes to the City.

**§ 42-31. Self-supporting operations.**

- A. The City shall annually adopt the rates and fees for all enterprise fund activities, and the Chief Administrative and Financial Officer shall propose no less than every two years the rates and fees for all other rate- and fee-supported services in City government.
- B. In the event that an enterprise fund requires General Fund or other support because its revenue does not fully support its operations, the Finance Director and relevant department

head shall make a report to City Council regarding the fund, its revenue and expenditure position and the reason a deficit occurred.

**§ 42-32. Capital planning.**

- A. For purposes of this article, the term "capital" shall refer to a facility, object or asset costing more than \$25,000 with an estimated useful life of 10 years or more.
- B. The capital improvement program will directly relate to the long-range plans and policies of the City.
- C. The capital improvement plan shall be issued by March 30 of each year and shall be produced by and in the form designated by the Chief Administrative and Financial Officer. At a minimum, the capital improvement plan shall be a "rolling" five-year plan which shall be submitted to the City Council for approval annually.
- D. The capital improvement plan shall be reviewed by the Capital Improvement Planning Committee and shall include all capital expenditures proposed by the various departments. The Committee shall recommend in each year of the plan the capital investments to be funded and how these expenditures should be financed.
- E. The Capital Improvement Planning Committee shall be comprised of the City's Chief Administrative and Financial Officer or his/her designee, the Finance Director, a representative from the City Council, the Director of Parks, Buildings and Recreation Management, the Budget Director, the Planning Director, the Director of Capital Asset Construction, the Director of Public Works and the Director of Community and Economic Development or other officials with different titles who perform the duties of said positions. Any member with an interest in a capital item before the Committee shall recuse him/herself from deliberations regarding said items. The Committee shall provide its recommendations in writing to the Mayor and City Council. Any capital funding request that is at variance from the Committee's recommendation shall be accompanied by a written justification of the variance, including a comparison of cost-benefit analyses for the affected projects.
- F. Except as required by an emergency, all approved capital projects must be part of the adopted capital improvement plan. Capital projects that were not included in the capital improvement plan may not be conducted unless an emergency has occurred and a written report explaining the emergency has been provided to the City Council.
- G. All capital expenditure decisions shall analyze the potential use of alternative energy and fuel-/energy-efficient technologies and devices, and the use of recycled materials and environmentally preferable products.

- H. The capital improvement plan shall include a multiyear forecast of annual debt service requirements for items in the plan to permit the examination of the future implication of debt issuance.
- I. Each capital item in the capital improvement plan shall be accompanied by an analysis that includes the identification and cost estimation of additional operational and personnel costs associated with that capital improvement.
- J. All proposals for capital improvements shall include a proposed source of funding for each capital improvement. Pay-as-you-go capital funding shall be considered as a financing source for each proposed capital improvement.
- K. As part of a comprehensive capital improvement program, the City shall maintain net tax-financed capital improvement expenditures (pay-as-you-go) at a level of 1 1/2% of local source revenue.
- L. The Finance Director shall review the finances and status of all capital projects no less than annually. For a nonconstruction capital expenditure, the City shall conduct project close-out within six months of project completion. For a construction-related capital expenditure, the City shall conduct project close-out within nine months of the end of construction. The City shall release unexpended bond proceeds within six months of project close-out and may reuse said proceeds consistent with the provisions of Massachusetts General Law.

**§ 42-33. Financial reserve.**

- A. The City shall maintain an undesignated fund balance of between 5% and 15% of General Fund revenues, less debt exclusions.
- B. In the event that the City's undesignated fund balance falls below 5% of General Fund revenues, less debt exclusions, a plan for specific expenditure reductions and/or revenue increases that will bring the City into compliance with the minimum fund balance requirement shall be submitted to the City Council during the next budget cycle.
- C. Pursuant to the provisions of Chapter 656 of the Acts of 1989, the City shall maintain a reserve for extraordinary expenses of at least 1% and not greater than 3% of the prior year's tax levy. No direct drafts shall be permitted from this fund, but transfers may be made from it in the same manner as required for other budgetary transfers.
- D. The amount of money to be held in free cash shall not be less than 3% nor more than 6% of General Fund operating revenue, less debt exclusions.

- E. The City shall maintain a primary stabilization reserve fund equal to between 5% and 15% of General Fund operating revenues, less debt exclusions. As prescribed by Massachusetts General Law, however, at no time may an appropriation into this fund exceed 10% of the previous year's property tax levy, nor can the fund balance exceed 10% of the equalized value of the City.
- F. Pursuant to the provisions of Chapter 169 of the Acts of 2004, the City shall annually fund a capital reserve of at least 1.5% of the committed property taxes from the prior fiscal year. Said fund may be expended on capital projects for which the City may issue bonds for a term of 10 years or longer as provided for in Chapter 44 of the Massachusetts General Laws.
- G. Whenever the City is self-insured for the purposes of property, liability and/or workers' compensation insurance, it shall maintain a Self-Insurance Reserve Fund that may be expended to pay for the loss of or damage to municipal property, loss or damage to which would be covered by property and liability insurance had the City purchased it. Said reserve may also be used to pay justified damage, liability and workers' compensation claims against the City and shall be in the amount of 5% of the aggregate assessed valuation of City Hall, Symphony Hall and the Campanile.

**§ 42-34. Debt.**

- A. The City shall comply with debt limitations as detailed in Massachusetts General Law.
- B. The City shall manage the issuance of debt in line with the following debt ratios:
  - 1. General Fund debt service as a percentage of General Fund revenues, net of debt exclusions: not to exceed 8%.
  - 2. Enterprise Fund debt service as a percentage of enterprise operating revenue: not to exceed 15%.
  - 3. Percentage of total debt that will be retired at the end of 10 years: at least 65%.
- C. Short-term debt, such as bond anticipation notes, tax anticipation notes, or grant anticipation notes, may be used when it provides immediate financing and an interest rate advantage, or if there is an advantage to delaying long-term debt until market conditions are more favorable.
- D. The City may use interfund and interaccount operating loans rather than outside debt instruments to meet short-term cash flow needs. Such loans may only occur if the affected fund or account has excess funding available and the use of these funds will not impact the

- fund's or account's current operations. All such loans shall be repaid by June 30 of each year.
- E. Any bond anticipation debt will be retired within six months after completion of the project it financed.
  - F. Short-term debt will not be rolled over beyond two years without a principal pay down or as prescribed by state law.
  - G. The term of debt issued to finance capital improvements or procurements may not exceed the useful life of the asset or improvement so financed.
  - H. The City shall conduct debt financing on a competitive basis unless, for reasons of market volatility, unusual financing structure or a complex security structure the City would be better served through negotiated financing.
  - I. In all instances in which the City issues bonds or notes of a term exceeding 12 months, the City shall utilize the services of a financial advisor firm to advise it on structuring the transaction, issues related to the compensation paid to firms involved in the transaction and other items. Said firm may not have served as underwriter for a City debt transaction during the 36 months prior to the issuance of the bonds or note then being financed.
  - J. The Finance Director shall annually conduct and release to the public a report on the amount and affordability of debt issued by the City, using established and generally accepted benchmarks as a basis for comparison.
  - K. The City shall establish and maintain a debt schedule that avoids large increases in debt service on a year-to-year basis, and shall seek to use an "equal principal" repayment structure rather than a level debt service structure.
  - L. The City may issue refunding bonds if the savings associated with the refunding are at least twice the cost of issuing the refunding bonds, there are positive savings in each year of the refunding bonds so issued, the present value of the savings is at least 3% of the par amount of the refinancing issuance, and the refunding bonds do not extend the term of the debt to be refinanced.
  - M. The City may not use bond proceeds to finance operating expenses other than those certified by the Chief Administrative and Financial Officer as being specifically related to implementation of the project. The City may not use bond accounts or bond proceeds as a source of interfund or interaccount operating loans.

- N. The City shall comply with all federal and state government laws and polices with regard to arbitrage earnings on bond proceeds.

**§ 42-35. Cash management.**

- A. The City shall manage its cash resources in a prudent and diligent manner with an emphasis first on safety of principal, second on liquidity and third on financial return on invested cash. The Treasurer/Collector shall ensure that investment managers who invest municipal funds operate in a manner consistent with these requirements.
- B. Except when cash is invested in the Massachusetts Municipal Depository Trust, the City shall not invest cash in instruments with a term exceeding 365 days. Cash invested outside of the Massachusetts Municipal Depository Trust shall only be invested in cash, money market funds and certificates of deposit, with a preference for insured certificates of deposit where appropriate. The City shall not invest in derivatives of cash products or any structured financial vehicle.
- C. The Treasurer/Collector shall submit a written report with regard to the City's cash investments to the Office of Internal Audit no less than quarterly. Said report shall be in the form required by the Director of Internal Audit and shall document the City's cash investments in detail to ensure compliance with Massachusetts General Law and relevant policies and ordinances.
- D. Except as otherwise provided for in Massachusetts General Law, all fees, fines and other revenue shall be collected by the Office of the City Collector. The Finance Director may permit individual departments to collect fees, fines and other revenue if, in his/her judgment, said department has established proper policies, procedures and controls and that said controls are followed at all times. All receipts collected by any department shall be forwarded to the City Collector on a daily basis or on another schedule as may be approved in writing by the Finance Director.
- E. The Finance Director shall develop, document and publish a system of internal controls for cash management, including but not limited to receipt of money, safeguarding of assets, verification of accuracy, use of financial computer systems, promotion of operational efficiency, proper segregation of duties and others.

**§ 42-36. Financial reporting and reconciliation.**

- A. All department heads shall notify the Chief Administrative and Financial Officer in writing within one week of becoming aware of noncompliance with any financial ordinance or policy of the City of Springfield. The Chief Administrative and Financial Officer shall provide a written report to the City Council when the City fails to comply with any financial policy of the City of Springfield. Said report shall occur within three weeks of the failure to comply,

and shall be updated no less than annually. This shall explicitly include instances of intentional noncompliance, such as the use of nonrecurring revenue (reserves) to support the operating budget, failure to maintain minimum reserve fund levels, and others.

- B. The Comptroller shall produce and present to the Mayor and Chief Administrative and Financial Officer a statement of monthly revenues and monthly expenditures, both of which shall be compared to budget estimates and historical trends.
- C. The Treasurer/Collector shall reconcile the City's revenues and bank accounts on a monthly basis, within 15 business days of the close of each month.
- D. The City shall reconcile revenues and expenditures for each fiscal year within two months of the end of the fiscal year.

**§ 42-37. Financial responsibilities of departments.**

- A. All departments authorized to collect receipts by the Finance Director shall remit them to the City Collector on a daily basis, or on another schedule approved by the Finance Director in writing on a case-by-case basis.
- B. All departments shall utilize the City's central accounting system and shall post all financial transactions thereto in a timely manner.
- C. No department shall open an account in any financial institution or maintain a checkbook or other means of receiving or making payments without the prior written approval of the Finance Director, and departments may not make any payment outside of the City's central financial system.
- D. No department shall be permitted to overexpend a line item in its budget unless authorized to do so by Massachusetts General Law, and then only after following the procedures established in said laws. Pursuant to Chapter 656 of the Acts of 1989, any department head who overexpends his/her budget may be held individually and personally liable and required to make payment to the City in the amount of the overexpenditure, with determination of said liability made by the Mayor.
- E. No department may seek procurement for any capital project for which funding is not legally available via appropriation, bond funding, grant funding, gift or other legal source unless specifically permitted by law. In instances where law permits procurement without a previously identified funding source, said department must seek and receive the approval of the Finance Director prior to initiating procurement activity.

- F. All departments that issue fines and tickets under law and City ordinance shall provide written monthly reports to the Finance Director of the number and dollar value of tickets issued and paid. Said report shall be reconciled prior to submission so as to provide an accurate accounting of collections and outstanding unpaid balances to date.
- G. The City shall commence and actively pursue collections activities against properties which are delinquent on their property taxes and personal property taxes at the earliest time frame permitted by law.

**§ 42-38. Grants.**

- A. The Grant Director shall oversee all grants for the City of Springfield and, to the extent permitted by law, for the Springfield Public School Department. With the approval of the Chief Administrative and Financial Officer, he/she shall establish policies and procedures regarding the management and administration of grants, including the submission of grant applications for funding.
- B. Departments shall be encouraged to pursue all available grants funding consistent with the mission and strategic direction of the department and the City.
- C. All grant applications shall be reviewed by the Grant Director prior to submission. Departments shall provide all information requested by the Grant Director in a timely manner to allow proper oversight and reporting to grantors and others.
- D. To the extent allowed by the granting entity, all grant applications which seek to fund personnel costs shall request funding for fringe benefit costs. A department applying for a grant which cannot pay for fringe benefits shall stipulate to the Grant Director in advance how the department will pay for the related fringe benefit costs.
- E. Grant funds shall be expended prior to the expenditure of General Fund operating budgets whenever possible. Grant reimbursements shall be submitted in a timely manner; a schedule for submitting grant reimbursements, which shall be binding on all parties, may be established by the Finance Director if he/she finds that reimbursements are not taking place in a timely manner.
- F. Department heads shall notify the Finance Director no later than three months prior to the expiration of a grant if they reasonably believe grant funds may be returned unspent to the granting agency.
- G. All employees, entities, boards, commissions or others which submit grant applications requiring a City match shall identify an available source of funding which shall serve as the



matching funding for the grant, prior to submitting the grant to the Grant Director for review.

- H. No employee paid in whole or in part from the General Fund shall be moved to being funded by a grant without the prior written approval of the Finance Director. No employee who is paid in whole or in part from a grant shall be moved to being funded by the General Fund without the prior written approval of the Finance Director.

### **Chapter 49 - HISTORIC DISTRICTS**

ARTICLE I	Historical District Commission (§ 49-1 — § 49-4)
ARTICLE II	Historic Districts (§ 49-5 — § 49-12)

#### Article I. Historical District Commission

##### **§ 49-1. Establishment; membership.**

- A. There is established under the provisions of the Historic Districts Act, MGL c. 40C, as amended by Chapter 359 of the Acts of 1971, and MGL c. 40, § 8D, a Springfield Historical Commission, to be governed by and operated in accordance with the provisions relative thereto of the General Laws or any special act or amendment thereto.
- B. The Commission shall consist of seven regular members to be appointed by the Mayor subject to the confirmation of the City Council, including one member from two nominees submitted by the Springfield Historical Society or, in absence thereof, from the Society for the Preservation of New England Antiquities; one member from two nominees submitted by the chapter of the American Institute of Architects covering the City; one member from two nominees submitted by the City Board of Realtors; and one member from two nominees submitted by the Springfield Preservation Trust, Inc.
- C. It is recommended that the remaining three members be selected from among the following professions: a lawyer, a landscape architect, a banker, and a public relations specialist or, in the absence of any one or more of the aforementioned, a person or persons interested in historic preservation.
- D. Each such member of said Commission shall be a resident of the City and any such member removing his residence from said City shall be considered thereby to have resigned his membership in the Springfield Historical Commission. The members of said Commission shall also include one or more residents of or owners of property in an historic district administered by said Commission. When the Commission is first established, two members shall be appointed for a term of one year; two shall be appointed for a term of two years; and three shall be appointed for a term of three years. At the expiration of the respective terms of the first appointees, the Mayor shall appoint a successor for each office for a term

of three years or until a successor is appointed and qualified. In the event a vacancy occurs, it shall be filled in the same manner as that of an original appointment for the unexpired term.

- E. There shall also be four alternate members to be appointed by the Mayor subject to confirmation by the City Council, who need not be from nominees of organizations entitled to nominate members, but shall be residents of the City. In case of the absence, inability to act or unwillingness to act because of conflict of interest or self-interest on the part of a member of the Commission, his place shall be taken by an alternate member designated by the Chairman.
- F. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The Commission shall elect annually a Chairman and Vice Chairman from its own number and a Secretary from within or without its number.

**§ 49-2. Powers.**

- A. The Commission shall have the power, subject to appropriation or receipt of money:
  - 1. To conduct a survey of buildings and sites in the City to determine which are historically significant, and revise detailed listings of historic sites and buildings in said City;
  - 2. To devise a system of markers for historic sites and buildings, to arrange for the manufacture and installation of such markers, and to arrange care for such markers; and
  - 3. To arrange for the preparation and publication of printed matter relating to historic sites and structures of said City, whether for walking tours, general public information or otherwise.
- B. The Commission shall also have the power, in accordance with the provision of the Historic Districts Act, so-called, as mentioned in this chapter, to:
  - 1. Propose the establishment of additional historic districts or change in existing historic districts; and
  - 2. To consult with and advise the Planning Board, the City Redevelopment Authority and other departments or agencies of said City in matters concerning historic sites and structures.

**§ 49-3. Meetings; rules and regulations.**

- A. The Springfield Historical Commission shall hold its meetings twice a month at a regularly scheduled time and place.
- B. The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act, so-called, as aforementioned, or with the provisions of this chapter. The original copy of all such rules and regulations, and all amendments, deletions or additions thereto, shall be filed with the City Clerk and shall be typewritten on standard 8 1/2 inch by eleven-inch three-hole-punched paper.

**§ 49-4. Action on request for certificate of appropriateness.**

The Commission shall take action within 60 days of the filing of an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in accordance with the provisions of Section 11 of the Historic Districts Act, so-called, as mentioned in this chapter, or any section relative thereto or in amendment thereof.

Article II. Historic Districts

**§ 49-5. Quadrangle-Mattoon Street Historic District.**

There is established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Quadrangle-Mattoon Street Historic District as shown on the map labeled Exhibit 27-2A, entitled "Quadrangle-Mattoon Street Historic District"; said map to be considered a part of this chapter. In accordance with Section 8, Paragraph b of said Historic Districts Act, so-called, the authority of said Commission shall, however, be limited so as not to extend to any buildings, structures or properties however owned or controlled by the Springfield Library and Museum Association and Roman Catholic Bishop of the Diocese of Springfield.

**§ 49-6. Forest Park Heights Historic District.**

- A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as aforesaid, the Forest Park Heights Historic District as shown on the map labeled Exhibit 27-2B, amended 1979, entitled "Forest Park Heights Historic District"; said map to be considered a part hereof.
- B. Exemptions from controls:
  - 1. Temporary structures or signs; subject, however, to such conditions as to duration of use, location, lighting removal, and similar matters as the Commission may reasonably specify.
  - 2. Terraces, walks, driveways, and sidewalks; provided that any such structure is substantially at grade level.

3. Storm windows, screens, window air conditioners, antennas and similar appurtenances.
4. The color of paint.
5. The color of materials used on roofs.
6. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is only illuminated indirectly.
7. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**§ 49-7. McKnight Historic District.**

- A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the McKnight Historic District as shown on the map labeled Exhibit 27-7C, entitled "McKnight Historic District"; said map to be considered a part of this chapter.
- B. Exemptions from controls:
  1. Temporary structures or signs; subject, however, to such conditions as to duration of use, location, lighting removal, and similar matters as the Commission may reasonably specify.
  2. Terraces, walks, driveways, and sidewalks; provided that any such structure is substantially at grade level.
  3. Storm windows, screens, window air conditioners, antennas and similar appurtenances.
  4. The color of materials used on roofs.
  5. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is only illuminated indirectly.

6. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**§ 49-8. Lower Maple Historic District.**

- A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Lower Maple Historic District as shown on the map, labeled Exhibit 27-2D, as amended 2004, entitled "Lower Maple Historic District"; said map to be considered a part of this chapter.
- B. Exemptions from controls:
  1. Temporary structures or signs; subject, however, to such conditions as to duration of use, location, lighting removal, and similar matters as the Commission may reasonably specify.
  2. Storm windows, screens, window air conditioners, antennas and similar appurtenances.
  3. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is only illuminated indirectly.
  4. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**§ 49-9. Ridgewood Historic District.**

- A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Ridgewood Historic District as shown on the map labeled Exhibit 27-2E, amended 1981, entitled "Ridgewood Historic District"; said map to be considered a part of this chapter.
- B. Exemptions from controls:
  1. Temporary structures or signs; subject, however, to such conditions as to duration of use, location, lighting removal, and similar matters as the Commission may reasonably specify.

2. Terraces, walks, driveways, and sidewalks; provided that any such structure is substantially at grade level.
3. Storm windows, screens, window air conditioners, antennas and similar appurtenances.
4. The color of materials used on roofs.
5. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is only illuminated indirectly.
6. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**§ 49-10. Maple Hill Historic District.**

- A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Maple Hill Historic District as shown on the map labeled Exhibit 27-2F, entitled "Maple Hill Historic District"; said map to be considered a part of this chapter.
- B. Exemptions from controls:
  1. Temporary structures or signs; subject, however, to such conditions as to duration of use, location, lighting, removal, and similar matters as the Commission may reasonably specify.
  2. Terraces, walks, driveways, and sidewalks; provided that any such structure is substantially at grade level.
  3. Storm windows, screens, window air conditioners, antennas and similar appurtenances.
  4. The color of materials used on roofs.
  5. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is only illuminated indirectly.

6. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**§ 49-11. Our Lady of Hope District.**

- A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Our Lady of Hope Historic District as shown on the map labeled Exhibit 27-2G, entitled "Our Lady of Hope District"; said map to be considered part of this chapter.
- B. Exemption from controls:
  1. Temporary structures or signs, subject to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.
  2. Terraces, walks, driveways, and sidewalks, provided that any such structure is substantially at grade level.
  3. Storm windows, screens, window air conditioners, antennas (Satellite dishes are regulated; please see Satellite Dish Guidelines.), and similar appurtenances.
  4. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly.
  5. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**§ 49-12. Immaculate Conception Historic District.**

- A. There is further established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Immaculate Conception Historic District as shown on the map labeled Exhibit 27-2H, entitled "Immaculate Conception Historic District"; said map to be considered part of this chapter.
- B. Exemption from controls:

1. Temporary structures or signs, subject to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify.
2. Terraces, walks, driveways, and sidewalks, provided that any such structure is substantially at grade level.
3. Storm windows, screens, window air conditioners, antennas, and similar appurtenances as decided by the Commission.
4. Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly.
5. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**§ 49-13. Willys-Overland Historic District.**

There is established under the provisions of and in accordance with the Historic Districts Act, so-called, as mentioned in this chapter, the Willys-Overland Block District as shown on the map, labeled Exhibit 27-2I, entitled "Willys-Overland Block," said map to be considered part of this chapter.

Exemption from Controls:

1. Temporary structure or signs, subject to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify;
2. Terraces, walks, driveways, and sidewalks provided that any such structure is substantially at grade level;
3. Storm windows, screens, window air conditioners;
4. Color of paint;
5. Signs of not more than one (1) square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one (1) such sign is displayed in connection with each residence and, if illuminated, are illuminated only indirectly;



6. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence

#### **§ 49-13. Colony Hills Historic District**

There is established under the provisions of and in accordance with the Historic Districts Act, so-called , as mentioned in this chapter, the Colony Hills Historic District as shown on the map, labeled Exhibit 27-20, entitled "Colony Hills Local Historic District"; said map to be considered a part of this chapter.

Exemption from Controls:

1. Temporary structure or signs, subject to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify;
2. Terraces, walks, driveways, and sidewalks provided that any such structure is substantially at grade level;
3. Storm windows, screens, window air conditioners, antennae, and similar appurtenances as decided by the Commission;
4. Signs of not more than one (1) square foot in area in connection with use of a residence for a customary home occupation, or for professional purposes, provided only one (1) such sign is displayed in connection with each residence and, if illuminated, are illuminated only indirectly;
5. The reconstruction , substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

### **Chapter 61 - MAYOR AND COUNCIL**

ARTICLE I	City Council (§ 61-1 — § 61-3)
ARTICLE II	Mayor (§ 61-4 — § 61-5)
ARTICLE III	Benefits (§ 61-6)

#### **Article I. City Council**

##### **§ 61-1. Compensation.**

The annual compensation of the President of the City Council shall be \$20,000 and the annual compensation of all other members of the City Council shall be \$19,500

per annum effective January 1 2014 and thereafter. Said sums shall be paid in equal installments at the end of each month of service.

**§ 61-2. Regular meetings.**

- A. Regular meetings of the Council shall be held on the first and third Mondays of each month at 7:30 p.m. unless otherwise ordered from time to time by the City Council President.
- B. In the event a legal holiday falls on a scheduled meeting night, then the meeting shall be held on the following Tuesday at the scheduled time; and if a regular meeting falls on the evening before a state or City primary or election, the meeting will then be held on the following Monday at the scheduled time.
- C. Only one meeting shall be held during the months of July and August, namely, on the third Monday of each of such months.
- D. Meetings shall be held in the Council chambers.
- E. Additional meetings may be held from time to time for the purpose of conducting public hearings and acting upon orders amending Rules of the Road only.

**§ 61-3. Special meetings.**

- A. The Mayor, and in like manner the President of the Council, may at any time call a special meeting of the Council by causing a written notice of such meeting, specifying the subject which he/she desires to have considered, to be left at the usual place of residence of each Councilor, or given to him in hand, at least 48 hours before the time appointed for the meetings, and no business other than that specified in the notice and on file in the office of the City Clerk shall be transacted at such special meeting.
- B. On written petition of any five members of the Council, the President shall call a special meeting of the Council to act upon any matters set forth in the petition on file in the office of the City Clerk. Certification of the proper notice of all such special meetings shall be made to the City Clerk in a manner determined by him in accordance with the rules of the Council and law.

Article II. Mayor

**§ 61-4. Election and duties.**

The Mayor shall be elected in accordance with the provisions of the City Charter as amended and shall perform the duties prescribed by the City Charter and General Laws and such additional laws as the City Council, by ordinance or otherwise, may from time to time prescribe.

**§ 61-5. Compensation.**

The annual compensation of the Mayor shall be \$95,000 and effective the first Monday in January, 2014, the annual compensation shall be \$135,000.

Article III. Benefits

**§ 61-6. Scope of benefits.**

- A. The salary stated in § 61-5 for the Mayor and the salaries stated in Chapter 73, Personnel, § 73-17, for the City Council shall not include sick leave, vacation pay or any payments in lieu thereof.
  
- B. The salaries mentioned in Subsection A of this section shall, subject to appropriation, entitle the Mayor and City Council to retirement and indemnification benefits available under the General Laws, participation in the City employees' insurance plans and sustenance and travel expenses on municipal business.

**Chapter 67 - OFFICERS AND EMPLOYEES**

ARTICLE I	City Clerk (§ 67-1 — § 67-3)
ARTICLE II	Finance Director (§ 67-4 — § 67-10)
ARTICLE III	Director of Internal Audit (§ 67-11 — § 67-19)
ARTICLE IV	Comptroller (§ 67-22 — § 67-40)
ARTICLE V	City Treasurer (§ 67-41 — § 67-45)
ARTICLE VI	City Collector (§ 67-46 — § 67-51)
ARTICLE VII	City Messenger (§ 67-52 — § 67-54)
ARTICLE VIII	Bee Commissioner (§ 67-55 — § 67-57)
ARTICLE IX	Commissioner of Abandoned or Neglected Burying Grounds (§ 67-58 — § 67-61)
ARTICLE X	City Physician (§ 67-62 — § 67-65)
ARTICLE XI	Measurers of Lumber (§ 67-66 — § 67-67)
ARTICLE XII	Fire Commissioner (§ 67-68 — § 67-71)
ARTICLE XIII	Police Commissioner (§ 67-72 — § 67-76)
ARTICLE XIV	Chief Development Officer (§ 67-77 — § 67-79.1)
ARTICLE XV	Municipal Chime Ringer (§ 67-80)

Article I. City Clerk

**§ 67-1. Assistant City Clerk.**

- A. Appointment, term and removal.
  - 1. There may be appointed from time to time as occasion may require an Assistant City Clerk.
  
  - 2. Such assistant shall be appointed by the City Clerk and sworn to the faithful discharge of his duties.

3. He shall hold his office for such time as the occasion may require, to be determined by the City Clerk, by whom he may be removed at any time.

B. Duties; compensation.

1. It shall be the duty of the Assistant City Clerk to assist the City Clerk in recording, indexing and certifying mortgages of personal property, assignments of wages and other documents required by law to be recorded and also, if necessary, to attest documents as provided in MGL c. 41, § 18, and perform all other duties pertaining to the office of City Clerk when thereto requested by him, or when the office of City Clerk is vacant from any cause.
2. Such Assistant City Clerk's compensation for services shall be paid from such sum as the City Council has allowed or may hereafter allow for clerical assistance in the City Clerk's office.

**§ 67-2. Annual review.**

The City Clerk shall present his/her annual goals to the City Council by January 31 of each year. By November 1, the President shall appoint a special committee consisting of three Councilors to conduct an annual review of the performance of the City Clerk, with a report to the full Council by December 15.

**§ 67-3. Fees.**

- A. The fees of the City Clerk shall be enumerated in MGL c. 262, § 34, except as follows:

1.	For filing and indexing assignment of creditors	\$20
2.	For recording assignment of future wages or salary	\$20
3.	For filing attachment of bulky personal property	\$20
4.	For filing dissolution of attachment of bulky personal property	\$20
11.	For entering amendment of a record of the birth of an illegitimate child subsequently legitimized	\$40
12.	For correcting errors in a record of birth	\$40
13.	For furnishing certificate of birth <b>For furnishing laminated certificate of birth</b>	\$20 <b>\$25</b>
13A.	For furnishing an abstract copy of a record of birth	\$5
14.	For entering delayed record of birth	\$40
20.	For filing certificate of a person conducting business under any title other than his real name	\$50
21.	For filing by a person conducting business under title other than his real name of statement of change of his residence, retirement or withdrawal from or of a change	\$40

	of location of such business	
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	\$15
24.	For recording the name and address, the date and number of certificate issued to a person registered for the practice of podiatry in the commonwealth or issuing a certified copy thereof	\$100
29.	For correcting errors in a record of death	\$40
30.	For furnishing a certificate of death	\$20
30A.	For furnishing an abstract copy of a record of death	\$4
42.	For entering notice of intention of marriage and issuing certificate thereof	\$40
43.	For entering certificate of marriage by persons married out of the commonwealth	\$40
44.	For issuing certificate of marriage	\$15
44A.	For furnishing an abstract copy of a record of marriage	\$4
45.	For correcting errors in a record of marriage	\$25
54.	For recording power of attorney	\$20
57.	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$100
58.	For recording the name of the owner of a certificate or registration as a physician or osteopath in the commonwealth or issuing a certified copy thereof	\$100
62.	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable attachments under the provisions of MGL c. 166, § 22. <b>Additional for each street or way included in such order</b>	\$175 <b>\$30</b>
66.	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	\$20
67.	For copying or receiving any manuscript or record pertaining to a birth, marriage or death, per page	\$20
69.	For receiving and filing of a complete inventory of all items to be included in a "closing out sale," "going out of business," etc.	\$25, plus \$5 per page in excess of 3 pages
75.	For filing a copy of written instrument of declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by MGL c. 182, § 2, as amended	\$20
79.	Recording any other documents	\$10 per page and \$2 to \$4 for each additional page

80.	The fee for certification of any document not previously enumerated therefor	\$20.00
83.	For issuing raffle or bazaar or similar types of permits or issuing a certified copy thereof	\$25

B. The fee for certification of any document not previously enumerated shall be \$15.

Article II. Finance Director

**§ 67-4. Position established; responsibilities; appointment; term; oath.**

- A. There is established within the Department of Administration and Finance a position of Finance Director. Under the appointment and direction of the Chief Administrative and Financial Officer, the Finance Director shall be responsible for budgetary and financial matters of the City of Springfield.
- B. The Finance Director shall be appointed by the Chief Administrative and Financial Officer, with approval of the Mayor, for a term not to exceed three years. Before entering upon the duties of the office, the person shall be sworn to faithfully discharge the duties thereof.

**§ 67-5. Qualifications.**

- A. The person appointed Finance Director 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 Finance Director shall comply with the residency requirements of the City.

**§ 67-6. Powers and duties.**

- A. The powers and duties of the Finance Director shall be such as are designated from time to time by the Chief Administrative and Financial Officer. The Finance Director shall have all the powers, rights, and duties that the Chief Administrative and Financial Officer shall determine are necessary for the proper functioning and general effectiveness as well as for the general supervision and control of the departments, divisions, boards, agencies, commissions and officers, consistent with the powers and duties assigned to him/her by the Chief Administrative and Financial Officer.
- B. The Finance Director shall not at any time assume the duties of the Comptroller, City Collector/Treasurer, or the Director of Internal Audit, nor shall he/she or the Comptroller or the City Collector/Treasurer hold any elective office or engage in any other business or occupation.

- C. The Finance Director shall, from time to time, further review and re-evaluate the financial activities of the City, and from time to time recommend to the Chief Administrative and Financial Officer such additional consolidations or transfers of financial activities as are 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 Director of Internal Audit shall become effective unless and until approved by the Mayor and the City Council.
- D. 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 Finance Director, at the direction of the Chief Administrative and 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.
- E. The Finance Director shall annually conduct and release to the public a report on the amount and affordability of debt issued by the City, using established and generally accepted benchmarks as a basis for comparison.
- F. Except as otherwise provided for in Massachusetts General Law, all fees, fines and other revenue shall be collected by the Office of the City Collector. The Finance Director may permit individual departments to collect fees, fines and other revenue if, in his/her written determination, said department has established proper policies, procedures and controls and that said controls are followed at all times provided. All receipts collected by any department shall be forwarded to the City Collector on a daily basis or on another schedule as may be approved in writing by the Finance Director.
- G. The Finance Director shall develop, document and publish a system of internal controls for cash management, including but not limited to receipt of money, safeguarding of assets, verification of accuracy, use of financial computer systems, promotion of operational efficiency, proper segregation of duties and others.

**§ 67-7. Policies with regard to self-supporting operations.**

- A. The City shall annually adopt the rates and fees for all enterprise fund activities, and the Chief Administrative and Financial Officer shall propose no less than every two years the rates and fees for all other rate- and fee-supported services in City government.

- B. In the event that an enterprise fund requires General Fund or other support because its revenue does not fully support its operations, the Finance Director and relevant department head shall make a report to the City Council regarding the fund, its revenue and expenditure position and the reason a deficit occurred.

**§ 67-8. Capital Improvement Planning Committee; capital projects.**

- A. The Capital Improvement Planning Committee shall be comprised of the City's Chief Administrative and Financial Officer or his/her designee, the Finance Director, a representative from the City Council, the Director of Parks, Buildings and Recreation Management, the Budget Director, the Planning Director, the Director of Capital Asset Construction, the Director of Public Works and the Director of Community and Economic Development or other officials with different titles who perform the duties of said positions. Any member with an interest in a capital item before the Committee shall recuse him/herself from deliberations regarding said items. The Committee shall provide its recommendations in writing to the Mayor and City Council. Any capital funding request that is at variance from the Committee's recommendation shall be by a written justification of the variance, comparison of cost-benefit analyses for the affected projects.
- B. The Finance Director shall review the finances and capital projects no less than annually. For a nonconstruction capital expenditure, the City shall conduct project close-out within six months of project completion. For a construction-related capital expenditure, the City shall conduct project close-out within nine months of the end of construction. The City shall release unexpended bond proceeds within six months of project close-out and may reuse said proceeds consistent with the provisions of Massachusetts General Law.

**§ 67-9. Policies regarding financial responsibilities of departments.**

- A. All departments authorized to collect receipts by the Finance Director shall remit them to the City Collector on a daily basis, or on another schedule approved by the Finance Director in writing on a case-by-case basis.
- B. No department shall open an account in any financial institution or maintain a checkbook or other means of receiving or making payments without the prior written approval of the Finance Director, and departments may not make any payment outside of the City's central financial system.
- C. No department may seek procurement for any capital project for which funding is not legally available via appropriation, bond funding, grant funding, gift or other legal source unless specifically permitted by law. In instances where law permits procurement without a previously identified funding source, said department must seek and receive the approval of the Finance Director prior to initiating procurement activity.



- D. All departments that issue fines and tickets under law and City ordinance shall provide written monthly reports to the Finance Director of the number and dollar value of tickets issued and paid. Said report shall be reconciled prior to submission so as to provide an accurate accounting of collections and outstanding unpaid balances to date.

**§ 67-10. Policies regarding grants.**

- A. Grant funds shall be expended prior to the expenditure of General Fund operating budgets whenever possible. Grant reimbursements shall be submitted in a timely manner; a schedule for submitting grant reimbursements, which shall be binding on all parties, may be established by the Finance Director if he/she finds that reimbursements are not taking place in a timely manner.
- B. Department heads shall notify the Finance Director no later than three months prior to the expiration of a grant if they reasonably believe grant funds may be returned unspent to the granting agency.

Article III. Director of Internal Audit

**§ 67-11. Appointment and term; oath; qualifications.**

- A. The present Director of Internal Audit shall hold his/her office during the term for which he/she is appointed.
- B. During the month of January and each third year thereafter, and whenever a vacancy may occur, the Mayor shall appoint, with the approval of the City Council by majority vote, a Director of Internal Audit, and the incumbent Director of Internal Audit shall continue in office for a term of three years from the first day of the current January and until his/her successor is appointed and qualified. The Director of Internal Audit may be reappointed to successive terms.
- C. Before entering upon the duties of his/her office, the Director of Internal Audit shall be sworn to the faithful discharge thereof.
- D. The person appointed Director of Internal Audit shall comply with the residency requirements and shall be a certified public accountant or have equivalent experience, and shall be a graduate of an accredited college or university, with a degree in accounting, public administration or business administration or especially suited by education, training and experience to perform the duties of the office.
- E. The City shall annually appropriate amounts sufficient for the proper administration of the Office of the Internal Auditor.

- F. The Director of Internal Audit may be removed by the Mayor, with the approval of the City Council by majority vote.

**§ 67-12. Annual review of Director of Internal Audit.**

The Director of Internal Audit shall present his/her annual goals to the City Council by January 31 of each year. By November 1, the Audit Committee shall conduct an annual review of the performance of the Director of Internal Audit, with a report to the full Council by December 15.

**§ 67-13. Access to books and documents.**

The Director of Internal Audit shall have access to all books, documents and vouchers in the possession of any City department or any other party whose accounts he/she is authorized to examine, and which relate to such accounts.

**§ 67-14. Duties of Director of Internal Audit.**

- A. The Director of Internal Audit shall have the powers and duties of a city auditor under MGL c. 41, §§ 50 and 53, inclusive, and in addition thereto, such powers and duties as provided for herein and elsewhere in the City ordinances. Wherever references to "City Auditor" appear in the ordinances, they are to be construed to mean the "Director of Internal Audit" unless otherwise noted as pertaining to the Comptroller.
- B. The Director of Internal Audit shall have the authority to hire, fire, discipline and manage personnel under the Director's direction.
- C. The Director of Internal Audit shall examine or cause to be examined the financial and other records of the City and its departments, including the City retirement system and any other audits or reviews as determined necessary by the Director of Internal Audit. The Director shall conduct or cause to be conducted both financial and performance audits to prevent and detect waste, fraud and abuse and to improve the efficiency, effectiveness and quality of public services provided in and by the City. Department heads are encouraged to use the resources of the Director of Internal Audit.
- D. The Director of Internal Audit shall, on or before March 30 of each year, propose to the City Council an audit plan for the following fiscal year, which shall be reviewed and accepted by the City Council, subject to modification by majority vote. The audit plan may be filed, considered, modified and approved in an Executive Session of the City Council if public reviews, consideration, modification or approval would negatively impact the ability of the Director to execute the audit plan.

- E. The Director of Internal Audit shall maintain a fraud hotline for the City of Springfield. This hotline should be made available to the public and to City employees to enable them to report fraud, waste, and abuse.
- F. No employee, officer, board, commission, agency or other unit of the City government, including the School Department, shall interfere with any audit or review conducted by the Director of Internal Audit or his/her staff.
- G. If, during an audit or review, the Director of Internal Audit becomes aware of abuse or illegal acts or indications of such acts, the Director of Internal Audit shall report the irregularities to the appropriate law enforcement authorities.

**§ 67-15. Requests for information.**

- A. All officers and employees of officers, boards, commissions, agencies and other units of City government, including the School Department, shall comply with all requests for information or access to system and records by any employee of the Director acting in an official capacity. If any such officer or employee refuses to provide or engages in unreasonable delay in providing information or access, or knowingly or through neglect provides false or misleading information, the Director may bring to the Chief Administrative and Financial Officer an administrative complaint against that employee or officer.
- B. If the Chief Administrative and Finance Officer finds, after notice and opportunity for hearing, that the officer or employee refused information or access to the office of the Director of Internal Audit or knowingly or through neglect provided false information, the employee or officer shall be individually and personally subject to a civil fine of \$100 per violation per day until the violation is cured. This fund shall be payable to the general fund of the City.
- C. Notwithstanding any law, contract or collective bargaining agreement to the contrary, a violation of this section shall be just cause for termination.

**§ 67-16. Requests for Information by School Department.**

The Director of Internal Audit shall comply with all requests of the School Department to provide any information relating to the operation of the School Department held within the authority or control of the Director as a result of consolidating the operation of the Business and Financial Services Department of the School Department with those of the City. If the Director of Internal Audit or any employee of the Director refuses to provide such information or engages in unreasonable delay, the School Department shall notify the Secretary for Administration and Finance. The Secretary shall, within a reasonable time, make a determination that any such information be provided to the School Department, which shall be binding on the Director of Internal Audit and the School Department. The Secretary's determination shall not be an

adjudicatory proceeding reviewable under Chapter 30A of the General Laws. Nothing in this section shall abrogate any of the other powers or duties of the School Committee under Chapter 71 of the General Laws.

**§ 67-17. Use of outside firms.**

- A. The Director of Internal Audit shall ensure that an independent audit of the City is conducted on an annual basis.
- B. The Director of Internal Audit may retain the assistance of audit firms and others in the conduct of the work of the Director's office.

**§ 67-18. Disability or vacancy in office.**

If by reason of illness, absence or other cause the Director of Internal Audit is temporarily unable to perform the duties of his/her office, the Mayor, with the majority vote of the City Council, may appoint an individual to serve as Acting Director of Internal Audit for a term not to exceed 90 days or until such disability ceases, and if a vacancy occurs in the office of Director of Internal Audit, the Mayor, with approval of the City Council, may appoint an Acting Director of Internal Audit, who shall perform the duties of such office until such vacancy is filled as provided for in this article.

**§ 67-19. through § 67-21. (Reserved)**

Article IV. Comptroller

**§ 67-22. Appointment and term; oath; qualifications.**

- A. There shall be in the City the Office of Comptroller. The Office of Comptroller will be part of the Department of Administration and Finance. The Chief Administrative and Financial Officer shall appoint, with the approval of the Mayor, a Comptroller for a term up to but not exceeding three years, solely on the basis of administrative and executive qualifications. The Comptroller shall report to and be under the direction of the Chief Administrative and Financial Officer, who may remove the Comptroller at will.
- B. The Comptroller shall be a person especially fitted by education, training and previous experience to perform the duties of the office. The Comptroller shall be a graduate of an accredited college or university.
- C. The Comptroller need not be a resident of the City or commonwealth when appointed but shall comply with the residency requirements within six months of appointment.
- D. The City shall annually appropriate amounts sufficient for the proper administration of the Office of the Comptroller.

**§ 67-23. Annual review of Comptroller.**

The Comptroller shall present his/her annual goals to the Chief Administrative and Financial Officer by January of each year.

**§ 67-24. Access to books and documents.**

The Comptroller shall, so far as may be necessary for the proper performance of his/her duties, have access to all books, documents and vouchers in the possession of any party whose accounts he/she is authorized to examine, and which relate to such accounts.

**§ 67-25. Books of accounts.**

The Comptroller shall keep proper books of accounts in which he/she shall charge against their appropriations all claims approved by him/her as provided in § 67-37, and shall keep such other accounts as he/she may deem advisable.

**§ 67-26. Powers and duties of Comptroller.**

- A. The Comptroller shall have the powers and duties of a City Auditor under MGL c. 41, §§ 51 to 54A, inclusive. MGL c. 41, § 50, shall also apply to the Comptroller to the extent that it does not conflict with the duties of the Director of Internal Audit under Section 3 of Chapter 468 of the Acts of 2008, and this article and other duties and powers as provided herein.
- B. The Comptroller shall have the authority to hire, fire, discipline, and manage personnel under the Comptroller's direction. Employees of the Comptroller's Office shall be especially fitted by education, training and experience to assist in the performance of the duties of the office.

**§ 67-27. Transfer of accounts.**

The Comptroller may transfer from the accounts of any department any funding not projected to be necessary due to position vacancies or operating efficiencies developed during a fiscal year. This transfer shall be into a central holding account which shall expire on June 30 of each fiscal year. If a vacant position is filled after such a transfer, the Comptroller may reverse the portion of the transfer associated with that position to ensure sufficient funding in the relevant department. This transfer of authority shall extend to the School Department only during a year during which budgeted net school spending, as reported to the Department of Elementary and Secondary Education, is at or above the required amount under the provisions of Chapter 70 of the General Laws.

**§ 67-28. Requests for information; annual reporting.**

- A. Upon majority vote and at the written request of the City Council, within a reasonable time period after such a request, the Comptroller shall provide 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.

- B. To the extent reasonable, this assessment shall include such analysis or other information of a financial nature as is specifically requested by vote of the City Council. The Comptroller shall provide this assessment and analysis as the Comptroller's professional opinion and the Comptroller shall not be obliged to represent the position of the Mayor or the Chief Administrative and Financial Officer.

**§ 67-29. Notice of exhaustion of appropriation.**

Whenever any appropriation for any department has been exhausted, it shall be the duty of the Comptroller to notify the Chief Administrative and Financial Officer and head of such department of the fact in writing, and thereafter no further liability shall be incurred by the department until an additional appropriation has been made therefor.

**§ 67-30. Capital projects.**

- A. No funds may be expended for any capital project except from funds specifically appropriated for such project. In the case of any project which is recommended by the Board of Public Works, the initial appropriation therefor shall not exceed the estimate furnished to the City Council by such board; but nothing in this section shall prevent the City Council from making subsequent additional appropriations for such project upon the recommendation of the Chief Administrative and Financial Officer.
- B. No funds appropriated for any capital project may be expended for any other project not included in the appropriation order. On completion of each project for which an appropriation was granted, any unexpended funds shall revert to the account from which they were originally appropriated.
- C. The terms "capital project" and "project," as used in this section, mean any project for which bond funds may be expended under the laws of the Commonwealth. Appropriations to any such capital project may be made from bond funds, from the General Fund, or may be included in the annual budget. All departments performing work subject to this section shall keep their accounts for such work in accordance with procedures prescribed by the Comptroller.

**§ 67-31. Deputy Comptroller.**

- A. Appointment and removal; oath.

1. A Deputy Comptroller shall be appointed by the Comptroller.
2. Before entering upon the duties of his/her office, the Deputy Comptroller shall be sworn to the faithful discharge thereof.
3. The Deputy Comptroller shall hold office for the term for which the Comptroller appointing him/her was appointed and until his/her successor is chosen and qualified.

B. Duties.

1. The Deputy Comptroller shall perform such duties as may be assigned to him/her from time to time by the Comptroller.
2. If by reason of illness, absence or other cause the Comptroller is temporarily unable to perform the duties of his/her office, the Deputy Comptroller shall perform the same until such disability ceases, and if a vacancy occurs in the office of Comptroller, the Deputy Comptroller shall perform the duties of such office until such vacancy is filled.

**§ 67-32. Custody of contracts.**

The original copy of all written contracts shall be deposited with the Comptroller and one copy with the City Clerk within one week after their execution; and the City Clerk shall keep the contract or copy on file, open to public inspection during business hours.

**§ 67-33. Contracts exceeding \$25,000.**

In all cases where the amount of any contract made with the City, other than contracts for the purchase of supplies, covered by Chapter 82, Purchasing and Contracts, Article I, shall exceed \$25,000, the contract shall be in writing, shall be approved by the Comptroller as to available appropriation, and shall be signed by the Mayor and a majority of the committee, commission or board in charge of the work on the part of the City, and after being signed by the parties, no such contract shall be altered in any particular unless a majority of such committee, commission or board shall signify their assent thereto in writing, under their respective signatures, indorsed on such contract, and approved by the Mayor.

**§ 67-34. Approval of claims.**

No claim shall be paid by the City Treasurer unless it shall have been approved by the City Comptroller.

**§ 67-35. Mayor's order required for payment of claims.**

No money shall be drawn out of the City Treasury without the written order of the Mayor. The Mayor, and in case of his absence or inability, the acting Mayor, is authorized to

draw orders on the City Treasurer for the payment of all accounts and claims allowed and certified by the City Comptroller.

**§ 67-36. Department heads to certify and forward bills to Comptroller.**

Heads of departments shall certify to the correctness of all bills incurred by them and, after approval thereof by the committee, commission or board authorized to approve their department expenditures, shall forward the same without delay to the Comptroller not later than the fourth day of each month.

**§ 67-37. Filing of claims with Comptroller; transmission to Collector.**

All departments of the City government shall file with the Comptroller itemized bills, duly approved, of all claims as they become due the City in the several departments, giving full names and addresses of the debtor. The Comptroller shall examine and record such claims and transmit them to the City Collector for collection.

**§ 67-38. Claims uncollectible by City Collector.**

Copies of all claims which the City Collector refers to the City Solicitor shall be filed with the Comptroller.

**§ 67-39. Payment to department heads.**

The City Treasurer shall annually, upon the approval of the Comptroller and the written order of the Mayor, pay to the head of any department, or to such member or employee of any department as may be designated by the head of such department, such sums as may be from time to time appropriated by the City Council to be used by such department for the purpose stated in this article.

**§ 67-40. Petty cash funds.**

Whenever any expenditure has been made from the fund referred to in Chapter 42, Finances, Article II, Petty Cash Funds, § 42-7, the bill for the same shall be transmitted to the Comptroller for his/her approval in conformity with existing ordinances and statutes, the same as if it had not been paid as mentioned in this article, and the amount thereof approved shall be paid by the City Treasurer to such official or employee and upon such repayment shall become a part of such fund.

Article V. City Treasurer

**§ 67-41. Fiscal year.**

The City Treasurer shall make up his accounts to and including June 30 in each year, and the fiscal year shall end on that day.

**§ 67-42. Security of records.**



The City Treasurer shall cause all books, papers and other property under his care, belonging to the City, to be as securely kept as the means furnished by the City permit.

**§ 67-43. Rendering service and furnishing information to Council.**

The City Treasurer shall render such services and furnish such information respecting the accounts, finances and payments of the City as the Mayor and the Council or any committee thereof may from time to time require.

**§ 67-44. Statements to Council on condition of treasury.**

The City Treasurer shall, once a year and more often if required, lay before the Mayor and City Council a statement of the condition of the treasury, and of all moneys received and paid by him as Treasurer during the preceding fiscal year.

**§ 67-45. System of accounts; furnishing information to Auditor.**

The City Treasurer shall keep such a system of accounts as the City Auditor directs, and he shall at all times furnish to the City Auditor such information as the duties of such Auditor require.

Article VI. City Collector

**§ 67-46. Official bond.**

The City Collector's official bond shall be made to cover all of his duties under this code.

**§ 67-47. Charging and crediting on Auditor's books.**

- A. The City Collector shall be charged on the books of the City Auditor with the amount of all claims due the City and filed with the City Auditor, as provided in Chapter 42, Finances, Article I, Claims Against City, § 42-5, and shall be credited with the amounts collected and paid over to the City Treasurer.
- B. He shall also be credited with the corrections or abatements by an authorized officer, committee or board when approved by the City Auditor.

**§ 67-48. Collecting and paying over funds.**

The City Collector shall, on Monday of each week, pay over to the City Treasurer all moneys by him collected to and including the preceding Friday.

**§ 67-49. Weekly statements.**

The City Collector shall file weekly with the City Auditor a statement showing the claims collected since his previous report, and shall pay over to the City Treasurer the amount so collected.

**§ 67-50. Collection of taxes.**

The City Collector may use all means of collecting taxes which are provided for by the General Laws.

**§ 67-51. Collection of water bills.**

- A. The City Collector shall receive and receipt all bills and lists committed to him by the Water Registrar, as provided in this article, and proceed to collect the same as speedily as possible, giving such notices and making such demands as may be prescribed by such board, and he shall account to the Water Commissioners for the amounts stated in such lists, either in bills, paid or unpaid, or in certificates of abatements. On the first day of every week, he shall pay over to the City Treasurer all money collected by him on account of such department and notify the Water Registrar of such payments.
- B. He shall transmit monthly to such board a list of the unpaid bills in his hands, which were committed to him on the first of the month next preceding, with memoranda thereon stating the reasons for their nonpayment, so far as may be known to him.
- C. At the close of each fiscal year, he shall promptly transmit to such board a complete and detailed list, or report, of all unpaid bills in his hands at that date, with a statement of the amount of the same.

Article VII. City Messenger

**§ 67-52. Appointment; term.**

The Messenger shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

**§ 67-53. Duties.**

- A. Subject to the direction and control of the Superintendent of Public Buildings, the Messenger shall prepare and arrange the rooms in which the City Council shall hold its sessions, or in which any committee thereof shall hold its meetings, and see that the same are properly and reasonably warmed and lighted.
- B. He shall attend the City Council while in session, and, under direction of the proper committee or officers, provide such things as may be necessary for their accommodation or for the accommodation of committees while in session.
- C. Subject to the direction of the Election Commission, he shall see that the rooms selected for polling places are prepared and properly warmed and lighted.

- D. He shall be under the general supervision of the Superintendent of Public Buildings and shall perform such other duties as the Superintendent of Public Buildings or City Council may from time to time prescribe.

**§ 67-54. Delivery of notifications and summonses; notice of meetings.**

- A. The Messenger shall receive, deliver and execute all notifications, summonses and precepts, the service of which is not otherwise provided for, issued by the Mayor or the City Council or by any committee of the same, and make due return thereof.
- B. He shall notify all committees of their meetings upon request of the City Clerk or the chairman of such committee.
- C. He shall receive and deliver all notifications to officers elected or appointed by the City Council.

Article VIII. Bee Commissioner

**§ 67-55. Establishment of office.**

There is established in the City a municipal office to be known as the "Office of Bee Commissioner."

**§ 67-56. Qualifications, appointment and term.**

- A. The Bee Commissioner shall be especially fitted to perform the duties of his office and by actual experience must be skilled in the art of handling and raising bees.
- B. He shall be appointed by the Mayor for a term of five years.
- C. The term of office of the person first appointed under this article shall be until the first Monday of 1958 and until a successor is appointed.

**§ 67-57. Powers and duties.**

- A. The Bee Commissioner shall investigate any and all complaints concerning the keeping of bees and the location and number of hives and apiaries.
- B. Such complaints shall not be acted upon unless originally made in writing to the Commissioner of Public Health of the City.
- C. In the event the locations of such apiaries or hives are not consistent with public safety in the opinion of the Bee Commissioner, the owner shall remove such apiaries, hives or other structures to a location approved by the Bee Commissioner.

Article IX. Commissioner of Abandoned or Neglected Burying Grounds

**§ 67-58. Appointment, term and qualifications.**

- A. The present Commissioner of Abandoned or Neglected Burying Grounds shall hold his office during the term for which he is appointed.
- B. The Mayor shall, on or within 60 days after the first Monday of February, 1947, and in every fifth year thereafter, appoint some suitable person to be Commissioner of Abandoned or Neglected Burying Grounds for the term of five years from the first Monday of April then following, and the person so appointed shall hold office for the term of five years or until his successor is duly appointed in his stead; provided, however, that he may be at any time removed, for cause, by the Mayor.
- C. The Commissioner of Abandoned or Neglected Burying Grounds shall be a citizen of the City.

**§ 67-59. Vacancies.**

In case of any vacancy arising from any cause in the office referred to in this article, a new appointment, in the manner of the original appointment, shall be made to fill the same for the remainder of the unexpired term within 30 days after the occurrence of such vacancy.

**§ 67-60. Duties.**

The Commissioner of Abandoned or Neglected Burying Grounds shall be charged with the duty of keeping in good order the Cherry Lane Cemetery, so-called, situated on Cherry Street in the City, and any and all other abandoned or neglected burying grounds within the limits of the City of which the City shall hereafter take charge under the authority of MGL c. 111, § 18, or of any act in addition thereto or in amendment thereof.

**§ 67-61. Expenditure in excess of appropriations.**

The Commissioner of Abandoned or Neglected Burying Grounds shall not commit the City to any expenditures in excess of the sums appropriated by the City Council for the care and keeping in good order of abandoned or neglected burying grounds within the limits of the City.

Article X. City Physician

**§ 67-62. Appointment of City Physician and assistant; terms.**

- A. There shall be a City Physician and one regular Assistant City Physician, each of whom shall be a resident of the City and graduate of a medical school approved by the American Medical Association.
- B. Each shall be appointed by the Mayor.

- C. The City Physician shall hold office for a term of three years, unless sooner removed and until his successor is appointed.
- D. The Assistant City Physician appointed under this section shall be appointed for a term of three years. The Assistant City Physician shall hold office for the above-stated term and until his successor is appointed.

**§ 67-63. Duties.**

- A. It shall be the duty of the City Physician, in addition to duties which devolve upon him by statute, to:
  - 1. Render or investigate the medical care of patients under the supervision of the Director of Veterans' Services and of the Board of Public Welfare when so requested;
  - 2. Supervise and manage the medical outpatient clinic of the Department of Public Welfare; and
  - 3. Render first aid treatment, when requested, to members of the Police and Fire Departments.
- B. He shall annually in the month of January render a report to the Mayor of the professional services performed by him during the year immediately preceding.
- C. He shall examine all employees of the City who may claim to be incapacitated from the performance of their several duties, when so requested in writing by the City Council, the Mayor, City Solicitor or the head of any department.
- D. He shall, upon request of the Mayor or City Solicitor, examine and investigate the condition and render reports thereon of all City employees who apply for retirement on pension, of all persons who may sustain injuries by reason of accidents whereby the City may become liable, and, upon request of the workmen's compensation agent, of all City employees who may apply for workmen's compensation.
- E. He shall, upon request of the City Council, the Mayor or the City Solicitor, make such examinations and investigations on petitions for annuities brought by any dependents of deceased employees of the City as they or any one of them may require and render written reports thereon.
- F. He shall, as witness or otherwise, render such professional aid in court or elsewhere as the City Solicitor may request in all suits or matters wherein the City is a party interested.

G. He shall also perform such other professional services for the City as may be required in writing by the Mayor, the City Council, the Board of Public Welfare, or by law or ordinance.

**§ 67-64. Delegation of duties.**

The City Physician may delegate such duties as he deemed advisable to his assistants, and Assistant City Physicians shall be responsible and answerable to the City Physician.

**§ 67-65. Medical office; clerical assistance.**

There shall be a medical office in charge of the City Physician, who shall have the necessary clerical assistance; such assistance to be furnished by the Department of Public Welfare of the City.

Article XI. Measurers of Lumber

**§ 67-66. Appointment and term.**

In compliance with MGL c. 96, § 7, there shall, on or before the first day of April in each year, be appointed by the Mayor one or more measurers of lumber, who shall continue in office until March 31 in the following year and until their successors are appointed and qualified.

**§ 67-67. Oath.**

Before entering upon the duties of their office, such measurers of lumber shall be sworn to the faithful performance thereof.

Article XII. Fire Commissioner

**§ 67-68. Position established; appointment.**

The position of Fire Commissioner is hereby established. The Mayor shall appoint a single Fire Commissioner for the City of Springfield.

**§ 67-69. Term of office; vacancies; removal.**

The Fire Commissioner shall be appointed for a term of not less than three years, and the term of said Fire Commissioner shall not be coterminus with the Mayor. The Fire Commissioner shall hold office until a successor is appointed and qualified, and any vacancy occurring shall be filled by the Mayor. Said Fire Commissioner may be removed from office by the Mayor for cause.

**§ 67-70. Qualifications.**

Such fire commissioner at the time of appointment shall have had at least ten (10) years of experience in fire service, at least five (5) of which must be at the level of a deputy chief,

district chief, or equivalent rank, in a federal, state, or local fire department, or equivalent body of experience in the private sector. Such fire commissioner shall not engage in any other business and shall be sworn to the faithful performance of the office before entering upon the same. The fire commissioner at the time of appointment shall possess a bachelor's degree in fire science or in a field related to his or her duties from an accredited institution of higher learning, or shall be enrolled in a bachelor's degree program in fire science or in a field related to his or her duties from an accredited institution of higher learning.

**§ 67-71. Authority.**

The Fire Commissioner shall have the authority to appoint, establish and organize the Fire Department of the City. The Fire Commissioner shall have control of the government, administration, disposition and discipline of the Fire Department, and of the staff of the Department and shall make all rules and regulations as are proper for the efficiency of the Department and its staff. Except as otherwise provided herein, all the powers and duties of the Board of Fire Chiefs and the Board of Fire Commissioners of the City of Springfield now or previously conferred or imposed by law or otherwise reflected in City ordinances are hereafter conferred and imposed upon said Fire Commissioner, including but not limited to those otherwise vested in the Mayor and City Council by Chapter 244 of the Acts of 1909.

Article XIII. Police Commissioner

**§ 67-72. Position established; appointment.**

The position of Police Commissioner is hereby established. The Mayor shall appoint a single Police Commissioner for the City of Springfield.

**§ 67-73. Term of office; vacancies; removal.**

The Police Commissioner shall be appointed for a term of not less than three years, and the term of said Commissioner shall not be coterminus with the Mayor. The Police Commissioner shall hold office until a successor is appointed and qualified, and any vacancy occurring shall be filled by the Mayor. Said Police Commissioner may be removed from office by the Mayor for cause.

**§ 67-74. Qualifications.**

At the time of appointment, such Police Commissioner shall have had at least seven years' experience as a captain, or equivalent rank, in a federal, state or local police force or law enforcement agency, or in any combination thereof. Such Police Commissioner shall not engage in any other business and shall be sworn to the faithful performance of the office before entering upon the same. At the time of appointment, the Police Commissioner shall possess a master's degree in a field related to his or her duties from an accredited institution of higher learning or an equivalent degree.

**§ 67-75. Authority.**

The Police Commissioner shall have the authority to appoint, establish and organize the Police Department of the City. The Police Commissioner shall have control of the government, administration, disposition and discipline of the Police Department, and of the police force of the Department and shall make all rules and regulations as are proper for the efficiency of the Department and its force. Except as otherwise provided herein, all the powers and duties of the Police Commission of the City of Springfield now or previously conferred or imposed by law or otherwise reflected in City ordinances are hereafter conferred and imposed upon said Police Commissioner, including but not limited to those otherwise vested in the Mayor and City Council by Chapter 244 of the Acts of 1909.

**§ 67-76. Acting Police Commissioner.**

In case of absence, disability or vacancy of office by the Police Commissioner, then the next highest ranking officer in the Department shall serve as Acting Police Commissioner. If there are two such officers of equal rank, the senior officer in date of appointment shall be Acting Police Commissioner.

Article XIV. Chief Development Officer

**§ 67-77. Establishment.**

The position of Chief Development Officer is established, such Chief Development Officer to serve at the pleasure of the Mayor.

**§ 67-78. Powers and duties.**

The Chief Development Officer shall be responsible for policy direction and coordination of the City's activities in the general areas of economic development, planning, human services, housing and renewal. The Chief Development Officer will also have responsibility for Inspectional Services and Zoning; Neighborhood Services; Community Development; and administration of the Springfield Redevelopment Authority.

**§ 67-79. 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.

**§ 67-79.1. Semi-annual meeting with Council.**

The Chief Development Officer shall, as soon as possible after the end of each fiscal half of the calendar year, but not later than 15 days after the end of each half, and more often if the Council requests, meet with the City Council and certify that he has examined all certified projects, approved agreements, or other programs authorized under M.G.L. c. 23A being utilized by the City and the condition thereof, and make a brief analysis of the status and compliance of each project, agreement or other programs active in the preceding financial quarter.

Article XV. Municipal Chime Ringer

**§ 67-80. Appointment; duties.**

The present Municipal Chime Ringer shall hold office during the term for which he is appointed, and annually thereafter. In the month of January, there shall be appointed by the Mayor a Municipal Chime Ringer, who shall have general charge and operation of the municipal chimes, under the direction of the Superintendent of Public Buildings.

**Chapter 73 - PERSONNEL**

ARTICLE I	Personnel Department (§ 73-1 — § 73-7)
ARTICLE II	Residency Requirements (§ 73-8 — § 73-17)
ARTICLE III	Wages and Salaries (§ 73-18 — § 73-22)
ARTICLE IV	Vacations (§ 73-23 — § 73-26)
ARTICLE V	Sick Leave (§ 73-27 — § 73-39.1)
ARTICLE VI	Holidays; Other Types of Leave (§ 73-40 — § 73-44)
ARTICLE VII	Family Leave Benefit Programs (§ 73-45 — § 73-50)
ARTICLE VIII	Loaned Employee Program (§ 73-51 — § 73-53)

Article I. Personnel Department

**§ 73-1. Establishment and composition.**

There is established in the City a municipal department to be known as the "Personnel Department." It shall be composed of a Personnel Director, who shall be the department head and appointing authority, a Personnel Policy Board, an Assistant Personnel Director and such other administrative assistants as may be necessary from time to time to perform the work of the Department.

**§ 73-2. Personnel Director qualifications and appointment.**

The Personnel Director shall be specially fitted by education, training and experience to perform the duties of his office. The Personnel Director shall be appointed by the Mayor and shall devote his entire time to the duties of his office.

**§ 73-3. Personnel Director powers and duties.**

- A. The Personnel Director shall be the executive head and appointing authority of the Personnel Department, and shall supervise and direct all of the activities of the Personnel Department.
- B. The duties of the Personnel Director shall be as follows:
  - 1. To establish and maintain impartial and uniform personnel policies applicable to City employees regardless of job level and consistent with law.
  - 2. To review and report, from time to time, on job classification, relationship and compensation of all positions, including department heads.
  - 3. To review and report, from time to time, on the effectiveness and adequacy of the City's uniform sick leave policy.
  - 4. To review and report, from time to time, on a uniform leave of absence policy for City employees.
  - 5. To establish and maintain in cooperation with the City Auditor timely and positive sick leave and absentee reports for all personnel purposes.
  - 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 at the request of said officer or employee.
  - 7. To administer and maintain the workmen's compensation program for the City.
  - 8. To administer and maintain the unemployment compensation program for the City.
  - 9. To assist the Mayor on all matters relating to affirmative action.

10. To adjust employee grievances, unless otherwise provided by a collective bargaining agreement, which are not adjustable by department heads; provided, however, that such adjustment shall not involve an expenditure of money in excess of appropriation.
11. To establish and maintain a job orientation and accident prevention program for employees.
12. To prepare and disseminate to employees an abstract of the personnel policies of the City.
13. To establish and maintain a uniform system for public recognition of employees with long and meritorious service to the City.
14. To make all reports to the City Council concerning the creation of a new office, position or employment or any increase in compensation or change in classification of any existing office, position or employment, or for the performance of any duty of any existing office, position or employment.
15. To obtain, in the performance of such duties, information concerning personnel matters from all department heads by interview or written report.

**§ 73-4. Department head notification of absences.**

Department heads shall notify the office of the Mayor 24 hours in advance if they are to be absent from the City for a period exceeding one working day.

**§ 73-5. Authorization of positions, changes in classification and increases in compensation.**

- A. Unless otherwise provided by law, no new or additional office, position or employment nor any increase in the compensation or change in the classification of any existing office, position or employment or for the performance of any duty shall be authorized without the authorization of the Personnel Director and the approval of the Mayor and the Chief Financial Officer.
- B. A request to the Personnel Director by a department head for a review of the compensation or change in classification of any position within his department shall be reported on to the department head within 60 days from the date the request is received by the Personnel Director. If no formal report is submitted within the period provided, the department head may petition the Mayor for any changes in compensation or classification considered necessary for such position within his department.

**§ 73-6. Power to make appointments.**

The power to appoint and employ persons in any department of the City shall remain in the officer, board, commission or department head as now authorized by law.

**§ 73-7. Wages and other conditions of employment for nonunion employees.**

- A. The purpose of this section is to acknowledge the need of those municipal employees who are not otherwise included in any employee bargaining unit. Those employees, whose wages, hours and conditions of employment are not within the jurisdiction of a collective bargaining unit, shall meet with the Mayor or his designee or submit their requests or proposals concerning wages and other conditions of employment during the month of October, annually.
- B. Every other year, the Personnel Director will conduct a survey of wages and other conditions of employment of those employees whose interests are not within the jurisdiction of a collective bargaining unit. Such survey shall consist of a study of wages and such other conditions of employment that prevail for like occupations or professions with governmental employers as well as private employers locally and in the northeastern region. The results of such study shall be submitted to the Mayor and to the Chief Financial Officer during the month of October.

Article II. Residency Requirements

**§ 73-8. Condition of employment.**

- B. Except as provided for in this article, every person first employed by the City of Springfield on or after March 17, 1995, shall, within twelve (12) months of the start of employment, be a resident of the City of Springfield and shall not cease to be a resident during his employment by the City.
- C. For the purpose of this article, 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.
- D. Notwithstanding the provisions of this article, all employees employed by the City of Springfield on March 17, 1995, shall be considered to have fully complied with the residency provisions of this article.

**§ 73-9. Condition of promotion.**

Except as provided for in this article, all persons promoted by the City on or after March 17, 1995, shall be or within one 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.

**§ 73-10. Certificate of residence.**

- A. Upon taking employment with the City, and annually on February 1 thereafter, every person subject to this article 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 business days 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. This subsection shall not apply to employees exempted from the residency ordinance as provided for in this article.
- C. No person so stricken from the payroll shall be reemployed 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.

**§ 73-11. 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 article.
- B. To the extent permissible by Chapter 31 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 article with respect to any position not governed by that law.

**§ 73-12. 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.

**§ 73-13. Waiver.**

The provisions of this article may be waived by the Mayor with respect to any particular person or position, other than those for which residency is required by law, upon written determination that the taxpayers and residents of the City of Springfield would be better served through the hiring, appointment or promotion of a nonresident of the City of Springfield to a position.

**§ 73-14. Actual principal residence.**

In construing this article, "residence" shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal household effects. This article shall be deemed to affect both civil service and non-civil service employees of the City.

**§ 73-15. Residency Compliance Commission.**

- A. There shall be a Residency Compliance Commission ("Commission") comprising seven Commissioners, five to be appointed by the Mayor of the City of Springfield with one being a City union representative, and two other members, one of whom shall be the City's affirmative action officer and one of whom shall be 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 coterminous with the Mayor and any vacancies shall be filled by the Mayor 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 are 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, who shall recommend appropriate action to the Mayor of the City of Springfield.

- 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.

**§ 73-16. 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 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 § 73-15 above.

**§ 73-17. Residency for former positions or titles.**

For the purpose of this article, all positions or titles listed in former Section 3.08.080 (November 11, 1991 and March 25, 1992) shall be governed by this article, unless excluded by law or collective bargaining agreements.

Article III. Wages and Salaries

**§ 73-18. Fixing.**

Except as otherwise provided by law, the salaries of all officers and employees of the City shall be fixed from time to time by the City Council, and the wages of all other employees shall be fixed in such manner as the City Council determines.

**§ 73-19. Overtime compensation.**

- A. Any employee of the City who is required to work in excess of his regular number of maximum hours per week as regulated by law, ordinance or rule shall be compensated for such additional hours of service at a rate of 1 1/2 times his regular hourly compensation.
- B. This section shall not apply to policemen, firemen, school teachers, or incumbents of offices specifically established by or under the authority of any general or special act or to employees for whom provision for overtime pay is provided under a collective bargaining agreement with the City, or to department heads, their deputies, associates or assistants or such other classes or groups of employees as from time to time may be specifically

exempted therefrom by vote of the City Council, subject to the provisions of its Charter. The provisions of this section shall not apply to the wastewater treatment plant engineer (Job Code Number 1450).

**§ 73-20. Deduction of funds for employees' credit union.**

- A. The City Treasurer shall deduct from the salary of any employee of the City such amount as such employee, in a written authorization to such City Treasurer, may specify for purchasing shares of, or making deposits in, or repaying any loan from the Springfield, Massachusetts Municipal Employees' Credit Union, a credit union operated by employees of such City.
- B. Any such authorization may be withdrawn by the employee by filing a written notice of such withdrawal with the City Treasurer and a copy thereof with the treasurer of the Springfield, Massachusetts, Municipal Employees' Credit Union.
- C. The City Treasurer, after making deductions under this section, shall transmit the amount so deducted to the treasurer of the credit union for the purpose specified by the employee; provided that the City Treasurer is satisfied by such evidence as he may require that the treasurer of the credit union has given bond as required by law for the faithful performance of his duties.
- D. Moneys so deducted shall not be attached or taken upon execution or other process while in the custody of the City Treasurer.

**§ 73-21. Deduction of funds for teachers' credit union.**

- A. The City Treasurer shall deduct from the salary of any teacher of the City such amount as such employee, in a written authorization to such City Treasurer, may specify for purchasing shares of, or making deposits in, or repaying any loan from the Springfield, Massachusetts Teachers' Credit Union, a credit union operated by employees of such City.
- B. Any such authorization may be withdrawn by the employee by filing a written notice of such withdrawal with the City Treasurer and a copy thereof with the treasurer of the Springfield, Massachusetts Teachers' Credit Union.
- C. The City Treasurer, after making deductions under this section, shall transmit the amount so deducted to the treasurer of the credit union for the purpose specified by the employee; provided that the City Treasurer is satisfied by such evidence as he may require that the treasurer of the credit union has given bond as required by law for the faithful performance of his duties.
- D. Moneys so deducted shall not be attached or taken upon execution or other process while in the custody of the City Treasurer.



**§ 73-22. Employment or promotion to be authorized by appropriation.**

Except as otherwise provided by law, no board, committee, department head, superintendent or other person having the power to hire or promote any employees on behalf of the City shall employ any persons or promote or advance in grade any employees of the City unless first authorized to do so by the annual budget, a supplementary budget, or other appropriation order passed by the City Council and approved by the Mayor.

Editor's Note: Former § 3.12.060, Increase in salary for contemplated retirement in certain cases, which immediately followed this section, was repealed FCB 9-30-2008. This enactment provided that the repeal shall be effective in respect to any employee whose retirement occurs after 10-1-2008, but shall not be applicable to any employee who has notified, in writing, his department head and the retirement board of his intention to retire prior to 10-1-2008.

Article IV. Vacations

**§ 73-23. Annual vacation granted.**

- A. All employees of the City regularly employed, other than employees whose vacations are governed either by MGL c. 41, § 111, 111A, 111D, 111G, or 111G 1/2, or teachers, shall be granted an annual vacation of not less than two weeks without loss of pay; provided, however, that all employees who have a total period of five years in the aggregate shall be granted an annual vacation of three weeks without loss of pay; provided, further, that employees who have a total period of 10 years or more in the aggregate shall be granted an annual vacation of four weeks without loss of pay; and provided, further, that employees who have a total period of 20 years or more in the aggregate shall be granted an annual vacation of five weeks without loss of pay.
- B. Such vacations shall be granted by the heads of the respective departments of the City at such time as in their opinion will cause the least interference with the performance of the regular work of the City.
- C. A person shall be deemed to be "regularly employed" within the meaning of this section if he has actually worked for the City for 30 weeks during the 12 months preceding the first day of June in such year.

**§ 73-24. Vacation in cases of illness or injury.**

- A. All employees of the City regularly employed and who shall be entitled to an annual vacation, including employees whose vacations are covered by MGL c. 41, §§ 111, 111A, 111D and 111G, but who are unable to take their vacations because of sickness or injury, whether or not such sickness or injury occurs in the course of their employment, shall be entitled to said vacation in the succeeding year, and shall be granted such vacation by the

heads of the respective departments of the City at such time as in their opinions will cause the least interference with the performance of the regular work of the City.

- B. A person shall be deemed to be "regularly employed" within the meaning of this section if he has actually worked for the City for 30 weeks during the 12 months preceding the first day of June in such year.

**§ 73-25. Other vacation provisions.**

An employee who has been employed for six months, but whose employment does not meet the definition of "regularly employed" in § 73-24B, shall, after June 1 in a given calendar year, be granted paid vacation leave of 1/3 working day, with fractional days disregarded, for each continuous full week he has actually worked for the City during the 12 months preceding the first of June in such year, but in no case to exceed 10 working days.

**§ 73-26. Compensation for accrued time upon termination of employment.**

- A. Whenever the employment of any person subject to § 73-23 is terminated during a year by dismissal through no fault or delinquency on his part or by resignation, retirement or death, without his having been granted the vacation to which he is entitled under such section, he or, in case of his death, his beneficiary, shall be paid at the regular rate of compensation payable to him at the termination of his employment an amount in lieu of such vacation; provided that no monetary or other allowance has already been made therefor.
- B. The word "beneficiary," as used in this section, means the surviving beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement system of which he is a member or, if there is no such designated beneficiary, the estate of the deceased.
- C. The official head of the department in which the person was last employed shall enter on the departmental payroll all amounts payable under this section.

Article V. Sick Leave

**§ 73-27. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DAY

That duration of time that constitutes the normal, regularly scheduled hours of employment for the day in question.

SERIOUS HEALTH CONDITION

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.

#### SICK LEAVE

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.

#### **§ 73-28. Granting leave.**

Each department head shall grant sick leave to his employees of the City as provided in this article.

#### **§ 73-29. Leave for new employees.**

During the first six months of employment, no sick leave pay shall be granted; however, during such period, sick leave credit of 1 1/4 sick leave days with pay per each completed month of service shall be credited to the employee's account at the commencement of his seventh month of employment less the days or fractions thereof that he was absent from work for whatever cause during said six months of completed employment. The employee will acquire the sick leave credit but will not be paid for any days that he might have lost during the first six months of employment.

#### **§ 73-30. Accrued monthly credit.**

An employee in the service of the City shall be allowed a credit of 1 1/4 sick leave days with pay per each completed month of service. An employee shall be entitled to sick leave payment starting with the seventh month of completed service in accordance with the provisions of § 73-29.

#### **§ 73-31. Leave for employees in City service prior to 1956.**

Each employee affected by this article shall be granted a credit of three days sick leave for each completed 12 days of service with the City prior to January 1, 1956.

#### **§ 73-32. Maximum accumulation; extensions.**

A. Unused sick leave days in any year shall accumulate without limitation to the employee's credit.

- B. No employee shall be entitled to sick leave with pay in excess of his accumulated credits, nor shall sick leave be granted by a department head in anticipation of sick leave credits to accrue in the future; provided, however, that in cases of extreme personal illness, an employee may apply to the Personnel Policy Board for additional sick leave with pay beyond the total of his accumulated sick leave credits. Based on the employee's length of service and employment record, the personnel policy board may authorize such additional sick leave payments.

**§ 73-33. Eligibility and procedure for obtaining leave.**

- A. In order to be eligible to receive sick leave payments under this article, an employee shall notify or cause notice to be given to his department head forthwith. Failure to give such notice shall be deemed sufficient reason for the denial of sick leave payments.
- B. For periods of sick leave absence of three or more consecutive work days, an employee shall furnish his department head with evidence in the form of a physician's certificate for the cause of such absence.
  - 1. This physician's certificate must be furnished to the department head on the date of the employee's return to work or not later than the seventh consecutive work day of absence and each seventh calendar day thereafter of protracted illness.
  - 2. If such certificate is not furnished by the employee, sick leave shall not be paid for the period of absence.

**§ 73-34. Termination of leave payments and credits; suspension and reinstatement; transfer within City government.**

- A. Sick leave payments and credits shall automatically terminate on the date of the retirement or separation from service of the City of an employee.
- B. If an employee is suspended for reasons other than fault of his own and subsequently reinstated or re-employed, he shall be credited with accrued sick leave due at the time of such suspension.
- C. If an employee is transferred from one City department to another City department, any accrued sick leave shall be credited to the employee in his new department.
- 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.

**§ 73-35. Conversion upon retirement or death.**

- A. Upon retirement or death, an employee shall be paid for accumulated sick leave in excess of 25 days at the rate of pay such person is earning upon the date of retirement or death.
- B. Such payment will be made in one sum, which amount will not, under any circumstances, exceed \$1,200. In the event of death, the sum that otherwise would have been payable to the employee shall be paid to the person whom such employee has designated as his beneficiary on his municipal life insurance policy or, if none, then to his estate.
- C. This section shall not apply to the uniformed members of the Fire Department and Police Department other than parking meter supervisors, as well as persons appointed by the School Committee as specifically excluded by MGL c. 40, § 21A.
- D. The provisions of this section shall not apply to building tradesmen and helpers of the City whose rate of pay is determined with reference to the prevailing rate of pay paid to nonmunicipal employees in similar trades.

**§ 73-36. Non-collective bargaining personnel.**

- A. The purpose of this section is to acknowledge the need of those municipal employees who are not otherwise included in an employee bargaining unit but limited to all full-time personnel whose regular compensation is paid by the City and who are eligible to participate under the provisions of the retirement system and pensions established and set forth in Chapter 32 of the General Laws.
- B. An employee in the service of the City shall accrue a credit of 1 1/4 sick leave days with pay per each completed month of service; provided, further, that anything herein to the contrary notwithstanding, in any calendar month in which an employee accumulates three or more separate absences, due to illness and/or any unauthorized absence whether with or without pay, such employee shall not accrue such credit nor be entitled to said 1 1/4 sick leave days for that month in which the absences occur.
- C. Separate absences shall consist of any period of successive days or portions thereof, the absence of which shall be considered terminated upon the occasion of the employee's return to work immediately thereafter following the absence.
- D. Upon retirement or death, an employee, irrespective of the position held, shall be paid at the rate of \$30 per day or 15% of the day's salary, whichever is greater, for all sick leave accrued by said employee at the time of the employee's death while in the service of the City, or the retirement from municipal service. Such payment will be made in one lump sum; provided, further, that in the event of death, such sum as would otherwise have been payable to the employee shall be paid to that person whom such employee has designated as his beneficiary on his municipal life insurance policy or, if none, to his estate.

- E. This section shall not apply to the uniformed members of the Fire Department and Police Department as well as persons appointed by the School Committee as specifically excluded by MGL c. 40, § 21A; provided, further, that this section shall not apply to anyone adjudged to be within the scope of any bargaining unit, or anyone who does not qualify for regular sick leave payments.

**§ 73-37. Employee records and information; manner of making payments.**

- A. Each department head shall maintain a permanent record for his employees affected by this article, which shall contain all pertinent sick leave data. An employee's record shall be available for inspection by the employee or his elected representative, the City Auditor or his representative and the Personnel Director or his representative.
- B. Sick leave payments under this article shall be designated on the rolls as sick leave payments in such manner as the City Auditor prescribes. The City Auditor is authorized to make such payments and cause to be maintained permanent records of accumulated sick leave credits based on an hourly computation to facilitate the implementation of the provisions set forth in § 73-28.
- C. The payment of sick leave shall be reported to the Personnel Department at such times and in such manner as the Personnel Director prescribes.
- D. Each department head shall furnish his employees affected by this article with a statement every year of the number of sick leave days accumulated and due such employee.

**§ 73-38. Employees not affected.**

- A. The provisions of this article shall not apply to laborers, workmen or mechanics when by reason of an accident or injury arising out of their employment they are entitled to receive workmen's compensation in accordance with General Laws Chapter 152.
- B. The provisions of this article shall not apply to the uniformed members of the Fire Department and the Police Department.
- C. The provisions of this section shall not apply to building tradesmen of the City whose rate of pay is determined according to the wages being paid to nonmunicipal union building tradesmen employed in private industry in the City.

**§ 73-39. Physical examinations.**

The Personnel Department shall administer a program of preemployment physical examinations for all applicants before employment begins.

**§ 73-39.1. Cancer screening.**

- A. It is the policy of the City of Springfield to promote and encourage the health and welfare of its municipal employees. Cancer is recognized as a major cause of death of adults in the greater Springfield region. The City realizes the distinct advantages of regular pre-cancer screening. Early detection is essential to the prevention of all forms of cancer, and Springfield is fortunate to be the home to excellent medical facilities dedicated to the prevention and treatment of cancer and other illness. This section will allow each employee to use up to four hours of paid time on an annual basis for the purpose of undergoing pre-cancer screening. Such time will not be charged to sick, personal or other accrued time.
- B. The types of cancer screening permitted under this section are: lung, colon, breast, prostate, skin, thyroid, lymph nodes, oral cavity, reproductive organs, or any other form of cancer deemed appropriate for screening by the Springfield Department of Health and Human Services.
- C. The appointing authority may require submission of medical documents to verify the employee's screening.
- D. The four-hour period for screening cannot be taken in blocks of time, but rather must be taken at one instance.
- E. This section shall be applicable to all City employees.
- F. All department heads and appointing authorities shall abide by this section and assist and encourage employees to avail themselves of this benefit.

Article VI. Holidays; Other Types of Leave

**§ 73-40. Paid legal holidays.**

- A. All City employees, except building tradesmen in any departments whose rate of pay is determined according to the wages being paid to nonmunicipal union building tradesmen in private industry in the City and members of the Police and Fire Departments for whom provision is made by other laws, shall be entitled to a holiday with pay on each of the 11 legal holidays enumerated in this section.

New Year's Day

Martin Luther King's Birthday

Washington's Birthday

Patriots' Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans' Day

Thanksgiving Day

Christmas Day

- B. Holidays occurring on Sunday will be celebrated on Monday; holidays occurring on Saturday will be celebrated on Friday. For the purpose of this article, the "celebrated" day (i.e., Friday or Monday) becomes the holiday rather than the actual holiday.
- C. Any employee required to work on a holiday will be paid for the hours worked plus a day's pay for the holiday. No compensating time off for work performed on a holiday shall be authorized.
- D. Any employee who works five or more days a week and whose regular day off falls on any of the aforementioned holidays shall be paid for the holiday.
- E. When a holiday occurs during an employee's regular scheduled vacation, he shall be granted an additional day's vacation, as determined by the employee's department head.
- F. In order to receive pay for any of the holidays enumerated above in this section, an employee must actually work on his last scheduled working day immediately preceding and his first scheduled working day immediately following the holiday in question.

**§ 73-41. Jury duty.**

All City employees shall receive their regular rates of pay while actually serving on jury duty, reduced, however, by the amount received by them from the authority which pays them for such jury duty.

**§ 73-42. Bereavement leave.**

A municipal employee shall be granted bereavement leave under the following conditions:

- A. He shall submit proof of relationship and death satisfactory to his department head, whereupon he shall be granted bereavement leave with full pay not to exceed three regularly scheduled consecutive working days; such leave shall not extend more than one day beyond the date of the funeral of the deceased relative.



- B. For the purposes of this section, leave with pay shall be granted on the death of a husband, wife, mother, father, son, daughter, brother, sister, grandfather, and grandmother of either the employee or his spouse; or any relative of the employee or his spouse who was actually living in the immediate household of the employee at the time of death or at the commencement of the final illness or accident.
- C. Bereavement leave is to be separate from, and shall not be charged to, sick leave or vacation leave.

**§ 73-43. Personal leave.**

- A. An employee shall have the limited option to use up to three days annually of the unused sick leave accumulated pursuant to Article V 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 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.

**§ 73-44. Incentive leave.**

- A. The calendar year is hereby broken down to consist of three 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 day due to a disqualifying absence or who is tardy not more than three instances in excess of 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 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 day in the incentive period.

2. Absence due to workmens' 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.
  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.

#### Article VII. Family Leave Benefit Programs

##### **§ 73-45. Definitions.**

For the purposes of this article, the following words and phrases shall have meanings respectively ascribed to them by this section:

##### **CHILD**

A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self care because of a mental or physical disability.

##### **PARENT**

The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

##### **SCHOOL-RELATED ACTIVITIES**

Parent/teacher conferences, classroom presentations, classroom activities (e.g., field trips) requiring additional adult/parent supervision, and observing/monitoring a child's class activities.

##### **SPOUSE**

Husband or wife, as the case may be.

##### **§ 73-46. Granting of leave.**

Each department head may grant family leave benefits to employees of the City as provided in this article.

**§ 73-47. Parent shift program.**

- A. The parent shift shall consist of working hours between 9:00 a.m. and 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 20 hours a week shall not be eligible for the parent shift program.

**§ 73-48. Part-time work program.**

A department head may, whenever possible, hire two 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 positions are created, only one can be greater than 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.

**§ 73-49. Parental and adoption leave programs.**

- A. In accordance with the provisions of MGL c. 149, § 105D, an employee who has completed the initial benefit probationary period of six months and is employed on a regular basis for 20 hours or more per week may request an unpaid parental leave, not to exceed 16 weeks, following the birth of a baby, unless otherwise provided for by a collective bargaining agreement or this chapter, for the purpose of giving birth, care of a newborn, placement for foster care, or the adoption of a child under the age of 18, or the adoption of or placement for foster care of a child 18 or over if the child is mentally or physically disabled. The employee shall give at least a two-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.

**§ 73-50. School release policy.**

- A. All employees working 20 hours or more per week who are parents and/or legal guardians of school-age children (preschool through high school) shall be allowed to use four hours per school year for school-related activities.
- B. The words "school-related activities" shall not cover volunteerism in the schools.
- C. It shall be the responsibility of the employee to make appropriate arrangements with his/her department head for each such absence to ensure adequate coverage.

Article VIII. Loaned Employee Program

**§ 73-51. Purpose and intent.**

- A. The City of Springfield has an ongoing need for professional expertise and experience in connection with the management and operation of various departments, boards, commissions and authorities.
- B. The City of Springfield's financial obligations and other needs do not permit the City to meet the salaries and career tracks available in private employment.
- C. Private citizens and private employers are willing to lend such professional expertise and experience to the City of Springfield.
- D. The Greater Springfield Chamber of Commerce has volunteered and agreed to serve as a coordinating entity for all private citizens and private employers that wish to participate in this "Loaned Employee Program."
- E. It is deemed to be in the interest of the City of Springfield to review and accept certain offers of assistance.

**§ 73-52. Establishment and administration.**

- A. There is established in the City of Springfield a Loaned Employee Program, the individual participants of which shall be referred to as "loaned employees."
- B. For the purposes of this article and MGL c. 268A or MGL c. 149, § 44D, Paragraph (7), the term "loaned employee" is defined as any employee of a private employer loaned to the City in order to perform professional services for the benefit of the City, without

compensation by or charge or cost to the City, on a part-time, intermittent or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, real estate, law enforcement, fire enforcement, mechanical, purchasing, computer systems, or traffic expert and who complies with the requirements of the Loaned Employee Program set forth in § 73-53 of this article.

- C. The Mayor or his or her designee shall be responsible for the operation, appointment and supervision of any loaned employee(s) to the City and in consultation with the respective heads of departments, boards, commissions and authorities shall endeavor to match an existing need with a loaned employee(s) possessing the appropriate professional expertise and experience.
- D. The Mayor shall be assisted by the Greater Springfield Chamber of Commerce, which shall supply names, resumes and information to the Mayor regarding private citizens and employees of private employers who have volunteered to serve as loaned employees.

**§ 73-53. Implementation and restrictions.**

- A. The Program is to assist the City in its operations and not to supplant any current municipal employees. As such, no loaned employee shall serve more than 800 hours in any three-hundred-sixty-five-day period. Further, the position of loaned employee in any City department, board, commission, or authority is hereby classified as a "special municipal employee" position, and any person serving as a loaned employee shall be deemed to be a special municipal employee for the purposes of MGL c. 268A, the conflict of interest statute, and shall, pursuant to the statute, owe the City the same duties and be subject to the same restrictions as other special municipal employees. No loaned employee shall be assigned or otherwise assume the official responsibility of any municipal position other than a special municipal employee position to, either alone or with others, approve, disapprove or otherwise direct the action of any municipal agency of the City. Notwithstanding this restriction, a loaned employee may provide professional advice and counsel concerning such municipal agency action.
- B. Any loaned employee appointed and serving in accordance with this article shall not be regarded as a City of Springfield regular employee. Accordingly, no such loaned employee shall be entitled to or receive compensation of any kind, including retirement credit or benefits, from the City in connection with his/her services as a loaned employee to the City of Springfield. A loaned employee may receive from the loaning employer the employee's regular private compensation for the time period(s) during which he or she provides services to the City, provided that the loaned employee discloses in writing that he or she is being so compensated by the loaning employer.

- C. Each loaned employee shall sign a scope-of-services contract with the City of Springfield which identifies the loaned employee, the major duties of that employee's work, the duration and the time commitment involved as well as training regarding the provisions of Chapter 268A of the General Laws. Consistent with the provisions herein, any such scope-of-services contract may be amended or modified by agreement of the loaned employee or his or her designee.
- D. The appointment of any person to serve as a loaned employee shall become effective upon the Mayor's filing of a scope-of-service contract with the City Clerk's office for any such loaned employee.
- E. A loaned employee shall become an "employee" under MGL c. 258, to the extent permissible by law, and shall be indemnified for actions taken in the scope of his/her volunteer services to the City as a loaned employee.
- F. Loaned employees shall continue to be covered by the worker's compensation policies of their private employers for injuries sustained while volunteering to assist the City.
- G. Loaned employees shall report to the appropriate City Council subcommittee any recommendations and suggestions prior to implementation.
- H. The City Council shall be notified when any loaned employee is scheduled to review any City department, board, commission or authority. Any recommendations or suggestions made by a loaned employee shall, after review by the appropriate subcommittee, be reported to the City Council. All resumes of selected loaned employees participating in the program shall be forwarded to the City Council.

### **Chapter 78 - PLANNING**

ARTICLE I	Planning Board (§ 78-1 — § 78-4)
ARTICLE II	Planning Department (§ 78-5 — § 78-8)
ARTICLE III	Board of Appeals (§ 78-9 — § 78-14)

#### **Article I. Planning Board**

##### **§ 78-1. Establishment; authority; powers and duties.**

A Planning Board under the provisions of MGL c. 41, § 81A, is established. Such Planning Board shall have all the powers and duties granted by MGL c. 41, §§ 81A to 81GG.

##### **§ 78-2. Composition; appointment and terms of members; vacancies.**

- A. The Planning Board shall consist of nine members.

- B. Seven members shall be appointed by the Mayor for a term of five years. The remaining two members shall be the Chairman of the Board of Public Works or a board member designated by him, ex officio, and the Chairman of the Board of Park Commissioners or a board member designated by him, ex officio.
- C. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as in the case of an original appointment.

**§ 78-3. Officers and employees.**

The Planning Board shall elect annually a Chairman and a Clerk from its own number.

**§ 78-4. Referrals and investigations.**

- A. The City Council, as provided in MGL c. 41, § 81Q, may by ordinance or vote provide for the reference of any matter or class of matters to the Planning Board before final action thereon, with or without the provision that final action shall not be taken until the Planning Board has submitted its report or has had a reasonable fixed time to submit the same.
- B. The Planning Board shall have full power to make such investigations, maps and reports and recommendations in connection therewith, relating to the planning and development of the City, as it deems desirable.

Article II. Planning Department

**§ 78-5. Establishment; powers and duties.**

A City Planning Department is established. This Department shall be responsible for the provision of technical planning service to all pertinent municipal agencies and boards.

**§ 78-6. Studies, plans and reports.**

- A. The Planning Department shall from time to time make careful studies and, when necessary, propose plans of the resource possibilities and needs of the City and, upon completion of such study and following a review by the Planning Board, shall submit to the City Council a report thereon with its recommendations.
- B. It shall submit annually a report approved by the Planning Board to said City Council giving information regarding the condition of the City and any plans or proposals for its development and estimates of the costs thereof, and shall at the same time furnish a copy of such report to the State Planning Board.

**§ 78-7. Master or comprehensive plan.**

- A. The Planning Department is ordered and directed to make a master or comprehensive plan of the City or such part or parts thereof as the Planning Board may deem advisable and from time to time may extend or perfect such plan.
- B. The master or comprehensive plan shall be subject to the approval of the City Planning Board and shall be in the detail set forth by MGL c. 41, § 81D, and may be made, added to and changed from time to time as provided by § 81D.

**§ 78-8. Planning Director.**

- A. The position of Planning Director is created.
- B. The Planning Director shall be appointed by the Mayor and serve a term concurrent with the Mayor.
- C. The Planning Director shall be responsible for the administration of the Planning Department and the direction of its planning activities. The Planning Board shall be advisory to the Director except where otherwise prescribed by City ordinance or state statute.

Article III. Board of Appeals

**§ 78-9. Establishment.**

A Board of Appeals under the provisions of MGL c. 41, § 81Z, is established.

**§ 78-10. Composition; appointment, term and qualifications of members and associate members; meetings.**

- A. The Board of Appeals shall consist of five members to be appointed by the Mayor, two of whom 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 five 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 its regular meeting on any Wednesday evening of the month if its business so requires.

**§ 78-11. Removal of members; vacancies; designation of associate members.**

- A. Any member of the Board of Appeals may be removed by the appointing authority in accordance with MGL c. 43, § 54.
- B. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.



- C. In case of vacancy, inability to act or interest on the part of a member of the Board, his place shall be taken by an associate member designated by the Chairman.

**§ 78-12. Officers and employees.**

The Board of Appeals shall elect annually a Chairman from its own number and a Clerk.

**§ 78-13. Authority to act under building and zoning ordinances.**

The Board of Appeals is also to act as a Board of Appeals under both the building code and zoning ordinances and bylaws.

Editor's Note: The State Building Code does not appear in this volume but may be found on file in the office of the Building Commissioner of the City. The zoning ordinances do not appear in this volume but may be found on file in the office of the City Clerk.

**§ 78-14. Powers and duties.**

The Board of Appeals established in this article is to have all the powers enumerated and designated by MGL c. 41, §§ 81Z to 81BB.

**Chapter 82 - PURCHASING AND CONTRACTS**

ARTICLE I	Department of Purchase (§ 82-1 — § 82-23)
ARTICLE II	Contracts (§ 82-24 — § 82-28)
ARTICLE III	Bidding Procedures on Public Works Contracts (§ 82-29 — § 82-36)
ARTICLE IV	Employment Requirements for Contractors (§ 82-37 — § 82-43)
ARTICLE V	Public Construction Employment for Residents, Minorities and Women (§ 82-44 — § 82-51)

Article I. Department of Purchase

**§ 82-1. Applicability.**

This article shall apply to all purchases and contracts only insofar as it does not conflict with any prevailing state or federal statute applicable to the City.

**§ 82-2. Chief Procurement Officer.**

- A. There is established in the City the Department of Purchase, the head of which shall be appointed by the Mayor, and shall be known as the "Chief Procurement Officer." His term of office shall expire January 1, 1947. Subsequent terms of office shall be for a period of six years and until his successor is appointed.

- B. The Chief Procurement Officer shall have had, prior to his appointment, at least five years' experience in purchasing in a position of major responsibility such as purchasing agent, assistant purchasing agent, buyer, or similar grade with public or business enterprises which operate on justified requisitions based on stores control with perpetual inventories of stock on hand.
- C. For the purpose of this article, the Chief Procurement Officer 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 and supplies and real property.

**§ 82-3. Assistant Chief Procurement Officer.**

- A. There shall be an Assistant Chief Procurement Officer appointed by the Mayor after consultation with the Chief Procurement Officer, and he shall be subject to the direction and control of the Chief Procurement Officer.
- B. The term of office of the Assistant Chief Procurement Officer shall expire January 1, 1951. Subsequent terms of office shall be for a period of six years and until his successor is appointed.
- C. The Assistant Chief Procurement Officer shall have had, prior to his appointment, at least five years' experience in purchasing with public or business enterprises which operate on justified requisitions based on stores control with perpetual inventories of stock on hand.

**§ 82-4. Bonds; vacancy in office of Chief Procurement Officer; oaths.**

- A. The Chief Procurement Officer and Assistant Chief Procurement Officer shall furnish bond for the faithful performance of their duties, to be approved by the City Solicitor, in a sum to be determined by the Mayor.
- B. In the absence, inability to serve, removal, resignation or death of the Chief Procurement Officer, the Assistant Chief Procurement Officer shall carry out the duties of the Chief Procurement Officer until his return or until his successor has been appointed; such appointment to be for the unexpired term of the Chief Procurement Officer.
- C. Before the Chief Procurement Officer or the Assistant Chief Procurement Officer enter upon the duties of their respective offices, they shall swear to the faithful performance thereof.

**§ 82-5. Control of printing agency.**

The Chief Procurement Officer shall have control of and be responsible for the operation of any printing, or multigraphing or duplicating agency which shall be established.

**§ 82-6. Control of storerooms and warehouses.**

- A. The Chief Procurement Officer shall assume control and supervision of any and all present storerooms and warehouses and any which may hereafter be established except as he may delegate such authority to any department having the staff and facilities to perform these duties.
- B. Such assumption of control shall take place as soon as convenience allows, in the discretion of the Chief Procurement Officer.

**§ 82-7. Stores fund; inventory of supplies, materials and equipment.**

- A. The City Council shall provide a stores fund of sufficient amount to finance the purchase and storage of standard supplies, materials and equipment which may be purchased and stored advantageously.
- B. Such fund shall be under the control of the Chief Procurement Officer, who shall also be responsible and accountable for all supplies, materials and equipment under his control and shall maintain a perpetual inventory system therefor.

**§ 82-8. Information from department heads.**

The Chief Procurement Officer shall have power and authority to call upon the head of any department or member thereof to furnish information essential to the proper operation of all functions under this article.

**§ 82-9. Chief Procurement Officer to purchase or contract for supplies and services.**

- A. It shall be the duty of the Chief Procurement Officer to purchase or contract for all supplies, materials, equipment and contractual services needed by any and all departments of the City, which are hereinafter referred to as the "using agencies."
- B. "Contractual services," for the purpose of this article, means surety bonds, all forms of insurance, printing work, towel and cleaning service, the repair and maintenance of office equipment, the repair and maintenance of all City-owned property, rentals of machinery and equipment, and all similar contractual services. The following contractual services, for the purpose of this article, shall be governed by the provisions of Massachusetts General Laws Chapter 30B:
  - 1. Hiring of departmental personnel.
  - 2. Certain construction contracts.

3. Design contracts.
4. Intergovernmental agreements.
5. Agreements with the commonwealth.
6. Certain highway construction material purchased through State DPW contracts.
7. Contracts for advertising required notices.
8. Intragovernmental agreements.
9. Agreements for special education services.
10. Contracts to purchase supplies or services from other government agencies, including the federal government; issuance of bonds, notes, or securities.
11. Contracts pertaining to IRA accounts subject to separate bidding requirements.
12. Agreements involving public employers' self-insurance groups.
13. 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.
14. Contracts or agreements entered into by a municipal gas or electric department governed by a municipal light board or municipal light commission.

**§ 82-10. Estimates of supply requirements.**

- A. All using agencies of the City shall file with the Chief Procurement Officer detailed estimates of their requirements in supplies, material, equipment and contractual services in such manner, at such times, and for such future periods as the Chief Procurement Officer shall prescribe.
- B. The requirement for preparing estimates shall not prevent any using agency from filing with the Chief Procurement Officer at any time a justifiable requisition for any supplies, material, equipment or contractual service, as defined in § 82-9, the need for which was not foreseen when the detailed estimates were filed.

**§ 82-11. Purchases of \$5,000 or more; notices and competitive bids.**

- A. Contracts made by any department, board or commission where the amount involved exceeds the threshold set forth in Mass. Gen. Laws ch. 43, sec. 29 (the City Charter), shall be in writing, and must be approved by the Mayor and the head of the department. A Chief Procurement Officer who awards a contract shall maintain a file on each such contract and shall include in such file a copy of all written documents for at least six years from the date of the final payment, as required by Chapter 30B, section 3, as it may be amended from time to time. Contracts awarded under Chapter 30B, section 4, shall be procured and awarded in compliance with the terms of Massachusetts General Laws Chapter 30B, as it may be amended from time to time.
- B. Notices inviting sealed competitive bids for such contracts shall be published by the Chief Procurement Officer at least once, not less than two weeks prior to the time specified for

the receipt of bids, in a newspaper of general circulation within the City. Such notices shall be posted, for at least two 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 bids 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 bids and shall reserve to the City the right to reject any and all bids. For procurement in the amount of \$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 article 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 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 article, "lowest responsible and responsive bidder" 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 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 the 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.

**§ 82-12. Purchases of less than \$10,000; purchases in open market; bids for purchases exceeding \$1; sole-source procurement.**

- A. The purchase of services and supplies at amounts greater than those set forth in Chapter 30B, section 4, shall be made pursuant to the applicable sections of Chapter 30B, as they may be amended from time to time.
- B. Purchases of supplies or services under Chapter 30B, section 4(a) shall be made by seeking written or oral quotations from no fewer than three (3) persons customarily providing such supplies or services. The procurement officer shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation, pursuant to Chapter 30B, section 4(b), as it may be amended from time to time. A purchase of supplies or services in an amount less than the amount set forth in Chapter 30B, section 4(a) shall be obtained through the exercise of sound business practices pursuant to Chapter 30B, section 4(c), as it may be amended from time to time.
- C. The Chief Procurement Officer shall keep a record of all such open-market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.
- D. Whenever the Chief Procurement Officer, after reasonable investigation, determines in writing that only one practicable source for the required supply or service exists, the Procurement Officer may award such a contract without competition, but only to the extent consistent with the provisions of Chapter 30B, section 7, as it may be amended from time to time. The Chief Procurement Officer shall procure a proprietary item by competition if more than one potential bidder or offer for that item exists. The Chief Procurement Officer shall record all sole-source procurements, 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.

**§ 82-13. Emergency purchases.**

- A. Whenever the time required to comply with a requirement of this article would endanger the health or safety of the people or their property, the 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 article 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 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 at the earliest possible time a copy of this record shall be forwarded to the state secretary for placement in any publication established by the state secretary for advertisement of procurement.

**§ 82-14. Establishment of standards and specifications.**

- A. It shall be the duty of the Chief Procurement Officer to:
  - 1. Classify all the supplies, materials and equipment used by the various departments of the City government;
  - 2. Adopt standards as to the minimum number, qualities, sizes and varieties of commodities consistent with the successful operation of the City government; and
  - 3. Prepare, adopt, promulgate and enforce written specifications of all such standard commodities which are used in common by two or more City agencies.
- B. All specifications must be definite and certain and permit competition.
- C. The Department of Purchase shall have power to make use of the laboratory and engineering facilities of the City and the technical staffs thereof in connection with its work of preparing and adopting standards and written specifications.
- D. After its adoption, each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the commodity prescribed in such specification.

- E. As rapidly as any class of supplies, materials or equipment shall become standardized, it shall be the duty of the Department of Purchase to establish standards arrived at as the basis of specifications by which such supplies, materials or equipment shall be purchased.
- F. The Department of Purchase shall invite into conference the City Auditor and two department heads, or their duly authorized representatives, one of whom shall be the representative of the department most vitally affected, for advice in the preparation of standards and specifications for the purchase of any supplies, materials and equipment required by the using agencies.

**§ 82-15. Inspection of supplies; tests.**

- A. The Chief Procurement Officer shall inspect or supervise the inspection of all deliveries of supplies, materials, equipment or contractual services, as defined in § 82-9, to determine conformance with the specifications set forth in the order or contract.
- B. Any department having the staff and facilities for adequate inspection may be authorized by the Chief Procurement Officer to inspect all deliveries made to such using agencies under rules and regulations which the Chief Procurement Officer shall establish.
- C. The Chief Procurement Officer shall have authority to prescribe the chemical and physical tests of samples submitted with bids and samples of deliveries to determine their quality and conformance with the City's specifications.
- D. In the performance of such tests, the Chief Procurement Officer shall have authority to make use of the laboratory facilities of any agency of the City government or any outside laboratory.

**§ 82-16. Obsolete, surplus and scrap materials.**

- A. Whenever any property belonging to the City, except real estate, has become obsolete, disused, worn out or scrapped, it shall be the duty of the Department of Purchase or its authorized agent to take charge and control of such property and to keep an inventory of all such items.
- B. All responsible administrative heads of each department and board in connection with the City shall furnish to the Department of Purchase, at such times and in such form as the Chief Procurement Officer prescribes, reports of all materials, supplies or equipment which are no longer used or which have become obsolete, worn out or scrapped.



- C. In the event any of such material, equipment or supplies can be used by any other municipal department, the Department of Purchase is authorized to make such material or equipment available for use in that department by transfer, with proper notification to the City Auditor.
- D. In the event that the material or equipment, because of its condition, can no longer be used for municipal purposes, the Department of Purchase is authorized to trade the same in for new equipment or to sell or dispose of the same at private or public sale as provided in this article.
- E. The Chief Procurement Officer shall dispose of tangible supplies having a value at or over the threshold set forth in Chapter 30B, section 15(f), as it may be amended from time to time, 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 § 82-10B.
- F. For supply with an estimated net value less than the threshold set forth in Chapter 30B, section 15(f), as it may be amended from time to time, the Chief Procurement Officer shall dispose of such supplies 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.
- G. The proceeds of all sales under this section shall be paid into the hands of the City Collector.
- H. The Chief Procurement Officer shall, before disposing of any surplus, obsolete or scrapped supplies, materials or equipment (as defined in Subsections E and F above), determine the value of the surplus, obsolete or scrapped supplies, materials or equipment and make a written assessment of the current or future needs for the supplies, materials or equipment. The Chief Procurement Officer may, in his sole discretion, determine the value of the surplus, obsolete or scrapped 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 scrapped 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 the right to review the sale or disposal of any surplus, obsolete or scrapped supplies, materials or equipment with a value at or over the threshold set forth in Chapter 30B, section 15(f), as it may be amended from time to time. Any surplus, obsolete or scrapped 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 MGL c. 30B, § 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 scrapped supplies, materials or equipment to determine if the 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.

**§ 82-17. Appropriation balances required.**

Except in cases of emergency, in which case he shall, within 72 hours or sooner, if possible, notify the author of such purchase, the Chief Procurement Officer shall not issue any order for delivery on a contract or any open-market order unless and until the City Auditor certifies that there is to the credit of each of the using agencies concerned a sufficient appropriation balance, in excess of all unpaid obligations, to defray the cost of such supplies, materials, equipment or contractual service.

**§ 82-18. Rules and regulations; delegation of authority to purchase.**

- A. The Chief Procurement Officer shall prepare, and from time to time amend, all rules and regulations authorized by § 82-1 and §§ 82-9 through 82-22 and any others necessary to his operation. Such rules and regulations and amendments thereto shall be subject to the approval of the Mayor.
- B. Where the best interest of any department may be served thereby, the Chief Procurement Officer may, in his discretion and with the approval of the Mayor, delegate authority to purchase within the Department. All such transactions shall be cleared through the Purchasing Department in accordance with the rules and regulations established by the Chief Procurement Officer.

**§ 82-19. Persons authorized to approve requisitions.**

The head of each department shall file with the Department of Purchase the name or names of members of his department who shall be authorized to approve requisitions.

**§ 82-20. Splitting or dividing requisitions of supplies.**

Splitting or dividing any requisition of supplies, materials or equipment, or contractual services into two or more units for the purpose of evading the contract provisions of § 82-1 and §§ 82-9 through 82-22 or to violate the procedure as outlined in any section of this article shall constitute official misconduct on the part of any public official or other employee.

**§ 82-21. Certification of bills by Agent; departmental approval.**

- A. The Chief Procurement Officer shall certify all bills incurred by the Department of Purchase in the following manner:
  - 1. That the materials, supplies, equipment or contractual services have been received;
  - 2. That the quality of materials, supplies, equipment or contractual services is in accordance with specification or purchase; and
  - 3. That all prices charged are fair and correct.
- B. The Chief Procurement Officer shall forward all bills so approved to the department for which the purchases were made for verification of the correctness of extensions and total amounts and for departmental approval, scheduling and submission to the City Auditor for his approval for payment.

**§ 82-22. Annual report; recommendations for changes.**

The Chief Procurement Officer shall submit, before March 1 of each year, an annual report on the work of his office as conducted in accordance with the provisions of this article, and he may suggest, from time to time, recommendations for changes in such provisions which he deems necessary.

**§ 82-23. Competitive sealed proposals for purchases of \$10,000 or more.**

- A. The Chief Procurement Officer may enter into procurement contracts in an amount at or above the threshold set forth in Chapter 30B, section 6(a), as it may be amended from time to time 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 has 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 weeks prior to the time specified for the receipt of proposal, in a newspaper of general circulation within the City. Such notices shall also be posted, for at least two 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 bids 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 \$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 are 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 criteria 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 suppliers 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.

## Article II. Contracts

### **§ 82-24. Contracts exceeding \$5,000.**

In all cases where the amount of any contract made with the City, other than contracts for the purchase of supplies, covered by Article I exceeds \$5,000, the contract shall be in writing, shall be approved by the City Auditor as to available appropriation, and shall be signed by the

Mayor and a majority of the committee, commission or board in charge of the work on the part of the City; and after being signed by the parties, no such contract shall be altered in any particular unless a majority of such committee, commission or board shall signify their assent thereto in writing, under their respective signatures, indorsed on such contract, and approved by the Mayor.

**§ 82-25. Contracts for erection of buildings.**

Every contract made with the City, exceeding \$5,000 in amount, for the erection, alteration or repair of any building or structure owned or to be owned by the City shall be accompanied by a suitable bond with sureties for the faithful performance of the same, or by the deposit of money or security to the amount of such bond; the amount of the bond and the sureties shall be approved by the Mayor.

**§ 82-26. Proposals from persons who have broken contracts.**

- A. No proposal shall be accepted from or for any person who shall have broken a contract with the City during the five years preceding.
- B. A corporation shall be deemed to be a person within the meaning of this section.
- C. Any officer, or director, or stockholder who holds 10% or more of the outstanding stock of a corporation and who has broken a contract with the City during the five years preceding shall cause such corporation to be subject to the provisions of this section.

**§ 82-27. Custody of contracts.**

The original copy of all written contracts shall be deposited with the City Clerk and one copy with the City Auditor 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.

**§ 82-28. Sheltered market program.**

When authorized by a majority vote of the City Council, the 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 MGL c. 30B, § 18.

Article III. Bidding Procedures on Public Works Contracts

**§ 82-29. Applicable contracts; award of contracts.**

- A. Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work or building, or for the purchase of any material in conjunction with such project and estimated cost in excess of \$5,000, except a contract subject to MGL c. 149, §§ 44A

through 44H, inclusive, shall be awarded to the lowest responsible and eligible bidder. This section shall not apply to building contracts in excess of \$25,000.

- B. The award of every such contract shall be made within 30 days after the opening of the bids therefor, Saturdays, Sundays and holidays excluded.
- C. If the bidder selected as the contractor fails to perform his agreement to execute a contract in accordance with the terms of his bid and furnish a performance bond and also a labor and materials or payment bond as stated in his bid in accordance with § 82-33, an award shall be made to the next lowest responsible and eligible bidder.
- D. As used in this section and in §§ 82-31 through 82-33, "lowest responsible and eligible bidder" means the bidder whose bid is the lowest of the bidders possessing the skill, ability and integrity necessary to the faithful performance of the work.
- E. Essential information in regard to such qualifications shall be submitted in such form as the awarding authority may require.

**§ 82-30. Preference to veterans and citizens; waiver of bond requirements.**

- A. In the preparation of specifications for all public works contracts and in the contracts themselves, the provisions of MGL c. 149, § 26, shall be explicitly included and stated, said section providing that in the employment of mechanics, apprentices, teamsters, chauffeurs and laborers in the construction of public works, whether they are to work for the City or for a contractor or subcontractor on public work, preference must be given to veterans and citizens resident in the city for which the work is being performed.
- B. The requirements of this section shall not be satisfied by a general reference to compliance with the applicable provisions of Massachusetts General Laws Chapter 149.
- C. No bond requirement may be waived unless a reservation of waiver is included within the specifications inviting bids. Any such reservation must appear in the specifications immediately following the provision requiring the furnishing of the payment bond.

**§ 82-31. Bid deposit or bond required.**

- A. Every bid submitted for a contract subject to § 82-29 shall be accompanied by a bid deposit. The amount of such bid deposit shall be not less than 5% of the value of the proposed work as estimated by the awarding authority, but in no event less than \$100 nor more than \$50,000. The bid deposit may be in the form of a bid bond, cash or a certified treasurer's or cashier check issued by a responsible bank or trust company, payable to the City. A bid bond shall be:

1. In a form satisfactory to the awarding authority;
  2. With a surety company qualified to do business in the commonwealth and satisfactory to the awarding authority; and
  3. Conditioned upon the faithful performance by the principal of the agreements contained in the general bid.
- B. All bid deposits of bidders, except those of the three lowest responsible and eligible bidders, shall be returned within five days after the opening of the bids, Saturdays, Sundays and legal holidays excluded. The bid deposits of the three lowest responsible and eligible bidders shall be returned upon the execution and delivery of the contract or, if no award is made, upon the expiration of the time prescribed in § 82-29 for making an award; except that if any bidder fails to perform his agreement to execute a contract and furnish a performance bond and also a labor and materials or payment bond as stated in his bid in accordance with § 82-33, his bid deposit shall become and be the property of the City as liquidated damages; provided that, in case of death, disability or other unforeseen circumstances affecting the bidder, his bid deposit may be returned to him.
- C. The lowest responsible and eligible bidder may, with permission of the awarding authority, and the second and third lowest responsible and eligible bidders may each, as of right, file with the awarding authority at any time after five days from the opening of the bids, Saturdays, Sundays and legal holidays excluded, a bond in an amount not less than the amount of his bid deposit and in a form satisfactory to the awarding authority as surety, and conditioned upon the faithful performance by the principal of his agreements as contained in his bid.
- D. Upon the filing of a bond as mentioned in this section, the bid deposit of the bidder filing such bond shall forthwith be returned to him.

**§ 82-32. Notice of acceptance of bids; splitting or dividing contracts prohibited.**

- A. In inviting bid proposals for a contract subject to § 82-29, the awarding authority shall advertise by posting such notice inviting bids in a conspicuous place in or near the offices of the awarding authority. The notice shall be posted one week prior to the time specified in the notice for receipt of bids. In addition, such notice shall be published at least once, not less than two weeks prior to the time so specified, in the central register published by the State Secretary pursuant to MGL c. 9, § 20A, and in a newspaper of general circulation in the locality of the proposed project.
- B. The notice shall specify the time and place where plans and specifications of the proposed work may be had; the place where bid proposal forms may be had; the time and place for submission of bids; the time and place for the opening of the bids; and whether the awarding authority is inviting total price (lump sum) bid proposals or unit price bid

proposals. In addition, the notice shall reserve the right to reject any and all bids if it is in the public interest to do so. The notice shall also contain any information that the awarding authority may deem necessary or appropriate. All proposals submitted in answer to such advertisements shall be opened in public.

- C. The awarding authority shall not cause or allow a contract to be split or divided for the purpose or with the effect of avoiding any provision of this article, nor shall it reject any bid proposal with the intent or the effect of avoiding any provision of this article.

**§ 82-33. Bid forms and requirements.**

- A. Every bid submitted for a contract subject to § 82-29 shall be submitted upon a blank form furnished by the awarding authority, which form shall conform to the requirements of this article.
- B. The price for any item, unless otherwise noted or specified, shall include full compensation for all materials, equipment, tools, labor and incidental work necessary to complete the item to the satisfaction of the engineer designated by the awarding authority to supervise the performance of the contract. The prices shall, without exception, include all royalties and costs arising from patents, trademarks, and copyrights in any way involved in the work.
- C. When an item or items in the proposal contain a choice to be made by the bidder, the bidder shall indicate his choice in accordance with the specifications for that particular item or items, and thereafter no further choice will be permitted.
- D. In the case of a unit price bid, the bidder shall specify a unit price, in both words and figures, for each item for which a quantity is given, and shall also show the products of the respective unit prices and quantity written in figures in the column provided for that purpose, and the total amount of the proposal obtained by adding the amounts of several items. All words and figures shall be in ink. In case of a discrepancy between the prices written in words and those written in figures, the written words shall govern.
- E. The awarding authority shall provide a bid form to any person upon the payment of the charge, if any, stated in the newspaper advertisement required by § 82-32. The bid proposal form in the case of a unit price bid proposal shall be substantially as follows:

**FORM FOR UNIT PRICE BID PROPOSAL**

To the City of Springfield, acting through its (name of awarding authority), hereinafter called the "awarding authority," for the furnishing of all labor and materials required for (name or description of project) in accordance with the plans and specifications prepared by (name of engineer);



1. The undersigned as bidder declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other firm; that the undersigned has carefully examined the location of the proposed work, the proposed form of contract and the plans and specifications therein referred to; and the undersigned proposes and agrees if this proposal is accepted that he will contract with the awarding authority to provide all necessary labor, machinery, tools, apparatus and other means of construction and to do all the work and furnish all the materials specified in the contract in the manner and time therein described and according to the requirements of the engineer therein set forth; and the undersigned will take in full payment therefor the following unit and total prices, to wit:

[diagram goes here]

The total price of this proposal based on the estimated quantities is (price in words)  
(price in figures).

2. The undersigned as bidder understands and agrees that the quantities of work as given for each item in this proposal are only approximate and are assumed solely for the comparison of proposals. They are not guaranteed to be accurate statements or estimates of the quantities of work that are to be performed under this contract, and any departure therefrom will not be accepted as valid grounds for any claim for loss of profits. In case of variation between unit prices and total prices stated by the bidder, the unit prices will be considered to be his bid.
3. This bid proposal includes the following addenda:

(Here should be inserted all other information which the awarding authority requires as part of the bid proposal, including any and all information as to the proposed completion date, information as to the names of subcontractors, if any, and the items which are to be performed by each subcontractor, and any and all other information which the awarding authority may require.)

4. The undersigned agrees that, if he is selected as contractor, he will, within five days after presentation thereof by the awarding authority, Saturdays, Sundays and legal holidays excluded, execute a contract in accordance with the terms of this bid and furnish a performance bond and also a labor and materials or payment bond, each of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the awarding authority and each in the sum of at least 100% of the contract price, the premiums for which are to be paid by the contractor and are included in the contract price.

SIGNATURE OF BIDDER

BUSINESS ADDRESS

PLACE OF BUSINESS

DATE

The full names and residences of all the persons and parties interested in the foregoing proposals are as follows:

(NOTICE: Give first and last names in full; in case of corporations, give names of president, treasurer, manager and stockholders who hold 20% or more of the outstanding stock of the corporation; and in case of firms give the names of the individual members.)

- F. The bid proposal form in the case of a total price (lump sum) bid proposal shall be substantially the same as the bid proposal form used in the case of a unit price bid proposal, except that there shall be substituted for Paragraphs 1 and 2 thereof the following:

FORM FOR SPECIAL PROVISIONS FOR TOTAL PRICE BID

- i. The undersigned as bidder declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other firm; that the undersigned has carefully examined the location of the proposed work, the proposed form of contract and the plans and specification therein referred to; and the undersigned proposes and agrees if this proposal is accepted that he will contract with the awarding authority to provide all necessary machinery, tools, apparatus and other means of construction and to do all the work and furnish all the materials specified in the contract in the manner and time therein described and according to the requirements of the engineer therein set forth; and the undersigned will take in full payment therefor the contract prices specified below subject to additions and deductions according to the terms of the specifications.

The proposed total contract price is (price in words) (price in figures).

- ii. FOR ALTERNATE No.

ADD

SUBTRACT

- G. All bids shall be for the complete work as specified. Every bid which is not accompanied by a bid deposit as prescribed in the first paragraph of § 82-31, or which does not conform with §§ 82-29 through 82-32 and this section, or is on a form which is not completely filled in or

which is incomplete, conditional or obscure or which contains any addition not called for shall be invalid, and the awarding authority shall reject every such bid.

**§ 82-34. Design services for contracts in excess of \$100,000.**

Every contract for design services for any building construction, reconstruction, alteration, remodeling, or repair estimated to exceed \$100,000 by any department, board or commission of the City shall be awarded only after a selection procedure adopted, in writing, prior to publication requesting applications, complying with the provisions of MGL c. 7, § 30L, as amended.

Editor's Note: MGL c. 7, § 30L, was repealed by Ch. 189 of the Acts of 1984, § 5.

**§ 82-35. Amendment of contracts.**

- A. No change order for any contract subject to MGL c. 149, §§ 44A through 44H, or subject to §§ 82-29 through 82-33, shall be approved or ratified by the awarding authority supervising the administration of such contract unless the architect or engineer (as the case may be) supervising the performance of such contract on behalf of the City shall first submit to the awarding authority an estimate of the increase or decrease in the value of the contract which will result from such approval or ratification.
- B. If the architect or engineer, pursuant to the requirements of this section, estimates that the change order will increase or decrease the value of the contract by a sum in excess of \$500, he shall submit in writing to the awarding authority a statement containing the following:
  1. The architectural or engineering reason or reasons why the change order is necessary or desirable;
  2. An explanation of the reasons why the terms of the change order were not incorporated into the original plans and specifications of such contract;
  3. An expression of the architect's or engineer's opinion that the proposed change order either:
    - a. Is necessary to complete the design and intent of the original plans and specifications and the reasons therefor; or
    - b. Is not necessary to complete the design and intent of the original plans and specifications, but is an advisable change order, and the reasons therefor.
- C. If the architect or engineer, pursuant to the requirements of this section, expresses the opinion that the proposed change order is not necessary to complete the design and intent of the original plans and specifications, then the proposed change order cannot be approved or ratified except by a vote of 3/4 of the members of the awarding authority present and voting, and the written approval of the Mayor.

**§ 82-36. Sale of land-tax title.**

- A. The custodian of tax title property shall publish notice in a daily newspaper at least 14 days prior to public sale of tax title property, including land of low value.
- B. The publication shall state the date, time, place of sale, a description of the land to be sold, and the number and street of such land; and further, the custodian of tax title property shall forthwith furnish to the City Council through the City Clerk a copy of the publication.

#### Article IV. Employment Requirements for Contractors

##### **§ 82-37. Purpose.**

The City expends substantial municipal funds for public construction projects. It is in the public interest, health, welfare and safety to ensure that the employees on such projects are paid at the lawfully required prevailing wage rates; have been trained in bona fide state-registered apprenticeship programs; have hospitalization, medical and pension coverage; are provided industrial accident coverage; and are properly classified as employees and not as independent contractors.

##### **§ 82-38. Standards.**

All bidders and all subcontractors under the bidders for projects subject to MGL c. 149, § 44A(2), and MGL c. 30, § 39M, and MGL c. 149A shall, as a condition for bidding, agree in writing that they shall comply with the following:

- A. The bidder and all subcontractors under the bidder shall comply with the Springfield responsible employer ordinance as it currently exists and as it may, from time to time, be amended.
- B. The bidder and all subcontractors under the bidder shall comply with provisions of MGL c. 149 and shall pay the appropriate lawful prevailing wage rates to their employees.
- C. The bidder and all subcontractors under the bidder shall maintain or participate in a bona fide apprentice training program as defined by MGL c. 23, §§ 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 Workforce Development of the Commonwealth of Massachusetts and shall abide by the apprentice-to-journeymen ratio for each trade prescribed therein in the performance of the contract.
- D. The bidder and all subcontractors under the bidder shall furnish, at their own expense, hospitalization and medical benefits for all individuals employed on the project or coverage which is at least equivalent to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by MGL c. 149, § 26, in establishing minimum wage rates. All such plans shall meet or exceed state requirements for such plans.

- E. The bidder and all subcontractors under the bidder shall maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with MGL c. 152.
- F. The bidder and all subcontractors under the bidder shall properly classify employees employed on the project as employees rather than as independent contractors and shall properly classify said employees accordingly for purposes of workers' compensation insurance coverage, employment taxes, social security taxes and income tax withholding pursuant to MGL c. 149, § 148B.
- G. The bidder and all subcontractors under the bidder shall obtain a bona fide pension plan for all their employees employed on the project.
- H. All bidders and all subcontractors under the bidders who are awarded contracts or who otherwise obtain contracts on projects subject to MGL c. 149, § 44A(2), MGL c. 30, § 39M, and MGL c. 149A shall comply with the provisions of this article for the duration of their work on the project, and an officer of each such contractor or subcontractor shall certify under oath and in writing on a weekly basis that they are in compliance with this article.

Editor's Note: Original § 4.14.030, Exceptions, which immediately followed this subsection, was repealed 7-27-2009. See now Article V of this chapter, Public Construction Employment for Springfield Residents, Minorities and Women.

**§ 82-39. Requirements prior to bid opening.**

All bidders and all subcontractors under the bidders shall provide documentation and shall certify in writing that they are in compliance with the provisions of this article prior to the bid opening.

**§ 82-40. Job site certification.**

The bidder and all subcontractors under the bidder shall certify in writing that their employees shall be able to work in harmony with employees of all other subcontractors on the job site. "Harmony" shall be defined to mean that the presence of any subcontractor's employees shall not result in any picket line, work stoppage or any other form of labor demonstration on the job site or labor organizations representing the trades and/or crafts of the employees on the job sites.

**§ 82-41. Failure to comply with job site certification requirement.**

Any bidder or subcontractor under the bidder who is awarded a contract or who otherwise obtains a contract on a project covered by this article and who fails to comply with

the harmony requirement outlined above shall be at the sole discretion of the City, subject to one or more of the following sanctions:

- A. Assessment of a fine of \$300 per day of violation. Any fine imposed which is not paid in full by the violator shall be offset by the City of Springfield against any payment due to the contractor under any contract for the project, to the extent allowed by law;
- B. Cessation of work on the project until compliance with the harmony clause is assured, subject to the sole and exclusive judgment of the awarding authority;
- C. Withholding of payment due under any contract or subcontract until compliance with the harmony clause is achieved, subject to the sole and exclusive judgment of the awarding authority;
- D. Permanent removal from any further work on the project;
- E. Those costs incurred by the awarding authority or the contractor or subcontractors to provide security, which may or may not be in the form of police details, security fences, establishment of separate gates, etc., lost work days for every employee who is prevented from working on the job site by the establishment of picket lines, work stoppage or other labor demonstrations; and
- F. Liquidated damages payable to the City in the amount of 5% of the dollar value of the contract entered into by the contractor or subcontractor who cannot comply with the harmony clause.

**§ 82-42. Health insurance.**

With the submission of bids, the bidder shall submit a written statement detailing for each trade that it will employ in the performance of the contract the health insurance that it will furnish to its employees. The statement shall include, but not be limited to, the name of the insurance carrier, if any, a copy of the insurance binder, a description of the benefits provided to the employees, including all copayments and deductibles, the cost of the insurance to the bidder and to the employee, the minimum qualifications for coverage, and the names and social security numbers of all the craftsmen and women currently covered by the health insurance. If the bidder is awarded a contract, such health insurance policy will become part of the contract documents. Receipt by the awarding authority and inclusion in the contract document shall not be deemed to be approval by the awarding authority of the insurance or of its sufficiency and shall in no event relieve the bidder of its responsibility to furnish comprehensive health insurance to its employees. However, any bidder who, pursuant to a collective bargaining agreement, contributes to a multi-employer health and welfare trust fund may satisfy the reporting requirements of this section by identifying said health and welfare fund.

**§ 82-43. Violations and penalties; enforcement.**

In accord with the provisions of MGL c. 40, §§ 21D and 31, as well as every other authority and power that may have been or may hereafter be conferred upon it, the City may enforce the provisions of this article, restrain violations thereof, and seek injunctions and judgments to secure compliance. Without limiting the generality of the foregoing:

- A. Any bidder or subcontractor under the bidder who is awarded a contract or who otherwise obtains a contract on a project covered by this article and who fails to comply with any of the obligations set forth herein shall, by vote of the City Council, be subject to one or more of the following:
  - 1. Assessment of a fine of \$300 per day of violation. Any fine imposed which is not paid in full by the violator shall be offset by the City of Springfield against any payment due to the contractor under any contract for the project, to the extent allowed by law.
  - 2. Cessation of work on the project until compliance is obtained.
  - 3. Withholding by the City of payment due under any contract or subcontract until compliance is obtained.
  - 4. Permanent removal from any further work on the project.
  - 5. Liquidated damages payable to the City of Springfield in the amount of 5% of the dollar value of the contract.
- B. In addition to the sanctions outlined in Subsection A above, a general bidder or contractor shall be equally liable for the violations of its subcontractor, with the exception of violations arising from work performed pursuant to subcontracts that are subject to MGL c. 149, § 44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in this article shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.
- C. All contracts covered by this article shall provide that a violation of the requirements of this article shall be a material breach of the contract.

Article V. Public Construction Employment for Residents, Minorities and Women

**§ 82-44. Purpose.**

Residents of Springfield and a diversity of people qualified by craft should be part of and benefit from public construction projects in the City of Springfield. Therefore, it is appropriate

for the City of Springfield to require that each public construction project, as defined herein, include employment opportunities for Springfield residents, minorities and women through compliance with this article.

**§ 82-45. Definitions.**

For the purpose of this article, the words set out in this section shall have the following meanings:

**BIDDING AUTHORITY**

The City department or agency assigned or directly responsible for the bidding of public construction.

**BONA FIDE APPRENTICE TRAINING PROGRAM**

An apprentice program as defined by MGL c. 23, §§ 11H and 11I, that is approved by the Division of Apprentice Training of the Department of Labor and Workforce Development.

**CONTRACTOR**

All persons, corporations, agencies, firms, businesses, developers, bidders, and subcontractors for projects defined herein as "public construction," except so-called design services pursuant to MGL c. 7, § 30K.

Editor's Note: MGL c. 7, § 30K, was repealed by Ch. 189 of the Acts of 1984, § 5.

**MINORITY**

**A. AFRICAN-AMERICAN**

All persons having origins in any of the black racial groups of Africa, including, but not limited to, African-Americans, and all persons having origins in any of the original peoples of the Cape Verdean Islands.

**B. HISPANIC**

— All persons having their origins in any of the Spanish-speaking peoples of Mexico, Puerto Rico, Cuba, Central or South America, or the Caribbean Islands.

**C. ASIAN-AMERICAN**

— All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including, but not limited to, China, Japan, Korea, Samoa, India, and the Philippine Islands.

**D. AMERICAN INDIAN or NATIVE AMERICAN**



— All persons having origins in any of the original peoples of North America and who are recognized as an Indian by a tribe or tribal organization.

E. ESKIMO or ALEUT

— All persons having origins in the peoples of Northern Canada, Greenland, Alaska, and Eastern Siberia.

MONITORING COMMITTEE DECISION ON COMPLIANCE WITH THIS ARTICLE

The form used by the Monitoring Committee to render decisions on submittals of the Springfield public construction employee reporting form and employment tracking system records.

PUBLIC CONSTRUCTION

Every contract awarded by the City for projects subject to MGL c. 149, § 44A(2); MGL c. 149A and MGL c. 30, § 39M. Projects which cost less than \$250,000 and projects undertaken by any regional commission or board to which the City is not the sole signatory are exempt from this article.

SPRINGFIELD PUBLIC CONSTRUCTION EMPLOYEE REPORTING FORM

The form which must be submitted by the successful contractor to the bidding authority within 10 days of the execution of a contract for public construction. Such form shall list Springfield residents, minorities, women, and apprentices that have been contacted and confirmed to be employed by the contractor. Such form shall be made available for inspection by the Monitoring Committee and may from time to time be amended by the Monitoring Committee to suit the purpose and intent of this article.

SPRINGFIELD PUBLIC CONSTRUCTION EMPLOYMENT CERTIFICATION FORM

The form which must be submitted by the contractor with any and all bids for public construction requiring that, as a condition for bidding, the contractor agrees to comply with the requirements contained in this article if awarded the contract. Such form may from time to time be amended by the Monitoring Committee to suit the purpose and intent of this article.

SPRINGFIELD PUBLIC CONSTRUCTION EMPLOYMENT TRACKING SYSTEM

A physical or electronic system (other than a handwritten sign-in sheet) maintained by the contractor to keep track on a weekly basis of the employees that are working on the project for the entire duration of their work on the project. The records from this tracking system shall be submitted to the compliance officer or his/her designee, and shall be made available for inspection by the Monitoring Committee. The Monitoring Committee shall develop the standards for the tracking system to be utilized on a

project which, at a minimum, shall require tracking of the following information: name of each employee; city or town and state of residence of each employee and length of residence; minority status and gender of each employee; apprentice or journey worker status of each employee; craft of each employee; job category of each employee; hours worked on a daily basis of each employee; hourly wage of each employee; company by which each employee is employed; and total number of hours worked by the contractor's employees, by craft, during the reporting period.

#### SPRINGFIELD RESIDENT

Any person for whom the principal place of residence is within the City of Springfield for at least six months immediately prior to the award, contracting and/or permitting of a public construction project. Proof of such residence may include, but is not limited to, the following: a valid Massachusetts driver's license indicating a Springfield residence, utility bills, proof of voter registration within the City of Springfield or such other proof acceptable to the Monitoring Committee. Any person who provides false information regarding his or her residence shall be subject to a fine of no more than \$300.

#### SPRINGFIELD RESIDENTS, MINORITIES AND WOMEN EMPLOYMENT MONITORING COMMITTEE

Herein known as "Monitoring Committee." The public construction employment for Springfield residents, minorities and women ordinance, its enforcement, and compliance with its requirements shall be monitored by the Monitoring Committee. The Monitoring Committee shall be comprised of five individuals, including the following, and each shall serve at the discretion of his or her appointing authority: two appointees of the City Council; three appointees of the Mayor. Initially, one appointment by the Mayor and one appointment by the City Council shall serve for one year. Except as noted herein, all appointments made in accordance with this article shall serve for two-year terms. Such terms may be sooner terminated, with or without cause, by the appointing authority named herein. All action by the Monitoring Committee shall be by majority vote of a quorum of the then-appointed members. A quorum shall be no less than three members.

#### **§ 82-46. Contractor responsibilities.**

On public construction projects as defined herein, the contractor shall comply with the following requirements and such requirements are incorporated by reference into the bid specifications:

- A. In accordance with this article, the contractor shall be required to provide employment to Springfield residents qualified by craft in the amount of 35% minimum per craft of the total project hours worked by Massachusetts residents employed by the contractor.

- B. The contractor shall be required to provide employment to minorities qualified by craft in the amount of 20% minimum per craft of the total project hours worked by the contractor.
- C. The contractor shall be required to provide employment to women qualified by craft in the amount of 5% minimum per craft of the total project hours worked by the contractor.
- D. The contractor shall be required to provide employment to apprentices participating in a bona fide apprenticeship program, approved by the Commonwealth of Massachusetts Division of Apprentice Training, in the amount of 5% minimum per craft of the total project hours worked by the contractor.
- E. The contractor shall be required to complete and submit the Springfield construction employment certification form as defined in § 82-45 with any and all bids for public construction. This form will be included in the bid specifications. Failure of the contractor to submit such form shall be cause for rejection of the bid.
- F. The contractor who has been awarded a contract for public construction by the bidding authority shall complete the Springfield construction employee reporting form and submit the same to the bidding authority within 10 days of execution of the contract.
- G. All contractors who are awarded or otherwise obtain a public construction contract subject to this article shall maintain a Springfield public construction employee tracking system as defined in § 82-45, keeping track on a weekly basis of the contractor's employees that are working on the project for the entire duration of their work on the project. Such records from this tracking system shall be submitted weekly to the Springfield compliance officer or his/her designee.

**§ 82-47. Compliance waiver.**

The contractor may submit with the Springfield public construction employee reporting form a request for a full or partial waiver. Such waiver shall be based on the fact that there is an insufficient pool of qualified persons available in the required craft(s). The contractor must provide documentation with the request regarding its efforts to hire Springfield residents, minorities, women, and/or apprentices who are qualified by craft. Such documentation shall include evidence of efforts conducted by the developer, contractor and subcontractors which show a high level of effort in attempting to obtain said employees. Such effort shall include local advertising to seek Springfield residents, minorities, women, and/or apprentices and solicitation of local companies for contracting purposes. Provisions of this article may be waived in whole or in part, on a case-by-case basis, through a determination made by the Monitoring Committee. The Monitoring Committee, or single sole representative appointed by the Monitoring Committee, shall respond to the request for such waiver within two days of the receipt thereof.

In the event no response is forthcoming within the two-day time period, waiver shall be deemed to have been approved.

**§ 82-48. Monitoring Committee responsibility.**

The Monitoring Committee shall meet on a biweekly basis, or as needed, and shall review and monitor all information and documentation provided by contractors to establish compliance with this article. If, through such monitoring, it is determined that one or more contractors are not complying with this article, the Committee shall immediately notify the City compliance officer. The Monitoring Committee shall act on all requests for compliance waivers submitted in accordance with § 82-47. The Committee shall draft and accept all forms that are necessary for compliance with this article.

**§ 82-49. Monitoring Committee review.**

- A. The Monitoring Committee shall regularly review the Springfield public construction employee reporting form(s) as submitted by contractors to the bidding authority pursuant to § 82-46F and G. The Monitoring Committee shall further be responsible for carrying out the review provisions of this article.
- B. The Monitoring Committee shall make decisions as cited below with the following criteria:
  1. Ensure that the contractor has completed the Springfield public construction employee reporting form.
  2. The information provided must show compliance with minimum employment requirements cited in § 82-46 of this article, or demonstrate that the contractor has submitted sufficient information to approve a full or partial waiver of those requirements under § 82-47.
  3. The contractor shall have received commitments from Springfield residents, minorities, women, and apprentices in accordance with the Springfield construction employee reporting form.
- C. The Monitoring Committee shall file a final decision with the City compliance officer within 14 days of receipt of the information as cited in this section. Such decision shall also be forwarded to the bidding authority and be sent by registered or certified mail to the contractors who have been reviewed for compliance. Such decision shall be in the manner of the form titled "Springfield Construction Employment Monitoring Committee Decision on Compliance with the 'Construction Employment for Springfield Residents, Minorities and Women Ordinance.'"

**§ 82-50. Violations and penalties; enforcement.**

- A. In accord with the provisions of MGL c. 40, §§ 21D and 31, as well as every other authority and power that may have been or may hereafter be conferred upon it, the City may enforce the provisions of this article, restrain violations thereof, and seek injunctions and judgments to secure compliance. Without limiting the generality of the foregoing, in the event a contractor fails to comply with any one of the requirements in this article, for any period of time, upon three days' written notice to the violator, the City may take any or all of the following actions:
1. Assessment of a fine of \$300 per day of violation, or the maximum amount allowed by law, whichever is greater, against the contractor who violates this article. Any fine imposed which is not paid in full by the violator shall be offset by the City of Springfield against any payment due to the contractor under any contract for the project, to the extent allowed by law;
  2. Cease-and-desist order against any contractor to stop the project;
  3. Withholding of payment due under any contract until compliance is obtained;
  4. Permanent removal from any work on the project; and
  5. Liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.
- B. All contracts covered by this article shall provide that a violation of the requirements of this article shall be a material breach of the contract.

**§ 82-51. Conflict with state or federal requirements.**

Where this article or any selection of employees in accordance herewith conflicts with other laws relating to affirmative action hiring requirements as set forth by federal, state or local laws, those laws shall supersede this article.

**Chapter 100 - ALARMS**

ARTICLE I	Fire Alarm Systems; Fire Department Fees (§ 100-1 — § 100-8)
ARTICLE II	Security Alarms (§ 100-9 — § 100-20)

**Article I. Fire Alarm Systems; Fire Department Fees**

**§ 100-1. Definitions.**

For the purpose of this article, the words set out in this section shall have the following meanings:

## ALARM SYSTEM

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 systems on motor vehicles and police alarm systems which are directly related to an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this article.

## ALARM USER or USER

Any person on whose premises an alarm system is maintained within the City. Excluded from this definition are:

- A. The Pioneer Valley Transportation Authority, Springfield Library and Museums Association and the Department of Facilities Management;
- B. Central station personnel; and
- C. Persons 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 article.

## 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.

## 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 activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.

## FIRE CHIEF

The head of the Fire Department of the City of Springfield, or his designated representative.

## FIRE DEPARTMENT

The City of Springfield Fire Department, or any authorized agent thereof.

#### LOCAL SMOKE DETECTION SYSTEM

Any alarm system in which the alarm or signal registers in the protected premises. It is primarily for the notification of the occupants and shall consist of detectors, horns, bells and a control panel.

#### MASTER BOX

Emergency signaling devices hard-wired to a central station.

#### PUBLIC NUISANCE

Anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

#### RADIO BOX

Emergency signaling devices that transmit radio signals to a receiver located at a central station.

### **§ 100-2. Administrative rules.**

The Fire Chief may promulgate such rules as may be necessary for the implementation of this article.

### **§ 100-3. Control of alarm systems.**

- A. Every alarm user shall submit to the Fire Chief the names, 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 systems which use audible bells or horns shall be equipped with an automatic shut-off device which will deactivate the alarm within 10 minutes. All alarm users with an audible bell or horn must comply with this subsection within 90 days of the adoption of this article.
- C. All alarm systems which fail to comply with the above Subsection B and emit a continuous and uninterrupted signal for more than 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 Subsection A of this section, and which disturb the peace, comfort or repose of the 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 Subsection 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 Subsection 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 fire fighter 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.
- E. 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 \$100.

**§ 100-4. Mandatory change-out of master boxes.**

- A. No master box shall be installed in the City of Springfield after the adoption of this section.
- B. Any construction underway before or after the adoption of this article calling for the installation of a master box shall instead have a City-approved radio box installed.
- C. All master boxes located in the City of Springfield must be replaced with a City-approved radio box by April 30, 2009. The owner(s) of the property where the master box is located shall be responsible for any and all costs of compliance with this section.

**§ 100-5. 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.

**§ 100-6. Violations enumerated; penalties.**

The following acts and omissions shall constitute violations of this article punishable by the fines as herein provided:



- A. An alarm user whose alarm system transmits or otherwise causes more than three false alarms in the twelve-month period between July 1 and June 30 shall be assessed a fine according to the following schedule:
  - 1. Fourth false alarm: \$100.
  - 2. Fifth false alarm: \$200.
  - 3. Sixth and any subsequent false alarm: \$250.
- B. An alarm user who fails to comply with any of the requirements of § 100-3 of this article relative to control and curtailment of signals emitted by alarm systems shall be punished by a fine of \$50.
- C. An alarm user who fails to comply with any of the requirements of § 100-5 of this article relative to testing of equipment shall be punished by a fine of \$50.
- D. No alarm user and/or person may disconnect, destroy, meddle with, tamper with, 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 the alarm user and/or person 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 \$300.
- E. Anyone who fails to comply with any of the requirements of § 100-4 of this article shall be punished by a fine of \$100 per calendar day. Each calendar day on which the violation exists shall be deemed to be a separate offense.

**§ 100-7. Fire Department fees.**

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:

- A. Installation, removal, slurry and sealing of underground storage tanks.

Tank Capacity (gallons)	Fee
Up to 1,500	\$75
1,501 to 5,000	\$100
5,001 to 7,500	\$150
7,501 and over	\$250

- B. Installation, removal of aboveground storage tanks:

Tank Capacity (gallons)	Fee
Up to 1,500	\$75

1,501 to 5,000	\$100
5,001 to 7,500	\$150
7,501 and over	\$250

C. Smoke detectors/carbon monoxide detectors.

1. One per unit: \$50.
2. Two units: \$100.
3. Three to six units: \$150.
4. Seven or more units: \$500.
5. (5) Re-inspection fee: \$50.

D. Storage of flammable fluids.

Storage and inspection of flammable and combustible gases, liquids and solids - permit and inspection: \$75

E. Oil burning equipment permit and inspection: \$75.

F. LP gas permit.

Tank Capacity (gallons)	Fee
0 to 100	\$75
101 to 1,000	\$125
Over 1,001	\$225

G. Tank trucks.

1. Two-year permit: \$100.
2. Overnight parking (two-year permit): \$100.

H. Lumber yards (two-year permit): \$100.

I. Fuel oil, gasoline and diesel fuel storage permit (annual).

Tank Capacity (gallons)	Fee
0 to 500	\$50
501 to 2,500	\$75
2,501 and over	\$150

J. New gas service station plan review and final inspection: \$100.

K. Annual service station inspection: \$150.

- L. Propane tar kettle (roofing): \$50.
- M. Propane heating unit (roofing): \$50. Fire protection systems shutdown fee: \$50.00. A fire watch detail may be required at the owner's or applicant's expense, the cost of which shall be determined by the Fire Department in accordance with applicable collective bargaining agreements
- N. Fumigating permit: \$50.
- O. Blasting permit: \$50. A fire watch detail shall be required at the owner's or applicant's expense, the cost of which shall be determined by the Fire Department in accordance with applicable collective bargaining agreements

P. Alarm systems.

- 1. Annual fee for radio box: \$300.
- 2. Private fire alarm test with radio box: \$75.
- 3. Private alarm system test: \$50.
- 4. New fire alarm system installation permit, plan review and inspection:
 

System size (sq. feet)	Fee
0 to 5,000	\$125
5,001 to 7,500	\$175
7,501 and over	\$200

A re-inspection fee of \$75.00 will be assessed where a follow-up inspection is needed after a failed test or inspection or where the systems are not ready or available for inspection at the scheduled inspection time.

An inspection and permit fee of \$75.00 will be charged for alarm system modifications.

Q. Annual inspections: \$75.

R. Quarterly inspections.

- 1. Nursing and rest homes: \$75.
- 2. Clinics and HMOs: \$75.
- 3. Hotels and motels: \$75.
- 4. Theaters: \$75.
- 5. Lodging houses: \$75.
- 6. Housing for the elderly: \$75.
- 7. Group homes: \$75.
- 8. Inn holders: \$75.

9. Hospitals: \$150

S. Fireworks permit: \$100. A fire watch detail shall be required at the owner's or applicant's expense, the cost of which shall be determined by the Fire Department in accordance with applicable collective bargaining agreements.

T. Sprinkler systems.

System Size (sq. feet)	Fee
0 to 5,000	\$125.00
5,001 to 7,500	\$175.00
7,501 and over	\$200.00

A re-inspection fee of \$75.00 will be assessed where a follow-up inspection is needed after a failed test or inspection or where the systems are not ready or available for inspection at the scheduled inspection time.

An inspection and permit fee of \$75.00 will be charged for sprinkler system modifications.

U. Dumpsters six yards or greater in the aggregate: \$50.00 per dumpster (annual fee).

V. Dumpster (six yards or greater in the aggregate): \$50.

W. Wet chemical system permit, plan review and inspection fee: \$100. Dry chemical system permit, plan review and inspection fee: \$100.

X. Cutting and welding permit and inspection fee: \$75.

Y. Tire storage permit and inspection fee: \$75.

Z. Fire drill requests: \$50.00 per drill.

AA. Special inspections: \$75.

BB. Records search and Chapter 21E site assessment fee: \$25.

CC. Unvented gas-fired space heater permit and inspection fee: \$75.

DD. Ammunition storage permit and inspection fee: \$75.

EE. Cannon and mortar firing permit and inspection fee: \$75.

FF. Covered mall building permit and inspection fee: \$75.

GG. Construction heater (salamander) permit and inspection fee: \$75.

HH. Compressed natural gas container and system permit and inspection fee: \$75.

II. Hazardous material processing permit and inspection fee: \$50.

JJ. A fee for fire watch details for places of assembly shall be assessed by the Fire Department in accordance with applicable collective bargaining agreements. An administrative fee of ten percent of the cost of the detail shall also be assessed.

KK. Annual life safety/code compliance permit and inspection fee (including first re- inspection):

1. Commercial, industrial, mercantile with fire protection systems: \$150.
2. Commercial, industrial, mercantile without fire protection systems: \$75.
3. Residential buildings 6-12 units with fire protection systems: \$100.
4. Residential buildings 13+ units with fire protection systems: \$150.
5. Restaurant inspection (under 100 occupancy): \$75.

The cost of the first re-inspection is included in the fees designated in this section.  
The cost of subsequent inspections shall be \$50.00

LL. Inspections under M.G.L. c. 10 § 74 and Chapter 304 of the Acts of 2004: \$100.

MM. Miscellaneous permits and inspections not otherwise addressed in this Chapter 100: \$50.

#### **§ 100-8. Violations and penalties.**

Whoever violates any provision of this article or any rule, order or regulation adopted and published by the Fire Department shall be punished by a fine not exceeding \$300. Each day on which the violation exists shall be deemed to be a separate offense.

### Article II. Security Alarms

#### **§ 100-9. Purpose and intent.**

A. The purpose of this article is to encourage security alarm users and security alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve reliability of alarm systems and reduce or eliminate false alarms.

- B. This article governs security alarms systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

**§ 100-10. Definitions.**

For the purpose of this article, the following words, terms, and phrases shall have the following meanings, unless the context clearly suggests otherwise:

**ALARM SYSTEM or SECURITY ALARM SYSTEM**

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 requiring urgent attention and to which the police are expected to respond and shall mean an electronic or mechanical device used to warn of a person entering or attempting to enter, without authorization, in or on real property. Fire alarm systems, alarm systems on motor vehicles, and alarm systems which monitor temperature, smoke, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this definition.

**ALARM USER, USER or SECURITY ALARM USER**

Any person on whose premises an alarm system is maintained within the City or shall mean a person, company, corporation or other entity utilizing a security alarm system to protect his or its real property located in the City. Excluded from this definition are:

- A. Municipal, county, state and federal agencies.
- B. Central station personnel.
- C. Persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or a 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 article.

**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.

**CENTRAL STATION OPERATING COMPANY**

A company equipped to receive a security alarm signal from each of its customers and which then transmits to the Police Department the location of any such alarm the central station operating company receives.

#### CHIEF

The Chief of the Springfield Police Department or her/his designee.

#### FALSE ALARM

The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or of his employees or agents; or any signal or oral communication transmitted to the Police Department requesting, or requiring, or resulting in response on the part of the Police Department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.

#### FIRE CHIEF

The head of the Fire Department of the City of Springfield, or his designated representative.

#### FIRE DEPARTMENT

The City of Springfield Fire Department, or any authorized agent thereof.

#### 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 a control panel.

#### MASTER BOX

Emergency signaling devices hard-wired to a central station.

#### PUBLIC NUISANCE

Anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

#### RADIO BOX

Emergency signaling devices that transmit radio signals to a receiver located at a central station.

**§ 100-11. Administrative rules.**

The Chief of Police may promulgate such rules as may be necessary for the implementation of this article.

**§ 100-12. Alarm information list.**

- A. The Chief shall create and maintain a list known as the "alarm information list." Each central station operating company shall, as set forth herein, provide the information for said list to the Chief as to all of its customers who have a security alarm system. A security alarm user, if his or its security alarm system is not connected to a central station operating company, shall provide the information for said list to the Chief as to said user.
- B. The alarm information list shall consist of the following information from a central station operating company:
1. The name, address and telephone numbers of the central station operating company;
  2. The location of the premises where each such customer's security alarm system is located;
  3. The name, address, and home and work telephone numbers of each such customer;
  4. The names, addresses, and home and work telephone numbers of at least two persons who can be contacted 24 hours a day who are responders authorized by the central station operating company or the customer to respond to a security alarm signal and who have access to the premises from where the security alarm signal is emitting; and
  5. Such other information as the Chief may require.
- C. The alarm information list shall consist of the following information as to a security alarm user whose security alarm system is not connected to a central station operating company:
1. The location of the premises where the security alarm system is located;
  2. The name, address, and home and work telephone numbers of the security alarm user;
  3. The names, addresses, and home and work telephone numbers of at least two persons who can be contacted 24 hours a day who are authorized by the security alarm user to respond to a security alarm signal and who have access to the premises from where the security alarm signal is emitting; and
  4. Such other information as the Chief may require.



- D. The Chief may at any time send a notice of the requirements of this section to a central station operating company or to a security alarm user. A central station operating company shall comply with the requirements of this section within 60 days after the Chief has sent it such notice. Similarly, a security alarm user whose security alarm system is not connected to a central station operating company shall comply with the requirements of this section within 60 days after the Chief has sent him or it such notice. If such a central station operating company or security alarm user fails to comply with this section, the Chief may assess a fine of \$50 for each day of noncompliance.

**§ 100-13. Updating information.**

Every central station operating company and every security alarm user whose security alarm system is not connected to a central station operating company shall be responsible for updating information herein required to be provided to the Chief. If the information provided changes, said central station operating company or security alarm user shall provide the Chief with the updated information. If such a central station operating company or security alarm user fails to comply with this section, the Chief may assess a fine of \$50.

**§ 100-14. Control of alarm systems.**

- A. Every alarm user shall submit to the Chief of Police the names, 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 an alarm system, and who can open the premises where 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 systems which use an audible bell or horn shall be equipped with an automatic shut-off device which will deactivate the alarm system within 10 minutes. All alarm users with an audible bell or horn must comply with this section within 90 days of the adoption of this article.
- C. Any alarm system which fails to comply with the above Subsection B and emits a continuous signal for more than 30 minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Subsection A of this section, and which disturbs the peace, comfort or repose of the community or neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous uninterrupted signal, the Police 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 Subsection A of this section in an effort to abate the nuisance. The Police Chief shall record the time each complaint was made.

- D. In the event that the Chief of Police is unable to contact the alarm user or those persons designated by the alarm user under Subsection A of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system and if the Chief of Police is otherwise unable to abate the nuisance, he may direct a police officer or a fire fighter or a 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.
- E. After an entry upon property has been made in accordance with this section and the nuisance abated, the Chief of Police 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 \$50.

**§ 100-15. Testing of equipment.**

All security alarm users must notify the Chief in advance of any testing of equipment. Failure to notify the Chief in advance of a testing of equipment shall constitute a false alarm and be subject to the assessment schedule contained herein § 100-20.

**§ 100-16. Municipal charges lien.**

If a fine assessed for a false alarm pursuant to § 100-20 hereof has not been paid by the due date, the Chief shall impose a lien on the real property where such false alarm occurred pursuant to the provisions of MGL c. 40, § 58, and shall notify the security alarm user in writing of such lien. The provisions of this section shall apply to fines that remain unpaid or that become due and payable on or after the effective date of this article.

**§ 100-17. Restrictions on tape dialers and automatic telephone devices.**

Ninety days after the passage of this article, no security alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm signal to the 911 emergency system or any telephone lines of the Police Department. If a security alarm user fails to comply with this section, the Chief may assess a fine of \$50.

**§ 100-18. Audible bells or horns.**

All security systems which use an audible bell or horn shall be equipped with an automatic shut-off device which will deactivate the security alarm system within 10 minutes of its sounding. All security alarm users with an audible bell or horn shall install and maintain such automatic shut-off device within 90 days of the effective date of this article if not already so equipped.

**§ 100-19. Appeal procedures.**

Every central station operating company or security alarm user who or which is aggrieved by an action taken by the Chief under this article may file an appeal to a panel composed of the Chief, the Fire Department Chief, and the Director of the Department of Public Works or their designees. In such a case where the alarm involves a building of the Police, Fire or Department of Public Works, a representative of the Law Department maybe substituted for the disqualified department. Such appeal must be in writing and must be received by the Chief within 10 days after the aggrieved person has been sent notice of such action. After notice to such owner, the panel shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Chief, giving its reasons therefor. The Chief shall send her/his decision to the aggrieved person within 10 days after the hearing. The decision of the panel shall be a final administrative decision. The aggrieved person shall have 30 days from the date of the written decision to seek judicial review in a court of competent jurisdiction.

**§ 100-20. Enforcement; violations and penalties.**

- A. The Chief may promulgate such rules and regulations as may be necessary to implement this article.
- B. Any security alarm user whose security alarm system transmits to the Police Department more than two false alarms in a calendar year, whether through a central station operating company or directly, shall be assessed a fine pursuant to MGL c. 40, § 21, for the third and any subsequent false alarm according to the following schedule:
  - 1. Third false alarm: \$25.
  - 2. Fourth false alarm: \$50.
  - 3. Fifth false alarm: \$100.
  - 4. For the sixth and any subsequent false alarm, the fine shall be \$200 per violation; each day after any such false alarm to be considered a new violation. A security alarm user shall be assessed said \$200 per day until he can demonstrate to the Chief that the causes of the false alarms have been remedied.

**§ 100-21 Payment Deadlines and Penalties**

- A. All fines, fees and penalties under this Chapter shall be due and payable thirty (30) days from the date printed on the bill or other notice.
- B. If payment of a fine, fee or penalty is not made within thirty (30) days of the date printed on the bill or other notice, a late payment charge of twenty-five dollars (\$25.00) shall be assessed for each individual fine, fee or penalty, regardless of whether they appear on the same or separate bills or other notices.

- C. If payment of a fine, fee or penalty is not made within sixty (60) days of the date printed on the bill or other notice, interest at twelve percent (12%) per annum shall be assessed on all outstanding amounts, including the amount of late payment charges imposed under Section 100-21(B).
- D. Fines, fees, penalties and associated late payment charges and interest under this Chapter shall be collected by the City Collector or his/her designated deputies.
- E. Outstanding fees and associated late payment charges and interest shall become a municipal lien against the property associated with the permit, inspection or service in accordance with the provisions of M.G.L. c. 40 § 58; provided however, that this paragraph shall not apply where the entity that owes the fee rents the property associated with the permit, inspection or service from another.

**Chapter 105 - AMUSEMENTS**

ARTICLE I	Temporary Outdoor Amusements (§ 105-1 — § 105-9)
ARTICLE II	Automatic Amusement Devices (§ 105-10 — § 105-13)

**Article I. Temporary Outdoor Amusements**

**§ 105-1. Carnival-type rides defined.**

For the purposes of this article, "carnival-type rides" means any fixed or portable mechanical device similar to, but not limited to, Ferris wheels, carousels, inclined railways or similar devices which may be conducted under one or several managements at the same location or independently and which may be permanently set up in a fixed location or which may be temporarily set up or conducted in a public place or upon any private premises either with or without an admission fee, and which, from the nature of the aggregation, attracts attendance of, and causes the mingling of, persons.

**§ 105-2. License required.**

It is unlawful for any person, group, unincorporated association, firm or corporation to conduct a temporary outdoor place of amusement or recreation with carnival-type rides or its equivalent without a license issued by the Mayor.

**§ 105-3. License application; fee.**

- A. Application for a license to conduct a temporary outdoor place of amusement or recreation or its equivalent shall be made to the office of the Mayor on forms furnished by the Mayor and shall set forth, under oath, such information as the Mayor may require.

- B. Application for a license required by this article shall be made no later than 30 days prior to the time the event is to take place and shall be accompanied by a nonrefundable license fee in the amount of \$250.

**§ 105-4. License qualifications and restrictions.**

- A. A license required by this article shall be granted to philanthropic enterprises or nonprofit groups only, such as churches, synagogues, clubs or lodges, organized for fraternal or social purposes.
- B. No license required by this article shall be granted to any organization which has had within the City a license for a temporary outdoor place of amusement or recreation on two separate occasions in the current calendar year.
- C. No license required by this article shall be issued for the conduct of a temporary outdoor place of amusement or recreation on more than two occasions in the current calendar year at any one location.

**§ 105-5. Required insurance, inspections and approvals.**

No license required by this article shall be issued unless the following items have been complied with:

- A. A certificate of insurance is submitted naming the City as a co-insured in an amount not less than \$100,000 per person and \$1,000,000 per occurrence.
- B. Copies of inspections and certificates of approval have been submitted which show that all temporary amusement devices comply with the minimum requirements of 520 CMR 5.00.
- C. Written approvals of the Building Commissioner, the Chief of Police, the Chief of the Fire Department, the Director of the Department of Public Health, and the Law Department, or their designees, have been submitted to the office of the Mayor.

**§ 105-6. License contents.**

- A. The license shall contain the date, time, and location of the event and the name of the organization conducting the event. Each such event shall not be of a duration of more than seven consecutive days, unless otherwise approved in writing by the Mayor.
- B. Licenses required by this article shall be signed by the Mayor and be affixed with the Seal of the City, shall be numbered in order as granted, and shall state the date and time of their expiration.

**§ 105-7. License display.**

Any license issued in accordance with this article shall at all times during the event be visibly displayed upon the premises.

**§ 105-8. Wiring.**

All wiring for an event licensed under this article shall be performed by a licensed electrician who shall be on the premises at all times that the event is open to the public.

**§ 105-9. Violations and penalties.**

The penalty for violation of this article is a fine of up to \$300 for each day on which a violation exists and/or the immediate revocation of the license.

Article II. Automatic Amusement Devices

**§ 105-10. License fees.**

The annual fee for a license to keep and operate any amusement device licensed under the provision of MGL c. 140, § 177A, or any renewal thereof, shall be \$100 per machine. The fee for every change of premises shall be \$2.

**§ 105-11. Authority to issue licenses; definition.**

- A. In accordance with MGL c. 140, § 177A, the license commission may grant a license to operate an automatic amusement device, as defined therein, for hire, gain or reward, and, after written notice, hearing, and opportunity to be heard, may suspend or revoke such a license. The term "automatic amusement device" as used in this article shall be construed as meaning any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as "pinball machines," including free-play pinball machines.

**§ 105-12. Restrictions and conditions.**

- A. The maximum number of automatic amusement devices allowed on any single business premises shall be four unless the license commission, after a duly noticed public hearing, has issued its written authorization for a greater number of such devices.
- B. No automatic amusement device shall be licensed which is designed to accept currency of a value greater than a United States \$5 bill.
- C. Based upon MGL c. 140, § 177A, the license commission shall not grant a license for any device that is intended for use as a gaming device nor for any automatic amusement device which may reasonably be considered to present a risk of misuse as a gaming device.

Automatic amusement devices which may reasonably be considered to present a risk of misuse as gaming devices are those devices which simulate actual gaming devices, including so-called "video slots"; any game that involves no skill of the player; and any games which have a dual metering system accounting for money being placed into the machines, and allowing for points to be paid out on the machines; and any games which involve matching forms, shapes or random number combinations. State law also prohibits video slot machines or any essential part of which contain a video display of a drum or reel with insignia thereon, and which, when operated, may deal, as a result of the application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property, or any subassembly or essential part intended to be used in connection with any such machine or video device.

- D. Automatic amusement devices shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection by law enforcement officials, including members of the license commission. The registration number shall be prominently displayed on a seal or sticker issued by the licensing commission. Each seal or sticker shall be affixed to the automatic amusement device in a manner easily visible to authorities. The sticker shall include the following information: the registration number of the machine, the date of the license, and the name and address of the licensee as well as the machine's owner. Removal of the seal or sticker shall be prohibited until the license expires, is surrendered, or revoked. If a sticker is destroyed or lost, a replacement cost of \$10 shall be paid for the issuance of a new sticker. Unlicensed automatic amusement devices are prohibited.

**§ 105-13. Enforcement; violations and penalties.**

- A. All licenses for automatic amusement devices granted by the license commission shall be subject to inspection by state and local law enforcement officials to ensure conformance with submitted application information and the requirements of this article and MGL c. 140, § 177A.
- B. A violation of this article or MGL c. 140, § 177A, shall be grounds for revocation of any license issued by the City of Springfield and held by the violator, including a license to sell alcoholic beverages, and may otherwise be punished as allowed by law.
- C. A fine of \$300 per day per machine may be imposed for each violation.

**Chapter 110 - ANIMALS**

**§ 110-1. Definitions.**

As used in this Ordinance, the following terms shall have the following meanings:

**ADVISORY AND HEARING COMMITTEE:**

A committee to be known as the "Animal Advisory and Hearing Committee." The Advisory and Hearing Committee shall be composed of five members: the City Clerk or designee; the Police Commissioner or designee; the President of the City Council or designee; and two persons appointed by the Mayor or designee. All members shall be residents of the City. Committee members shall elect a Chairperson and such other officers as they deem necessary and shall meet monthly or as needed.

**ANIMAL:**

Any live, vertebrate creature, domestic or wild, excluding humans.

**ANIMAL CONTROL CENTER:**

Any facility or shelter operated by or for the City of Springfield, including the Thomas J. O'Connor Animal Control Center or its successor, or operated by a humane society, for the purpose of impounding or caring for Animals.

**ANIMAL CONTROL OFFICER:**

Any person designated by the City to enforce this Ordinance or Sections 137 to 174E, inclusive, of Chapter 140 of the Massachusetts General Laws, including but not limited to police officers, special police officers, employees of the Department of Health and Human Services, and agents of the Thomas J. O'Connor Animal Control Center or its successor.

**ANIMAL, DOMESTIC:**

Any dog, cat, horse, cow, sheep, goat, pig, domestic fowl, rabbit, guinea pig, ferret, hamster, reptile and any other domesticated Animal.

**ANIMAL EXHIBITION:**

Any display containing one or more Animals which are exposed to public view for entertainment, instruction or advertisement, but excluding circuses, state and county fairs, livestock shows, rodeos, dog and cat shows and competitions, obedience trials and competitions, field trials, and any other fairs and exhibitions intended to advance agricultural arts and sciences.

**ANIMAL, WILD:**

Any raccoon, skunk, opossum, squirrel, fox, coyote, turkey, deer, bear, snake, bird or similar Animal wild by nature or found in the wild.

**COMMERCIAL ANIMAL ESTABLISHMENT:**

Any pet shop, shelter, auction, riding school or stable, Zoological Park, circus, Animal Exhibition or Kennel.

**DANGEROUS DOG:**



A dog that either (i) without justification, attacks a person or Domestic Animal causing physical injury or death, or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a Domestic Animal.

**GROOMING SHOP:**

A commercial establishment where Animals are bathed, clipped, plucked, or otherwise groomed.

**KENNEL:**

A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel, provided however, that a person may keep up to four dogs, all of which are sterilized, or up to three dogs, any of which are unsterilized, without said dogs being considered a Kennel under this Ordinance.

**LICENSING AUTHORITY:**

The City Clerk or his/her designee as provided by the laws of the Commonwealth of Massachusetts.

**NUISANCE DOG:**

A dog that (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity, or (ii) by excessive barking, causing damage or other interference, is disruptive to one's peace and quiet, or (iii) molests or threatens passersby or passing vehicles, or (iv) threatens or attacks Domestic Animals or persons, or (v) trespasses on school grounds or private property, or (vi) is found at large three or more times, as documented by an Animal Control Officer, within a consecutive twelve month period, or (vii) damages public or private property.

**OWNER:**

Any person, firm, corporation or organization owning, keeping, having an interest in, having care, custody or control of, or harboring one or more Animals. An Animal shall be deemed to be harbored if it is fed or sheltered for ten consecutive days or more. If the Owner of an Animal is a minor, the parent(s) or guardian(s) of said minor shall be considered the Owner.

**SECURE ENCLOSURE:**

A Secure Enclosure shall be a minimum of five feet wide, ten feet long, and six feet in height above the grade, with a horizontal top covering said area, all to be at least nine-gauge, chain-link fencing with necessary steel supporting posts. The floor shall be at least three inches of poured concrete with the bottom edge of said fencing embedded in the concrete or extending at least one foot below grade. The gate must fit closely and be securely locked or otherwise deemed secured by an Animal Control Officer. If the Secure Enclosure is intended to house a Dangerous Dog or Nuisance Dog, the Owner shall post the Secure Enclosure with a clearly visible warning sign that informs people that there is a Dangerous Dog or Nuisance Dog on the property. The

Secure Enclosure must be locked at all times when the dog is unattended by either the Owner or a competent custodian eighteen years of age or older. The enclosure must contain and provide protection from the elements for the dog or other Animals mentioned before and shall comply with MGL c. 272, § 77.

ZOOLOGICAL PARK:

Any facility, other than a pet shop or Kennel, displaying or exhibiting one or more non-Domestic Animals operated by any person, partnership or corporation or any governmental agency in accordance with Massachusetts General Laws.

**§ 110-2. Licensing and rabies vaccination.**

- A. Each Owner of a dog, cat or ferret that is six months of age or older shall cause such dog, cat or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the Commonwealth shall be vaccinated within thirty days after the acquisition or arrival of such Animal into the Commonwealth or upon reaching the age of six months, whichever occurs last. It shall be the duty of each veterinarian to complete a certificate of rabies vaccination which shall include, but not be limited to, the following information: the Owner's name and address; a description of the Animal, including breed, sex, age, name and distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine lot number. A dog, cat or ferret shall be exempt from rabies vaccination if a veterinarian has examined the Animal and has certified in writing that vaccinating the Animal at that time would endanger the Animal's health because of its age, infirmity, disability, illness or other medical considerations. An Animal exempt under this Section must be vaccinated as soon as its health allows.
- B. Dog Licenses.
  1. Applications for dog licenses shall be made to the Licensing Authority. License applications shall include: the name and address of the applicant; a description of the dog; proof of rabies vaccination or proof of rabies vaccination exemption; and the appropriate fee. The Owner of a dog may add descriptive words, not more than ten in number, upon the license form to indicate the color, breed, weight or special markings of the licensed dog.
  2. If not revoked, licenses for the keeping of dogs shall be for a period of one year, running from April 1 to March 31. Reapplication for a license may be made up to thirty days prior to April 1.
  3. Application for a license must be made within thirty days after obtaining a dog over six months of age or within thirty days after moving a dog into the City. This requirement will not apply to a nonresident keeping a dog within the City for fewer than sixty days.
  4. License fee exemptions:
    - a. A license fee shall not be required for seeing-eye dogs, governmental police dogs or service dogs as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

- b. A license fee shall not be required for dogs owned by a person aged seventy years or over.
  - c. Persons and entities exempt from paying license fees under this section shall nevertheless apply for a license with the Licensing Authority and cause their dogs to wear tags issued by the Licensing Authority.
5. Upon acceptance of the application and license fee, the Licensing Authority shall issue a durable tag stamped with an identifying number and year of issuance. Tags shall be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.
  6. No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying, removal from the City of Springfield or Commonwealth of Massachusetts, or other disposal of the dog.
  7. Dogs shall be made to wear rabies and license tags at all times.
  8. The Licensing Authority shall maintain records of the identifying numbers of all tags issued, and shall make these records available to the public.
  9. Owners who fail to obtain a license as required within the time period specified in this Ordinance shall be subject to impoundment of their dog and a fine of \$50.
  10. License fees for dogs shall be as follows:
    - a. Unneutered/Unspayed dog: \$25.
    - b. Neutered/Spayed dog: \$5. An applicant for a neutered/spayed dog license shall, as a condition of obtaining such license, produce a certificate from the veterinarian who spayed or neutered the dog, or, if such certificate cannot be obtained, a receipt of a bill from the veterinarian who performed such procedure or a statement signed under the pains and penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog, which appears to have been spayed or neutered and incapable of propagation.
    - c. Dog that has been declared a Dangerous Dog or a Nuisance Dog: \$100.
  11. A duplicate license may be obtained upon payment of a replacement fee of \$2.
  12. No person may use any license for any dog other than for the dog for which it was issued.
  13. All permitted sources of dogs, including shelters, rescue organizations, pet shops, professional breeders, and veterinarians, operating within the City of Springfield shall notify the Licensing Authority upon the transfer of ownership of any dog. The City Clerk may authorize these permitted sources to register dogs and remit the fees to the City Clerk's office within five days thereafter.
  14. All permitted sources administering anti-rabic vaccines to dogs must notify the Licensing Authority upon administering the anti-rabic vaccine to any such dog.

**§ 110-3. Permits for Commercial Animal Establishments.**

- A. No person, partnership, or corporation shall operate a Commercial Animal Establishment without first obtaining a permit in compliance with this Ordinance. A permit shall not be issued unless the applicant is in compliance with this Ordinance and pays the applicable permit fee.
- B. The Advisory and Hearing Committee shall promulgate regulations for the issuance of permits, and shall include requirements for humane care of all Animals and for compliance with the provisions of this Ordinance and other applicable laws. The Advisory and Hearing Committee may amend such regulations from time to time as is deemed desirable for public health and welfare and for the protection of Animals.
- C. Permits for Commercial Animal Establishments shall be for a period of one year, running from April 1 to March 31. Renewal applications may be made up to thirty days prior to April 1. Application for a permit to establish a new Commercial Animal Establishment under the provisions of this Ordinance may be made at any time. Any person, partnership, or corporation operating a Commercial Animal Establishment within the City who fails to license the same by April 1 of each year shall pay a penalty of \$100 per month.
- D. If there is a change of ownership of a Commercial Animal Establishment, the new owner may have the current permit transferred to his name upon payment of a transfer fee of \$25.
- E. Annual permits shall be issued upon payment of the applicable fee after inspection by an Animal Control Officer for each:
  - 1. Kennel authorized to house fewer than ten dogs: \$50.
  - 2. Kennel authorized to house ten or more but fewer than fifty dogs: \$100.
  - 3. Kennel authorized to house fifty or more dogs: \$150.
  - 4. Zoological Park: \$100.
  - 5. Circus: \$150.
  - 6. Animal Exhibition: \$100.
  - 7. Grooming Shop: \$50.
- F. Every facility at a different address regulated by this Ordinance shall be considered a separate enterprise and shall require a separate permit.
- G. Operators of Kennels may elect to license dogs individually.
- H. Failure to obtain a permit before opening any facility covered in this Ordinance shall result in a fine of up to \$200.
- I. Any Commercial Animal Establishment which has a change in the category under which a permit was issued shall be subject to reclassification, and appropriate adjustment of the permit fee shall be made.
- J. A dog under the age of six months shall not be counted in determining the number of dogs kept in a Kennel under this Section.

- K. Kennel licenses shall be issued without charge to a domestic charitable corporation incorporated exclusively for the purpose of protecting Animals from cruelty, neglect or abuse.

**§ 110-4. License and permit issuance, suspension and revocation.**

- A. The City or Licensing Authority may revoke any permit or license granted under this Ordinance if the person holding the permit or license refuses or fails to comply with this Ordinance, regulations promulgated by the City or any law governing the protection and keeping of Animals.
- B. Any person whose permit or license is revoked shall, within ten days thereafter, be responsible for the placement or humane disposal of all Animals owned, kept or harbored, and no part of the permit or license fee shall be refunded. Failure to place or humanely dispose of any Animal kept or harbored shall result in a fine of up to \$200.
- C. It shall be a condition of the issuance of any permit or license that an Animal Control Officer be permitted to inspect all Animals and the premises where Animals are kept at any reasonable time with reasonable notice. If permission for such inspections is refused, such permit or license of the refusing Owner may be refused, suspended or revoked by the Licensing Authority.
- D. If an applicant for a license or permit has withheld or falsified any information on the application, the Licensing Authority may refuse, suspend or revoke such license or permit.
- E. No person who has been convicted of any crime involving cruelty to Animals shall be issued a permit or license of any kind under this Ordinance for a period of five years from the date of conviction.
- F. Any person having been denied a license or permit may reapply after the conditions upon which denial was based have been corrected. Each reapplication shall be accompanied by a fee of \$25.

**§ 110-5. Restraint and control of Animals; public nuisances; barking dogs.**

- A. All Animals, with the exception of sterilized cats, shall be kept under restraint when in public. Restraint shall mean a leash, lead, or other physical restraint. Dogs must be on a leash not more than six feet long, except in cases where the dog is under voice control of a person and that person has a leash in his possession and except when the dog is confined in a fenced-in area or pen.
- B. Every Owner shall exercise proper care and control of his Animals to prevent them from becoming a public nuisance.
- C. The Owner of a reproductively whole dog or cat over the age of six months found to be at large shall be subject to a fine of \$100 per violation.
  - 1. The Owner of the dog or cat shall have the option of paying this fine of \$100 or, in the alternative, the Owner may, within ten days of the violation, have the dog or cat spayed or neutered. If the Owner elects to have the dog or cat spayed or neutered, the Owner shall present proof of same to the City Clerk in lieu of payment of the fine. The City Clerk, upon receipt of proof that the dog or cat has been spayed or neutered, shall waive the \$100 fine. Proof requires written verification by the veterinarian who performed the sterilization that the dog or cat has been sterilized.

2. If a reproductively whole dog or cat is found to be at large on three occasions, as documented by an Animal Control Officer, the Animal shall be surgically sterilized and microchipped before being returned to the Owner. The Owner shall bear all costs associated with this service and the fine of \$100 shall be imposed.
  3. The Chief Animal Control Officer may waive the sterilization requirement if he/she finds that the Animal's health may be endangered by the sterilization procedure (examples include an old Animal or an Animal in poor health).
- D. It shall be unlawful for any person owning, keeping, harboring, or possessing any Animals to permit 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.
- E. Barking dogs. No Owner of a dog shall allow said dog to annoy another person's reasonable right to peace or privacy by making loud or continuous noise, where such noise is plainly audible at a distance of one hundred feet from the building, premises or vehicle housing said dog, or such noise is continuous for ten minutes or more. The fact that such noise is plainly audible at said distance or for ten minutes or more shall be *prima facie* evidence of a violation.
- F. Notwithstanding any other ordinance, rule or regulation to the contrary, no Owner of an Animal shall allow his Animal to be upon any school grounds between the hours of 8:00 a.m. and 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 is in session or not (except for a school team mascot or service Animals).

**§ 110-6. Impoundment; violation notices.**

- A. Impoundment.
1. Any Animal found at large or determined to be a public nuisance may be taken by an Animal Control Officer and impounded and confined in a humane manner.
  2. An Animal Control Officer, Animal Control Center or veterinarian with custody of an impounded or stray Animal shall make a reasonable attempt to contact the Owner of such Animal if the Owner can be identified.
  3. An Animal Control Center or veterinarian may, in its sole discretion, administer veterinary care to sick or injured Animals impounded under Section 110-6(A) or Section 110-6(B). If the Owner of the Animal can be identified, the Owner shall be responsible for payment of such veterinary expenses.
  4. If the Owner of an Animal impounded under Section 110-6(A) or Section 110-6(B) has not reclaimed it within seven days of the date of the impoundment, or any lesser minimum period permitted by the General Laws of the Commonwealth, an Animal Control Officer may release the Animal for adoption or humanely euthanize the Animal. If a licensed veterinarian states in writing that the Animal is in significant pain and has no reasonable chance of recovering or having a good quality of life, the Animal may be humanely euthanized at any time. The City shall not be liable for any disposition of Animals in accordance with this section.
  5. Except as otherwise provided in this Ordinance, the Owner of any impounded Animal may redeem the Animal, upon payment to the City of the following:

- a. An impound fee of \$40.00 for each Animal redeemed;
- b. A boarding fee of \$15.00 per Animal, per day;
- c. All outstanding fines, except for any fine of which a timely appeal is pending;
- d. All veterinary charges, drugs and other medical expenses;
- e. The cost of sterilization, if applicable;
- f. The cost of rabies vaccination, if applicable; and
- g. The cost of license and registration, if applicable;
- h. The cost of microchip implantation and registration, if applicable. At the request of the Owner, the Animal Control Center shall provide an itemized list of charges.

**§ 110-7. Sterilization.**

The Thomas J. O'Connor Animal Control Center shall not release a dog or cat for adoption without first sterilizing the dog or cat, except where a veterinarian states in writing that sterilization would place the dog or cat at considerable risk due to poor health.

**§ 110-8. Animal care standards.**

- A. No person shall chain or tether a dog to a stationary object for longer than twelve consecutive hours. Any tethering employed shall not allow the dog to leave the Owner's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than one-eighth of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time.
- B. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
  1. inside a pen, if the following conditions are met:
    - a. the pen shall have adequate space for exercise with a dimension of at least one hundred square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
    - b. the pen is constructed with chain link or other similar material as determined by the Building Inspector, with all sides enclosed; and
    - c. the minimum height of the fence shall be adequate to successfully confine the dog;
  2. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

3. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
  - a. only one dog shall be tethered to each cable run;
  - b. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room to fit two adult fingers between the collar and the dog's throat through; provided, however, that a choke collar or pinch collar shall not be used to tether a dog to a cable run;
  - c. there shall be a swivel on at least one end of the tether to minimize tangling of the tether;
  - d. the tether and cable run must each be at least ten feet in length. The cable must be mounted at least four feet but not more than seven feet above ground level; and
  - e. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described in section 110-8(C); and
  - f. the tether system shall be of appropriate configuration to confine the dog to the Owner's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other objects or animals.
- C. A person owning or keeping a dog confined outside in accordance with this Ordinance shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least three sides, roofed and have a solid floor and be sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.
- D. No person owning or keeping a dog shall subject the dog to cruel conditions at any time. For the purposes of this subsection, "cruel conditions" shall include, but not be limited to, the following:
  1. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
  2. extreme weather, including but not limited to times when a heat or cold advisory is in effect and times when an extreme weather advisory has been issued for the area; and
  3. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog.



- E. Every Owner shall provide his Animals with 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.
- F. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an Animal, or cause, instigate or permit any dog fight, cock fight, or bullfight, or any other combat between Animals or between Animals and humans.
- G. Where, in the opinion of an Animal Control Officer, any treatment of a dog in violation of this Ordinance places the dog at imminent risk, the Animal Control Officer may immediately remove and impound the dog for its own protection.
- H. A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50, for a second offense, be punished by a fine of not more than \$100 and for a third or subsequent offense, be punished by a fine of not more than \$300, and be subject to impoundment of the dog in a local shelter at the Owner's expense pending compliance with this section, or loss of ownership of the dog.

**§ 110-9. Chief Animal Control Officer; Advisory and Hearing Committee.**

- A. Chief Animal Control Officer. The City, through the Mayor or his/her designee, shall appoint a Chief Animal Control Officer, whose primary responsibilities shall include the enforcement and implementation of this Ordinance or any rules and regulations promulgated thereunder. The Chief Animal Control Officer shall be responsible for coordinating and administering the City's Animal control activities in accordance with any goals, policies, and procedures established by the Springfield City Council or Department of Health and Human Services, and shall be under the direction and supervision of the Mayor.
- B. Advisory and Hearing Committee. The Advisory and Hearing Committee shall have the power to:
  - 1. Meet monthly or at such times as the Chairperson or a majority of the Committee deems necessary;
  - 2. Study, review and issue written reports on issues dealing with dogs or other Animals in the City;
  - 3. Make recommendations to the Mayor and the City Council for the improvement of Ordinances of the City as they relate to dogs and other Animals in the City;
  - 4. Impose fines for violations of this Ordinance and set the amount of fines where not specifically provided by this Ordinance, provided however, that no fine imposed under this Ordinance shall exceed \$300 per violation;
  - 5. Hold hearings to determine whether a dog is a Dangerous Dog or a Nuisance Dog, and to review orders to destroy; and
  - 6. Make rules and regulations, not inconsistent with this Ordinance and state and federal law, for the efficient and orderly conduct of their business and the control and care of Animals in the City.

**§ 110-10. Dangerous Dogs and Nuisance Dogs**

A. Any person may file a complaint in writing to the Advisory and Hearing Committee that a dog owned or kept in the City is a Nuisance Dog or a Dangerous Dog. To consider declaring a dog a Nuisance Dog or a Dangerous Dog, an Animal Control Officer of the City may initiate a special hearing before the Advisory and Hearing Committee to consider any evidence collected and take charge of and impound the Animal. The Animal Control Center shall notify the Owner of the dog by certified letter, or Sheriff's Department hand delivery of such special hearing, and the Owner may attend and have an opportunity to be heard. Special hearings under this Section shall be public meetings under the laws of the Commonwealth of Massachusetts. At this special hearing, the Advisory and Hearing Committee will determine whether to declare such dog a Nuisance Dog or a Dangerous Dog, based on the facts presented and the definition of the terms "Dangerous Dog" and "Nuisance Dog" in Section 110-1. If the dog is declared a Nuisance Dog or Dangerous Dog, the City Clerk shall notify the abutter(s) next door and across the street by regular mail and in the classified section of the local newspaper (i.e., Animals: dogs and cats section) of such finding at the Owner's sole expense. No dog shall be declared a Dangerous Dog:

1. Solely based upon growling or barking;
2. Based upon the breed of the dog; or
3. If the dog was reacting to another Animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:
  - a. The dog was protecting or defending itself, its offspring, another Domestic Animal or a person from assault or attack;
  - b. The person who was attacked or threatened by the dog was committing a crime upon the person or property of the Owner of the dog;
  - c. The person who was attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or
  - d. At the time of the attack or threat, the person or Animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or Animal was not authorized by the Owner of the premises to be within such enclosure including but not limited to a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided however that if a person is under the age of seven, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

B. Dogs declared to be Nuisance Dogs or Dangerous Dogs.

1. If the Advisory and Hearing Committee deems a dog to be a Nuisance Dog or a Dangerous Dog, the Committee may order one or more of the following:
  - i. that the dog be humanely restrained;
  - ii. that the dog be confined to the premises of the Owner of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the Owner; provided however, that such confinement shall comply with Section 110-8 of this Ordinance.

- iii. that, whenever the dog is removed from the premises of the Owner, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of three hundred pounds and not exceeding three feet in length;
  - iv. that the animal shall be surgically sterilized and microchipped with the microchip registered to the City, with all costs associated with these services to be borne by the Owner;
  - v. that the Owner construct, within two weeks from the date of decision, a Secure Enclosure to house the dog when it is in the Owner's yard. The Advisory and Hearing Committee may order that, during the construction period, the dog be publicly impounded at an animal shelter or a private veterinary hospital until the Secure Enclosure is constructed. If the Owner chooses not to build a Secure Enclosure in accordance with the Committee's order or if said dog is found on a property not owned or controlled by its Owner or not restrained in the Secure Enclosure, an order that the dog be euthanized may be issued by the Advisory and Hearing Committee. The effectiveness of the Secure Enclosure shall be subject to periodic inspections by an Animal Control Officer, as deemed necessary. The fee for said inspection shall be \$75. If the Owner is found violating the Secure Enclosure requirements, immediate public impoundment of the dog shall be done by the Animal Control Center during the time the violation continues to exist, and the Owner shall bear all cost(s) for such public impoundment. The fine for such violation shall be \$200 per day;
  - vi. that ownership of the dog may not be transferred unless the transfer of ownership is to an adult residing within the same residence and said dog shall remain housed solely at that residence;
  - vii. that, if the Owner of the dog fails to appear at a hearing in front of the Advisory and Hearing Committee and the dog is declared a Dangerous Dog, the dog shall be impounded and/or euthanized; and/or
  - viii. that the dog be humanely euthanized, immediately, or summarily upon the Owner's failure to comply with conditions imposed by the Advisory and Hearing Committee.
- C. With regard to Dangerous Dogs and Nuisance Dogs, if there are no additional instances of the dangerous or nuisance behavior within a thirty-six-month period from the date of designation, the dog shall be removed from the list of Dangerous Dogs and/or Nuisance Dogs. The dog may, but is not required to be, removed from the list of Dangerous Dogs and/or Nuisance Dogs prior to the expiration of the thirty-six-month period if the Owner of the dog demonstrates to the Committee at a special hearing that changes in circumstances or measures taken by the Owner, such as training, have mitigated the risk to the public safety.
- D. Any and all costs for the impounding a Dangerous Dog will be borne by the Owner unless determined otherwise by the Advisory and Hearing Committee or court of final appeal. An Owner reclaiming a Dangerous Dog shall pay an administrative fee of \$40, plus the following costs, where applicable:
- 1. A boarding fee of \$22 per dog, per day;
  - 2. All outstanding fines, except for any fine for which a timely appeal is pending;

3. All veterinary charges, drug and other medical expenses;
4. The cost of sterilization;
5. The cost of rabies vaccinations;
6. The cost of license and registration; and
7. The cost of microchip implantation and registration.

**§ 110-11. Animal waste.**

- A. The Owner or person in possession of any Animal shall be responsible for the removal of any fecal matter deposited by such Animal(s) on public walks, recreation areas or private property.
- B. The Owner or person in possession of any Animal on any public walk, street, recreation area or private property, shall possess the means of removal of any fecal matter left by such Animal.
- C. For the purpose of this section, the means of removal shall include any tool, implement or other device carried for the purpose of picking up or containing such fecal matter.
- D. Any Owner or person in possession of an Animal who fails to comply with the provisions of this section shall be subject to a fine in the amount of \$50 for the first offense, \$100 for the second offense, and \$300 for the third and subsequent offenses.

**§ 110-12. Wild Animals**

- A. The keeping of Wild Animals must meet all requirements of state and federal laws.
- B. No person shall keep or permit to be kept on his premises any Wild Animals, wild-hybrid Animals or vicious Animals for display or for exhibition purposes, whether gratuitously or for a fee, unless all requirements of state and federal laws are met. This subsection shall not be construed to apply to Zoological Parks, Animal Exhibitions or circuses.
- C. Any Owner of an Animal who fails to comply with the provisions of this section shall be subject to a fine in the amount of \$50 for the first offense, \$100 for the second offense, and \$300 for the third and subsequent offenses. Any Animal Control Officer may remove the offending Animal to a suitable animal shelter, and any charges to recover said Animal shall be payable by the Owner.

**§ 110-13. Issuance of citations.**

Animal Control Officers shall be authorized to issue a citation to any individual who, in his/her opinion, is in violation of any part of this Ordinance.

**§ 110-14. Delegation of responsibilities.**

The Mayor, City Clerk or Police Commissioner may appoint designees as the authority to fulfill such responsibilities of the City under this Ordinance. Notice of such designation shall be filed with the City Clerk no less than fifteen days before the effective date of any such designation. The City Clerk may, in his or her discretion, designate an agent or agents for Animal licensing.

**§ 110-15. Enforcement; recordkeeping.**

The provisions of this Ordinance shall be enforced by Animal Control Officers. It shall be a violation of this Ordinance to interfere with an Animal Control Officer in the performance of his/her duties. All Animal Control Officers shall submit reports of violations of this Ordinance to the Thomas J. O'Connor Animal Control Center and the Police Department. The Elections Office, as part of the annual census, shall make a list of all dogs owned by the inhabitants of the City and shall give copies of such list to the City Clerk and Chief Animal Control Officer. An Owner of a dog in the City who refuses to answer or answers falsely in response to a request from the Elections Office under this section shall be punished by a fine of \$25.

**§ 110-16. Violations and penalties.**

- A. Any person who violates any provision of this Ordinance may be penalized by a fine. Unless otherwise provided in this Ordinance, the fine shall be \$50 for each violation or for each day during which the violation is committed, continued, or permitted. Where this Ordinance provides for a maximum fine, the Advisory and Hearing Committee shall set the amount of the fine after considering the circumstances of the violation.
- B. If any person is found guilty by a court of violating any part of this Ordinance, his permit to own, keep, harbor, or have custody of Animals may be revoked.

**§ 110-17. Payment Deadlines and Penalties**

- A. All fines, fees and penalties under this Chapter shall be due and payable thirty days from the date printed on the bill or other notice, or in the absence of a bill or other notice, within thirty days from the date of the service or violation.
- B. If payment of a fine, fee or penalty is not made within the deadline set forth in Section 110-17(A), a late payment charge of \$25 shall be assessed for each individual fine, fee or penalty.
- C. If payment of a fine, fee or penalty is not made within sixty days of the date printed on the bill or other notice, or in the absence of a bill or other notice, within sixty days from the date of the service or violation, interest at twelve percent per annum shall be assessed on all outstanding amounts, including the amount of late payment charges imposed under Section 110-17(B).
- D. Fines, fees, penalties and associated late payment charges and interest under this Chapter shall be collected by the City Collector or his/her designated deputies.
- E. Outstanding fees and associated late payment charges and interest shall become a municipal lien against the Owner's property in accordance with the provisions of M.G.L. c. 40 § 58.

**Chapter 115 - AUCTIONS AND AUCTIONEERS**

**§ 115-1. Permit required; term.**

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 Massachusetts General Laws Chapter 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.

**§ 115-2. Exceptions to permit requirement.**

The permit requirement provisions of § 115-1 shall not apply to auctions held or conducted by an order or judgment 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.

**§ 115-3. Application form; permit conditions; denial.**

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 10, 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.

**§ 115-4. Permit fee.**

The fee for an auctioneer's annual permit shall be \$50. The fee for an auctioneer's special permit shall be \$35. 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's/Treasurer's office.

**Chapter 118 - AWNINGS, CANOPIES AND SIGNS**

- ARTICLE I      Awnings Over Public Streets (§ 118-1 — § 118-3)
- ARTICLE II     Canopies Over Public Streets (§ 118-4 — § 118-7)
- ARTICLE III    Signs and Handbills (§ 118-8 — § 118-9)

## Article I. Awnings Over Public Streets

### **§ 118-1. Business of hanging awnings.**

- A. License to engage in business of hanging awnings required. No person shall engage in the business of installing, hanging or repairing adjustable awnings which project over public streets or highways of the City unless licensed to do so as provided in this chapter.
- B. Application for license to engage in business of hanging awnings. Application for the license required by Subsection A shall be made to the Director of Public Works on forms furnished by him and shall set forth the name and place of business of the applicant and such other information as he may require.
- C. Issuance of license to engage in business of hanging awnings; bond required; duration; fee.
  - 1. The license shall be signed by the Director of Public Works, and no such license shall be issued until the licensee has paid to the City Collector the license fee provided in this chapter and has filed with the City Treasurer a bond, with sureties satisfactory to him and in the sum of \$5,000 to indemnify the City against any and all claims for personal injury or damage to property in any way resulting from negligence of the licensee in the construction, installation or repairing of any such awning.
  - 2. Every such license, unless sooner revoked, shall continue in effect until the first day of May next succeeding the date thereof.
  - 3. The fee for such license shall be \$100.
- D. Revocation of license to engage in business of hanging awnings. It shall be deemed sufficient grounds for the revocation of the license required by Subsection A where it appears that any such licensee has violated any of the provisions of this article.

### **§ 118-2. Construction and location.**

Every such awning shall be safely and securely attached to the building and be so located and constructed as in nowise to incommode pedestrians. The lowest part of the awning shall be at least seven feet above the sidewalk, and no part thereof shall extend beyond the outer line of the sidewalk.

### **§ 118-3. Inspection by Building Commissioner.**

It shall be the duty of the Building Commissioner to inspect all such awnings from time to time to determine whether they comply with the provisions of this article.

## Article II. Canopies Over Public Streets

### **§ 118-4. Permits.**

The Director of Public Works may grant permits for placing and maintaining canopies projecting into or over public ways of the City, subject to the rules and regulations set forth in this article.

### **§ 118-5. Construction and maintenance; permit application.**

- A. A canopy projecting into and over a public way shall:
1. Be without posts or supports placed on the highway, except metal posts which must be kept at least one foot back from the outside face of the street curbing and, when there is a tree belt, at least one foot out from the outer edge of the sidewalk, the bases of which shall be set in metal sleeves embedded in Portland cement concrete.
  2. Be attached securely to the building to which it is attached.
  3. Except for the covering which may be of canvas, be constructed entirely of metal or other incombustible material.
  4. Be so constructed as not to become a source of danger to businesses, persons or property.
  5. Not project into the public way further than to within six inches of the outside face of the street curbing.
  6. Have no part, except the supports, less than seven feet six inches above the sidewalk.
  7. Be erected as a protection to an entrance only and shall be not more than six feet wider than the width of the entrance which it serves.
  8. Be without advertising except the name of the building to which it is attached in letters not more than five inches high; and shall be constructed in accordance with the plans submitted to and approved by the Building Commissioner.
- B. An application for such permit shall:
1. Set forth the names and addresses of the owner and the erector of the canopy;
  2. Set forth the purposes for which such canopy is to be used and the manner in which it will project into and over the public way; and



3. Describe accurately, in writing, and by drawings made to scale, the location, design and construction of the canopy and the methods of its support and attachment.
- C. The application and drawings shall be submitted in triplicate and, when approved by the Building Commissioner, one copy shall be retained by him, one copy shall be filed with the City Treasurer, and one copy shall be filed with the Superintendent of the Department of Streets and Engineering.

**§ 118-6. Bond required.**

- A. No permit for a canopy projecting into and over a public way shall be given until the City shall receive a bond in the sum of \$5,000, to be approved by the City Treasurer. Such bond shall be duly executed by the applicant and a surety company that is qualified to do surety company business in the commonwealth.
- B. Such bond shall indemnify the City against any and all claims for personal injury or damage to property that in any way results from such canopy. It is further stipulated that the person who owns such a canopy shall also pay all judgments and damages that result from or arise out of the collision with or falling of such canopy.

**§ 118-7. Suspension or revocation of permits.**

Any permit for canopies projecting into or over public ways may be suspended or revoked for failure to comply with any of such rules or regulations or for any reason that the Director of Public Works considers sufficient.

Article III. Signs and Handbills

**§ 118-8. Board on Signs.**

- A. A Board on Signs, to consist of three persons, is established. Such Board shall consist of the Chairman of the Board of Park Commissioners, the Building Commissioner and a member of the City Planning Board to be designated by the Chairman thereof.
- B. The Board on Signs shall approve or disapprove each notice received by the City from the Division of Highways, Department of Public Works, relative to an application for the location of a sign, and shall forthwith notify such Division of Highways of each such disapproval.

**§ 118-9. Posting handbills and signs in public places restricted.**

- A. No person shall paint, mark or write on, or post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, public tree belt, public terrace, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph pole, or wire appurtenance thereof, or upon any fixture of the fire

alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, street sign, traffic sign or parking sign.

- B. Any handbill or sign found posted or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the City or its duly appointed agents. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof. When the City has effected the removal of the handbill or sign by itself or its duly authorized agent or has paid for the removal of the same, a bill for the actual cost thereof shall be forwarded to the liable party by the City and such charge shall be due and payable within 30 days.
- C. Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating any historical, cultural or artistic event, location or personality, or any temporary notice for which the Director of Public Works has granted a written permit.

### **Chapter 123 - BIOMEDICAL RESEARCH**

#### **§ 123-1. Definitions.**

For the purpose of this chapter, the words set out in this section shall, unless the context otherwise requires, have the following meanings:

DNA

Deoxyribonucleic acid.

INSTITUTION

Any single individual, group of individuals, partnership, association, organization, corporation, educational institution or medical facility.

NIH

The National Institutes of Health of the United States Department of Health and Human Services.

NIH GUIDELINES

The following:

- A. Guidelines for research involving recombinant DNA molecules promulgated by the NIH and found at 46 CFR 34463 through 34487, on July 1, 1981, as may be amended by the NIH.

- B. 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 through 24971, on April 11, 1980, as may be amended by the NIH.

RECOMBINANT DNA or RECOMBINANT DNA MOLECULES (RDNA)

Either:

- A. 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
- B. DNA molecules which result from the replication of a molecule described in Subsection A above.

**§ 123-2. Scope.**

This chapter shall apply to all institutions of the City of Springfield which experiment with or use RDNA technology.

**§ 123-3. Prohibitions.**

RDNA use classified by NIH guidelines as requiring a P4 level of containment shall be prohibited in the City of Springfield.

**§ 123-4. 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.

**§ 123-5. 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 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 member of the neighborhood council from the area affected by the institution (to be selected by the Mayor);

4. Two members of the institution;
  5. One person not affiliated with the institution, representing the interests of the community as to health and environment; and
  6. The chairman of the local emergency planning committee.
- B. The nonaffiliated 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.

**§ 123-6. Department of Public Health permits and inspections.**

- 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 are necessary to ensure compliance with this chapter.

**§ 123-7. Environmental surveillance programs.**

- A. All institutes 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.

**§ 123-8. Violations and penalties.**

- A. Any person or institution who or which violates any provisions of this chapter shall be punishable by a fine of up to \$300 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.

**§ 123-9. Enforcement.**

Enforcement of this chapter shall be the duty of the Department of Public Health of the City of Springfield.

**Chapter 131 - BODY ART ESTABLISHMENTS**

**§ 131-1. Purpose and scope.**

The purpose of this chapter is to set forth a regulatory scheme for the City of Springfield to protect the health, welfare and safety of citizens of the City where the City Council seek to enact an ordinance governing the practice of body art.

## **§ 131-2. Definitions.**

For the purpose of the chapter, the following definitions shall be applicable:

### **AFTERCARE**

Written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

### **APPLICANT**

Any person who applies to the Department of Health and Human Services ("HHS") for either a body art establishment permit or practitioner permit.

### **AUTOCLAVE**

An apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

### **AUTOCLAVING**

A process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of 30 minutes at 20 pounds of pressure (PSI) at a temperature of 270° F.

### **BLOODBORNE PATHOGENS STANDARD**

OSHA guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens," as amended.

### **BODY ART**

The practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited.

### **BODY ART ESTABLISHMENT or ESTABLISHMENT**

A location, place, or business that has been granted a permit by HHS, whether public or private, where the practices of body art are performed, whether or not for profit.

### **BODY ART PRACTITIONER or PRACTITIONER**

A specifically identified individual who has been granted a permit by HHS to perform body art in an establishment that has been granted a permit by HHS.

#### BODY PIERCING

Puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

#### BRANDING

Inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

#### CLIENT

A member of the public who requests a body art procedure at a body art establishment.

#### CONTAMINATED WASTE

Waste as defined in 105 CMR 480.000, Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, as amended.

#### DEPARTMENT

The Department of Public Health or its authorized representatives.

#### DIRECTOR

The Director of the City of Springfield Health and Human Services Department.

#### DISINFECTANT

A product registered as a disinfectant by the United States Environmental Protection Agency (EPA).

#### DISINFECTION

The destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

#### EAR PIERCING

The puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions.

## EQUIPMENT

All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

## HAND SINK

A lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

## HEALTH AND HUMAN SERVICES

The Department of Health and Human Services, which has jurisdiction in the City to regulate a body art establishment pursuant to state laws acting as the Board of Health.

## HOT WATER

Water that attains and maintains a temperature of 110° F. to 130° F.

## INSTRUMENTS USED FOR BODY ART

Hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

## INVASIVE

Entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

## JEWELRY

Any ornament inserted into a newly pierced area, which must be made of surgical-implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

## MINOR

Any person under the age of 18 years.

## OPERATOR



Any person who individually, or jointly or severally with others owns or controls an establishment, but is not a body art practitioner.

#### PERMIT

HHS approval in writing to either operate a body art establishment or operate as a body art practitioner within a body art establishment. HHS approval shall be granted solely for the practice of body art pursuant to this chapter. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within the community or political subdivision comprising HHS's jurisdiction.

#### PERSON

An individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

#### PHYSICIAN

An individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to MGL c. 112, § 2.

#### PROCEDURE SURFACE

Any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

#### SANITARY

Clean and free of agents of infection or disease. "Sanitize" means the application of a United States EPA-registered sanitizer on a cleaned surface in accordance with the label instructions.

#### SCARIFICATION

Altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which results in permanently raised wheals or bumps known as "keloids."

#### SHARPS

Any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

#### SHARPS CONTAINER

A puncture-resistant, leakproof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

#### SINGLE-USE ITEMS

Products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

#### STERILIZE

The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

#### TATTOO

The indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

#### TATTOOING

Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

#### ULTRASONIC CLEANING UNIT

A unit approved by the HHS, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high-frequency oscillations transmitted through the contained liquid.

#### UNIVERSAL PRECAUTIONS

A set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR),

June 23, 1989, Vol. 38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8, as amended. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood- and body-fluid-contaminated products.

**§ 131-3. Exemptions.**

- A. Physicians licensed in accordance with MGL c. 112, § 2, who perform body art procedures as part of patient treatment are exempt from this chapter.
- B. Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear piercing system are exempt from this chapter.

**§ 131-4. Restrictions.**

- A. No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.
- B. Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18, provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure.

**§ 131-5. Operation of body art establishments.**

- A. Unless otherwise ordered or approved by HHS, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:
  - 1. The physical plant, walls, floors, ceilings, and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
  - 2. Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.

3. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
4. Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a dividers or partitions at a minimum.
5. The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 footcandles three feet off the floor, except that at least 100 footcandles shall be provided at the level where the body art procedure is being performed and where instruments and sharps are assembled.
6. A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
7. There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
8. At least one covered, foot-operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent-resistant containers and shall be removed from the premises at least weekly.
9. At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of noncontaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.
10. All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
11. The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.

12. The establishment shall have a customer waiting area, exclusive and separate from any work station, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
  13. No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
  14. Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.
- B. Requirements for single-use items, including inks, dyes and pigments.
1. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
  2. All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single-use and disposable.
  3. Hollow-bore needles or needles with a cannula shall not be reused.
  4. All inks, dyes, pigments, solid-core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
  5. Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
- C. Sanitation and sterilization measures and procedures.
1. All nondisposable instruments used for body art, including all reusable solid-core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water (to remove blood and tissue residue), and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
  2. After being cleaned, all nondisposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. All

sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six months.

3. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by HHS. Autoclaves shall be located away from work stations or areas frequented by the public.
  4. Each holder of a permit to operate a body art establishment shall demonstrate by monthly spore destruction tests that the autoclave used is capable of attaining sterilization. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by HHS. These test records shall be retained by the operator for a period of three years and made available to HHS upon request.
  5. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
  6. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
  7. If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
  8. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
  9. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.
- D. Posting requirements. The following shall be prominently displayed:
1. A disclosure statement, a model of which shall be available from the Department. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
  2. The name, address and phone number of HHS that has jurisdiction and the procedure for filing a complaint.

3. An emergency plan, including:
    - a. A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
    - b. A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
    - c. A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
  4. An occupancy and use permit as issued by the local building official.
  5. A current establishment permit.
  6. Each practitioner's permit.
- E. Establishment recordkeeping.
1. The establishment shall maintain the following records in a secure place for a minimum of three years, and such records shall be made available to HHS upon request:
    - a. Establishment information, which shall include:
      1. Establishment name;
      2. Hours of operation;
      3. Owner's name and address;
      4. A complete description of all body art procedures performed;
      5. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
      6. A material safety data sheet, when available, for each ink and dye used by the establishment; and
      7. A copy of this chapter.
    - b. Employee information, which shall include:
      1. Full names and exact duties;
      2. Dates of birth;
      3. Home addresses; and

4. Home/work phone numbers.

c. Client information, which shall include:

1. Name;
2. Date of birth;
3. Address of the client;
4. Date of the procedure;
5. Name of the practitioner who performed the procedure(s);
6. Description of procedure(s) performed and the location on the body;
7. A signed consent form as specified by § 131-6D; and
8. If the client is a person under the age of 18, proof of parental or guardian identification, presence and consent, including a copy of the photographic identification of the parent or guardian.

2. Client information shall be kept confidential at all times.

F. The establishment shall require that all body art practitioners have either completed, or were offered and declined, in writing, the hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to HHS upon request.

**§ 131-6. Practitioner standards of practice.**

Practitioners are required to comply with the following minimum health standards:

- A. A practitioner shall perform all body art procedures in accordance with universal precautions set forth by the United States Centers for Disease Control and Prevention.
- B. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- C. Practitioners who use ear piercing systems must conform to the manufacturer's directions for use, and to applicable United States Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
- D. Health history and client informed consent. Prior to performing a body art procedure on a client, the practitioner shall:
  1. Inform the client, verbally and in writing, that the following health conditions may increase health risks associated with receiving a body art procedure:
    - a. History of diabetes;



- b. History of hemophilia (bleeding);
  - c. History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
  - d. History of allergies or adverse reactions to pigments, dyes or other sensitivities;
  - e. History of epilepsy, seizures, fainting or narcolepsy;
  - f. Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
  - g. Any other conditions such as hepatitis or HIV.
2. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents him/her from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Subsection K.
- E. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash his/her hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- F. In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Subsection E before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.
- G. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that the person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- H. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- I. Preparation and care of a client's skin area must comply with the following:

1. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
  2. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
  3. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- J. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- K. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site.
1. The written instructions shall advise the client:
    - a. On the proper cleansing of the area which received the body art;
    - b. To consult a health care provider for:
      1. Unexpected redness, tenderness or swelling at the site of the body art procedure;
      2. Any rash;
      3. Unexpected drainage at or from the site of the body art procedure; or
      4. A fever within 24 hours of the body art procedure; and
    - c. The address, and phone number of the establishment.
  2. A copy shall be provided to the client.
  3. A model set of aftercare instructions shall be made available by the Department.

- L. Contaminated waste shall be stored, treated and disposed of in accordance with 105 CMR 480.000, Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waster, State Sanitary Code, Chapter VIII, as amended.

**§ 131-7. Injury reports.**

A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to HHS which issued the permit, with a copy to the injured client, within five working days of its occurrence or knowledge thereof. The report shall include:

- A. The name of the affected client.
- B. The name and location of the body art establishment involved.
- C. The nature of the injury, infection complication or disease.
- D. The name and address of the affected client's health care provider, if any.
- E. Any other information considered relevant to the situation.

**§ 131-8. Complaints.**

- A. HHS shall investigate complaints received about an establishment's or practitioner's practices or acts which may violate any provision of this chapter.
- B. If HHS finds that an investigation is not required because the alleged act or practice is not in violation of this chapter, then HHS shall notify the complainant of this finding and the reasons on which it is based.
- C. If HHS finds that an investigation is required, because the alleged act or practice may be in violation of this chapter, HHS shall investigate; and if a finding is made that the act or practice is in violation of this chapter, then HHS shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.
- D. Any citizen who desires to register a complaint under this chapter may request that the Director initiate the enforcement of this chapter.

**§ 131-9. Application for body art establishment permit; fee; transferability of permit.**

- A. No person may operate a body art establishment except with a valid permit from HHS.
- B. Applications for a permit shall be made on forms prescribed by and available from HHS. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.

- C. An establishment permit shall be valid from the date of issuance and shall automatically expire in one year from the date of issuance unless revoked sooner by HHS.
- D. HHS shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
  - 1. Name, address, and telephone number of:
    - a. The body art establishment;
    - b. The operator of the establishment; and
    - c. The body art practitioner(s) working at the establishment;
  - 2. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
  - 3. A signed and dated acknowledgment that the applicant has received, read and understood the requirements of this chapter;
  - 4. A drawing of the floor plan of the proposed establishment to scale for a plan review by HHS, as part of the permit application process; and
  - 5. Such additional information as HHS may reasonably require.
- E. HHS shall set a reasonable fee for such permit. The initial fee for said permit shall be \$125.
- F. A permit for a body art establishment shall not be transferable from one place or person to another.

**§ 131-10. Application for body art practitioner permit.**

- A. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from HHS. HHS shall set a reasonable fee for such permits.
- B. A practitioner shall be a minimum of 18 years of age.
- C. A practitioner permit shall be valid from the date of issuance and shall automatically expire in two years from the date of issuance unless revoked sooner by HHS. The initial fee for said permit shall be \$100.
- D. Application for a practitioner permit shall include:
  - 1. Name;

2. Date of birth;
3. Residence address;
4. Mailing address;
5. Phone number;
6. Place(s) of employment as a practitioner; and
7. Training and/or experience as set out in Subsection E below.

E. Practitioner training and experience.

1. In reviewing an application for a practitioner permit, HHS may consider experience, training and/or certification acquired in other states that regulate body art.
2. Training for all practitioners shall be approved by HHS and, at a minimum, shall include the following:
  - a. Bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and
  - b. First aid and cardiopulmonary resuscitation (CPR). Examples of courses approved by HHS include Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (U.S. OSHA), as amended. Training/Courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to HHS for approval.
3. The applicant for a body piercing practitioner permit shall provide documentation, acceptable to HHS, that she/he completed a course on anatomy, completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to HHS.
4. The applicant for a tattoo practitioner permit shall provide documentation, acceptable to HHS, that she/he completed a course on skin diseases, disorders and conditions, including diabetes, or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to HHS.

- F. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of this chapter.

**§ 131-11. Grounds for denial of permit; revocation of permit; refusal to renew permit.**

- A. HHS may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:
1. Any actions which would indicate that the health or safety of the public would be at risk;
  2. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
  3. Criminal conduct which HHS determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
  4. Any present or past violation of this chapter governing the practice of body art;
  5. Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
  6. Being habitually drunk or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
  7. Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
  8. Continuing to practice while his/her permit is lapsed, suspended; or revoked;
  9. Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in this chapter; and
  10. Other just and sufficient cause which HHS may determine would render the establishment, practitioner or applicant unfit to practice body art.
- B. HHS shall notify an applicant, establishment or practitioner in writing of any violation of this chapter for which HHS intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven days after receipt of such written notice in which to comply with this chapter. HHS may deny, revoke or refuse to renew a permit if the applicant, establishment or practitioner fails to comply after said seven days.
- C. Applicants denied a permit may reapply at any time after denial.

**§ 131-12. Grounds for suspension of permit.**

HHS may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, HHS determines that an establishment and/or a practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Director.

**§ 131-13. Hearing procedures.**

A. Suspension of a permit.

1. After a HHS suspension of a permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq., as amended (Standard Adjudicatory Rules of Practice and Procedure), no later than 21 calendar days after the effective date of the suspension.
2. Upon written request to the HHS, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by HHS.
3. In cases of suspension of a permit, the hearing officer shall determine whether HHS has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The hearing officer shall issue a written decision which contains a summary of the testimony and evidence considered and the reasons for the decision.

B. Denial, revocation, or refusal to renew a permit.

1. If HHS determines that a permit shall be denied, revoked, or not renewed pursuant to this chapter, HHS shall initiate a hearing in accordance with 801 CMR 1.00 et seq., as amended.
2. Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

**§ 131-14. Unauthorized practice of body art.**

HHS shall refer to the appropriate district attorney, attorney general, or other law enforcement official any incidents of unauthorized practice of body art.

**§ 131-15. Enforcement; violations and penalties.**

- A. The provisions of this chapter may be enforced by any police officer, any special police officer designated by the Board of Police Commissioners to do so, employees of the Code Enforcement Department and the Health and Human Services Department. The Housing Court may enjoin violations of this chapter.

B. Violations and penalties.

1. Any person who violates the provisions of this chapter shall be subject to a fine in the amount of \$100 for the first offense, \$200 for a second offense, and \$300 for a third or subsequent offense committed within a twelve-month period.
2. Whenever the Director determines that a body piercing establishment permit holder has committed four violations within any period of 365 days, calculated from the date of the first violation, the Director shall suspend or revoke said permit. The Director shall provide notice to the permit holder of the intent to suspend or revoke said permit, which notice shall contain the reasons therefor and establish a time and date for a hearing before the Director, which date shall be no earlier than seven days after the date of the notice. The permit holder shall have the opportunity to be heard at such hearing and shall be notified of the decision of the Director and the reasons therefor, in writing. The body piercing establishment shall be closed during said suspension or revocation of the permit.
3. As an alternative to initiating criminal proceedings, violations of this chapter may be enforced in a manner provided in § 1-25 of the City Code and MGL c. 40, § 21D, which procedures are incorporated herein by reference; provided, however, that if a violator fails to follow the procedures and requirement of said § 21D, the fine or fines shall be recovered by indictment or a complaint pursuant to MGL c. 40, § 21.

**Chapter 140 - BUILDING CONSTRUCTION**

ARTICLE I	Construction, Sanitary and Safety Codes (§ 140-1 — § 140-8)
ARTICLE II	Standards; Board of Appeals; Building and Fire Districts (§ 140-9 — § 140-13)

Article I. Construction, Sanitary and Safety Codes

**§ 140-1. State Building Code adopted and incorporated by reference; violations and penalties.**

- A. The State Building Code, set forth at 780 CMR 100.00 et seq., including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing public health, safety, and welfare as they are affected by building construction, and in general to secure safety to life and property, a copy of which code shall be kept on file in the City Clerk's office. The State Building Code is hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.
- B. Any person who fails to comply with any order of the Building Inspector shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the



provisions of this section. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

**§ 140-2. State Sanitary Code adopted and incorporated by reference; violations and penalties.**

- A. The State Sanitary Code, set forth at 105 CMR 410 et seq., including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing minimum standards of fitness for human habitation, a copy of which code shall be kept on file in the City Clerk's office. The State Sanitary Code is hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.
- B. Any person who fails to comply with any order of the Code Enforcement Officer shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the provisions of § 153-1. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

**§ 140-3. State standards for food establishments adopted and incorporated by reference; violations and penalties.**

- A. The State Minimum Sanitation Standards for Food Establishments, set forth at 105 CMR 590.00 et seq., including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing sanitation in food establishments, a copy of which code shall be kept on file in the City Clerk's office. The Minimum Standards are hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.
- B. Any person who fails to comply with the provisions of this code shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the provisions of § 153-1. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

**§ 140-4. State Plumbers and Gas Fitters Code adopted and incorporated by reference; violations and penalties.**

- A. The State Plumbers and Gas Fitters Code, set forth at 248 CMR et seq., including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing public health, safety, and welfare as they are affected by all construction, alteration, repairs and maintenance of plumbing and gas fittings, and to secure safety to life and property, a copy of which code shall be kept on file in the City Clerk's office. The State Plumbers and Gas Fitters Code is hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.

- B. Any person who fails to comply with the provisions of the State Plumbers and Gas Fitters Code or an order of the Code Inspector shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the provisions of § 153-1. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

**§ 140-5. State Electrical Code adopted and incorporated by reference; violations and penalties.**

- A. The State Electrical Code, set forth at 527 CMR 12.00 et seq., including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing public health, safety, and welfare as they are affected by wire and electrical installation, repairs, and maintenance, and in general to secure safety to life and property, a copy of which code shall be kept on file in the City Clerk's office. The State Electrical Code is hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.
- B. Any person who fails to comply with the provisions of this code or any order of the Code Inspector shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the provisions of § 153-1. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

**§ 140-6. State Fire Safety Code adopted and incorporated by reference; violations and penalties.**

- A. The State Fire Safety Code, set forth at 527 CMR 1.00 through 50.00 et seq., except for the Electrical Code (527 CMR 12.00) which was adopted separately, including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing minimum requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosion created by the storage, handling or use of substances, materials or devices or from conditions hazardous to life, property and the public welfare, and in general to secure safety to life and property, a copy of which code shall be kept on file in the City Clerk's office. The State Fire Safety Code is hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.
- B. Any person who fails to comply with the provisions of this code or any order of the Fire or Code Inspector shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the provisions of § 153-1. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

**§ 140-7. State Lead Poisoning and Control Code adopted and incorporated by reference; violations and penalties.**

- A. The State Lead Poisoning and Control Code, set forth at 105 CMR 460.00 et seq., including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing minimum requirements and controls to safeguard life, property and public welfare from the hazards of lead poisoning in buildings from conditions hazardous to life, property and the public welfare, and in general to secure safety to life and property, a copy of which code shall be kept on file in the City Clerk's office. The State Lead Poisoning and Control Code is hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.
- B. Any person who fails to comply with the provisions of this code or any order of the Code Inspector shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the provisions of § 153-1. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

**§ 140-8. State standards for swimming pools adopted and incorporated by reference; violations and penalties.**

- A. The State Sanitary Standards for Swimming Pools, set forth at 105 CMR 435.00 et seq., including subsequent modifications, amendments, or deletions, is hereby adopted by the City for the purpose of governing minimum sanitation standards for swimming pools, a copy of which code shall be kept on file in the City Clerk's office. The minimum standards are hereby adopted and incorporated, as fully as if set out at length herein, and provisions thereof shall be controlling within the limits of the City.
- B. Any person who fails to comply with the provisions of this code shall be liable for a criminal fine of not more than \$300, and shall in all other respects be subject to the provisions of § 153-1. Each day or part of a day that the violation continues or exists shall constitute a separate violation.

Article II. Standards; Board of Appeals; Building and Fire Districts

**§ 140-9. 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 laws, ordinances, rules and regulations related 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 MGL c. 143, §§ 8 to 60, inclusive, 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, as amended. (See MGL c. 143, § 3L, as provided by Chapter 617 of the Acts of 1950, as amended.)
  5. These ordinances shall not apply to federal buildings and stations, substations, vaults, and primary supply equipment where such are under the sole control of public utility supply companies.
- 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, as amended, 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 year. For new

work in such an establishment or power plant, Subsection 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 with two 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 10 days after notice from the Department. If the work is found to comply with the requirements of this article, 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, he shall notify the owner, or any person having an interest therein, to remedy all defects within 10 days. If said defects are not remedied with 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.
4. Inspections of wiring installations will not be scheduled or made unless a 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 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.

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 30 days, the service to said building or structure shall be discontinued. If, at the end of the thirty-day 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 panel board shall be permanently marked with the name plate or painted lettering to identify the load which it supplies, and each branch circuit over current device shall be clearly identified with the branch circuit which it supplies.
  7. Only one meter shall be allowed for each legal space as determined by the Department through appropriate codes, regulations and ordinances. Exception: Separate meters for voltage or phase characteristics shall be allowed; except that for this purpose 120/208 volt three-phase, four-wire and 120/230 volt single-phase, three-wire systems shall be considered as the same.
  8. Residential one- and two-family dwellings shall be allowed an owner's meter/service only when all common areas and related common building wiring are supplied by the owner's meter/service at the time of inspection and approval of the owner's meter/service.
  9. Separate residential garage services must receive approval of the Department and inspector of wires.
- E. Damaged buildings.
1. Any wiring, electrical equipment or apparatus subjected to fire, water, heat or smoke damages shall be replaced.
  2. Exception: where an approved testing contractor cleans and tests wiring, electrical equipment or apparatus to three times its normal operating values or wiring, electrical equipment or apparatus meets the manufacturer's original requirements and is certified by the contractor to the Department in writing.

- F. Existing buildings. The Department shall consider to be "new work" any wall, room or space which has been stripped to the structure or which will be recovered with new building materials such as gypsum-board, plaster, wood, etc. (For this purpose, paint and wallpaper are not considered building materials.)

**§ 140-10. Buildings near former or active dump sites.**

An application, specification and plan submitted for a building permit for construction on or within 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 certificate from a competent professional engineer acceptable to the Commissioner to attest that said application and specification conform to safe and acceptable standards as may pertain to the elimination and/or control of any hazardous or unwholesome gaseous vapors.

**§ 140-11. Board of Appeals appointment and membership.**

The present existing structure of the Board of Appeals duly enacted by the City shall remain in effect:

- A. Appointment. The Board of Appeals established under the provisions of Section 2 of Chapter 349 of the Acts of 1910, as amended by Chapter 243 of the Acts of 1945, shall consist of three members to be appointed by the Mayor. One member shall be representative of the building trade unions or a builder; one shall be either a registered architect or registered professional engineer; and one shall be an attorney-at-law. There shall also be six associate members to be appointed by the Mayor. Two associate members shall be representative of the building trade unions or builders; two shall be either registered architects or registered professional engineers; and two shall be attorneys-at-law. When a member is disqualified or absent, an associate member of like qualification to the disqualified or absent member shall serve. All members and associate members shall have had at least five years' experience in their respective vocations.
- B. Term of office. The appointment of members first made under Chapter 12.04 and this article shall be for the term of one, two or three years, respectively, so that the term of one member shall expire each year. All subsequent appointments of members shall be for the term of three years. The appointment of associate members first made under Chapter 12.04 and this article shall be for the term of one, two or three years, respectively, so that the term of one associate member shall expire each year. All subsequent appointments of associate members shall be for the term of three years.

**§ 140-12. Building and fire districts.**

- A. Building district. The entire territory comprised within the City limits as the same now is or may be established is designated as the building district under authority of Chapter 126 of the Acts of 1873.
- B. Fire districts. For the purposes of Chapter 12.04 and this article, there shall be established fire districts or zones which shall be known as the "inner fire district" and "general fire districts."
  - 1. Inner fire district. This district comprises the area within the following boundaries: beginning at the intersection of the center line of Union Street extended with the east bank of the Connecticut River, thence extending northerly along the east bank of said river to the center line of Sergeant Street extended; thence continuing easterly on the center line of Sergeant Street extended and the center line of Sergeant Street to the center line of Main Street; thence continuing easterly on the center line of Carew Street to the center line of Chestnut Street; thence continuing southerly on the center line of Chestnut Street and Maple Street to the center line of Union Street; thence continuing westerly on the center line of Union Street and the center line of Union Street extended to the point of beginning.
  - 2. General fire district. Such districts shall comprise the entire areas of the Business A, Business B, and Business C Districts not included in inner fire district, Commercial A and Residence-Office Districts or zones as the same now are or may be established by the Zoning Ordinance.

**§ 140-13. Projecting marquees and signs.**

- A. Restrictions.
  - 1. A projecting marquee that extends into or over a public way more than 12 inches shall be subject to the regulations provided in § 175-25.
  - 2. A projecting marquee may project beyond the street line within 12 inches of the outside face of the curb, but no part shall be located less than 10 feet nor more than 18 feet above the curb.
- B. Supports and attachment. A projecting marquee shall be assembled and attached to a building or other structure in such a manner so as not to be or become dangerous to property or persons. It shall safely support its own weight plus a superimposed uniformly distributed live load of 30 pounds per square foot in addition to any concentrated loads to which it may be subject.
- C. Protection.



1. A projecting marquee shall not discharge water, snow, or ice into the street.
2. The roof, if glazed, shall be glazed with safely supported wire glass that is not less than 1/4 of an inch in thickness.

D. Permits and bonds.

1. Application.

- a. Except as otherwise provided, a person, firm or corporation shall not place or maintain a sign or marquee that projects into or over a public way more than 12 inches without furnishing and signing a bond and securing a permit as provided in this section. This section, however, shall not apply to a sign or marquee that projects into or over a public way 12 inches or less; nor to pole wires, conduits and appurtenances of railroad, railway, telegraph, water, gas, electric, heat and power companies.
- b. The provisions of this section, except as to safety, shall not be so construed as to compel the alteration or removal of any sign or marquee that was legally erected prior to the passage of the ordinance codified in Chapter 12.04 and this article.

2. Permits.

- a. A permit for the placing and maintaining of such a sign or marquee shall not be issued until the plans for same have been approved by the Commissioner, nor until the applicant for such a permit has filed with the City Treasurer a bond conforming to the provisions of this section.
- b. An application for such a permit shall set forth the purposes for which such a sign or marquee is to be used and the manner in which it will project into or over the public way, and shall describe accurately in writing, and by drawings made to scale, the design and construction of the sign or marquee and the method of its attachment to a building or other structure.

1. Drawings shall be submitted in triplicate and, when approved by the Commissioner, one copy shall be retained by him, one shall be returned to the applicant, and one shall be filed with the City Treasurer.

3. Bonds.

- a. A bond required by provisions of this section for a sign or marquee shall be satisfactory to the City Treasurer, and shall be duly executed by the applicant and a surety company that is qualified to do a surety company business in the Commonwealth of Massachusetts. The bond shall indemnify the City against any and all claims for personal injury or damage to property that in any way results from such a sign or marquee. It is further stipulated that the person, firm or corporation who or which owns such a sign or marquee shall also pay all judgments and damages that result from or arise out of the collision with or falling of such a sign or marquee.
  - b. The sum of the bond, or bonds, for each projecting sign or other advertising device shall be \$5,000 for each 200 square feet or fraction thereof of the combined face areas.
  - c. The sum of the bond for each projecting marquee shall be \$10,000 for one foot up to and including 10 feet in length, plus \$3,000 for each additional 10 feet in length or fraction thereof.
  - d. The clerk of a firm or corporation shall furnish, in addition to the required bond, a copy of the minutes of the meeting or certificate of vote which authorizes the signee to place his signature on the applications and bond.
4. License. The granting of a permit under the provisions of this section shall not relieve the applicant, owner, or agent of procuring from the Director of the Department of Public Works a license to occupy or use a portion of a public way in the City under the provisions of Chapter 369 of the Acts of 1911. A person, firm, or corporation who or which has procured a permit from the Commissioner under the provisions of this section shall not erect a sign or marquee until and unless a license to occupy or use a portion of a public street in the City has been granted by the Director of the Department of Public Works and the fee for such license, as determined by said Director, has been paid.
5. Permit not transferable. A permit which was issued under this section shall not be transferable. If an owner of a projecting sign or marquee transfers ownership of such a sign or marquee to a new owner, the new owner shall, within 10 days, furnish and sign a bond and secure a permit as required in this section. Upon transfer of ownership, the former owner shall at once notify the Commissioner in writing of such transfer, giving the name and address of the new owner and the date of the transfer; and the former owner and his surety shall remain liable after such transfer for maintenance of such sign or marquee until the new owner has obtained a new permit from the Commissioner under this section. The City Treasurer, after such new permit has been granted, shall obtain from the City Solicitor a statement that no claims or suits are pending against the City arising out of the erection or maintenance of such sign or marquee; and, not earlier

than three days after the receipt of such statement, may issue to the former permittee or his surety a statement that liability on the bond which was filed with the applicant for such former permit has ceased on a day subsequent to three days after the filing of the City Solicitor's statement to the City Treasurer.

6. Permit for removal. If a sign or marquee erected or maintained under a permit issued under the provisions of this section is to be removed, a permit to do so must first be obtained from the Commissioner who, after an inspection of the premises and after the completion of such removal, shall notify the City Treasurer in writing that the sign which was erected under the terms of a particular permit has been removed. The City Treasurer, upon receipt of such notice from the Commissioner, shall obtain from the City Solicitor a statement that no claims or suits are pending against the City arising out of the erection, maintenance or removal of such sign or marquee, and may, not earlier than three days after the receipt of such statement, issue to the former permittee or his surety a statement that liability on the bond which was filed with the application for such former permit has ceased on a day subsequent to three days after the filing of the City Solicitor's statement to the City Treasurer.

#### **Chapter 143 - BUILDINGS, NUMBERING OF**

##### **§ 143-1. Assignment of numbers.**

The Director of Public Works shall assign numbers to all buildings on streets in the City in accordance with the provisions of this chapter, and shall keep a suitable record of all such numbering. Such numbers shall run continuously from end to end of the street, with the odd numbers on the southerly and easterly sides, and the even numbers on the northerly and westerly sides of all streets, so far as practicable.

##### **§ 143-2. Renumbering.**

The Director of Public Works shall not have authority to renumber a street unless such renumbering is ordered by the Mayor and City Council, who may order a street renumbered whenever they deem it necessary.

##### **§ 143-3. Duty of owners and occupants.**

The owner and occupant of every building and tenement situated within limits prescribed by the Director of Public Works shall cause to be placed and maintained such numbers as may be assigned thereto, under any of the provisions of this chapter, the size of such numbers or figures to be determined by the Director of Public Works. The numbers shall be so placed as to be easily observed from the street in front of the premises.

##### **§ 143-4. Numbering at expense of owner or occupant.**

If the owner or occupant of any tenement or building fails to number the same in accordance with the provisions of this chapter, it shall be the duty of the Director of Public Works, or his authorized agent, to place the proper number thereon, and the cost thereof may be assessed by the Mayor and Council upon the owner or occupant.

**§ 143-5. Violations and penalties.**

Any owner or occupant of such tenement or building who refuses or neglects to comply with the provisions of this chapter for 30 days after a notice in writing has been delivered to him shall for each and every offense forfeit and pay a penalty as prescribed in § 1-25.

**Chapter 149 - BUSES**

**§ 149-1. License required.**

No person, except as otherwise provided in Massachusetts General Laws Chapter 159A, shall operate any bus upon any public street or way in the City for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by a street railway company, by indiscriminately receiving and discharging passengers along the route on which the bus is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, unless licensed to do so as provided in this chapter.

**§ 149-2. License application.**

- A. Applications for licenses required by § 149-1 shall be made to the Traffic Commission on forms furnished by it and shall set forth the name, place of residence and post office address of the applicant, a brief description of the bus to be operated under the license, and such other information as the Commission may require.
- B. The truth of the allegations in such applications shall be sworn to before an officer authorized to administer oaths.

**§ 149-3. Route to be specified in license.**

Every license issued under this chapter shall specify the route over which a bus may be operated.

**§ 149-4. Change of route or transfer of licensee.**

The Traffic Commission may, with the consent of the licensee, change any such route or transfer any licensee from one route to another.

**§ 149-5. Signature and approval of license.**

Every such license shall be signed by the Secretary of the Traffic Commission and bear the written approval of the Mayor.

**§ 149-6. Obligation to carry passengers.**

No person operating any bus licensed under this chapter shall refuse to carry any person offering himself to be carried as a passenger therein unless such bus is occupied to the limit of its carrying capacity under its license, or unless such person is intoxicated or disorderly.

**§ 149-7. Solicitation of passengers.**

No person operating any bus under this chapter shall solicit passengers by outcry or make any noise for the purpose of soliciting passengers.

**§ 149-8. Standing for business.**

- A. No bus operated under a license issued under this chapter shall be allowed to stand to wait for passengers in any street, square or public place, except on such portions thereof and during such hours as may be designated therefor by the Traffic Commission.
- B. Such Commission may from time to time designate locations in streets, squares and public places where, and the hours during which, such buses may so stand, and may cancel or change such locations or hours as and whenever the public interest seems to it to require such change.

**§ 149-9. Stopping at curb.**

Unless otherwise provided by law or proper regulation, no bus regulated by this chapter shall be stopped to take on or to discharge passengers at any place on any street except at the curb.

**§ 149-10. Interstate or intrastate carriers discharging or receiving passengers.**

No person having charge of any interstate- or intrastate-operated bus carrying passengers for hire shall receive or discharge such passengers at any point upon a public way other than at the curb, except in an area provided for receiving and discharging passengers.

**§ 149-11. Entry by passengers.**

Unless otherwise provided by law or proper regulation, passengers shall not be permitted to enter or leave the bus except from the side nearest the curb.

**§ 149-12. Riding on outer parts of bus.**

No person shall be permitted to sit or ride upon the top, door area or side of any bus regulated by this chapter.

**§ 149-13. Prohibited acts of operators.**

No person operating any bus under a license by virtue of this chapter shall collect fares, make change, or take on or discharge passengers while such bus is in motion, nor shall he have a lighted cigarette, a cigar or pipe in his possession while any passenger is being carried therein, use narcotics, nor drink any intoxicating beverage of any kind, nor be under the influence thereof, while engaged in operating such bus.

**§ 149-14. Lost money or property.**

Any person who finds lost money or goods in any bus of the value of \$3 or more, the owner of which is unknown, shall within two days report the finding thereof to the officer in charge at the police station, or post notice thereof in two public places in the City, or, instead of such report or posting, cause notice thereof to be advertised in a newspaper published therein.

**§ 149-15. Smoking; violations and penalties.**

- A. No person shall smoke or carry a lighted pipe, cigar or cigarette on a bus operated for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to that afforded by a street railway company, except a chartered or private bus or on that part of the bus where smoking is permitted by the company operating the same.
- B. Any person violating any provision of this section shall be punished by a fine of not more than \$5 for each offense.

**§ 149-16. Additional orders and regulations.**

The owners and operators of all buses operated under the provisions of this chapter shall be subject to such further orders and regulations as may from time to time be promulgated by the Traffic Commission.

**§ 149-17. Duties of Traffic Engineer.**

The Traffic Engineer shall have general charge of the enforcement of the provisions of this chapter, including the inspection of buses, 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.

**§ 149-18. Violations and penalties.**

Whoever violates any of the provisions of this chapter, or any rule, order or regulation adopted and published by the Traffic Commission relating to such business shall be punished by a fine of not more than \$100 for the first offense and \$200 for the second offense.

**Chapter 154 - COMMUNITY GARDENS**

**§ 154-1. Purpose and preamble.**

- A. Whereas, access to healthy and affordable food options is a key determinant of public health outcomes across the socioeconomic spectrum;
- B. Whereas, community garden projects provide satisfying labor and can be a source of seasonal employment and leadership development for both adults and youth;
- C. Whereas, community garden projects encourage an urban community's food security and increase healthy, affordable food access, allowing residents to grow their own food and make it available to others;
- D. Whereas, community gardens also build community among diverse groups of neighborhood residents and are a productive and beautifying use of vacant and/or abandoned land;
- E. Whereas, communities with gardens experience less crime and vandalism and an increase in property values;
- F. Whereas, community gardens connect people to the environment and educate community members about sustainable living practices;
- G. Now, therefore, be it resolved that the City of Springfield, Massachusetts (the "City"), passes this Community Garden Ordinance that establishes the rules by which stakeholders must follow.

**§ 154-2. Definitions.**

The terms listed below, as included in this chapter, shall have the following meanings:

**BEDS**

Area of land that has been specifically cultivated for agricultural use; beds may be raised off of the ground level.

**COMMUNITY GARDEN**

Land that is gardened by a group of individuals sharing responsibility for the site either independently or under the auspices of a public or nonprofit organization.

**COMMUNITY GARDENING**

Growing food within cities, towns and even village settings; it is not growing food outside of built human environments.

**CULTIVATED**

Preparing and using (land) for crops or gardening; to break up (soil) in preparation for sowing or planting.

#### ENVIRONMENTALLY CRITICAL AREA

Geologic hazard areas, steep slope areas, flood-prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

#### GARDEN ENTITY

A group of people operating a community garden; or a micro enterprise with the purpose of establishing and maintaining a community garden or residential garden.

#### GARDEN GROUP

See "garden entity."

#### GARDENING ACTIVITY

Any activity associated directly with the cultivation, harvesting, or maintenance of a community or residential garden.

#### MICRO ENTERPRISE

A type of small business, often registered, having five or fewer employees and requiring seed capital of not more than \$35,000.

#### POINT OF CONTACT

Designated contact person for a garden entity.

#### SFPC

The Springfield Food Policy Council; constituted in June 2010 and serves as a diverse group of stakeholders that provide a comprehensive examination and ongoing assessment of the Springfield food system as well as ongoing recommendations for policy and built environment solutions to improve access to fresh, affordable and culturally appropriate food for those who live and work in the City of Springfield.

### **§ 154-3. Community gardening regulations.**

In all zones, community gardens on all public and private lands are subject to compliance with all applicable provisions of the Springfield Zoning Ordinance, and the following provisions:



- A. All gardening activity is allowed from dawn until dusk (provided that activities are not a nuisance to the abutters (i.e., noise violations, etc.) every day of the week.
  - 1. Gardeners are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil.
  - 2. If gardeners test the toxicity of soil, and results show that the soil is clean, raised beds are not required.
  
- B. Signs: One identification sign is permitted.
  - 1. The sign shall provide information for the responsible entity.
  - 2. The sign shall not be illuminated and shall comply with the size regulations of the Springfield Zoning Ordinance.
  
- C. All community gardens on both private and public land will receive guidelines from the SFPC. Garden entities will also be required to submit an application to the City of Springfield Planning Department that addresses any probable impacts, including but not limited to:
  - 1. A proposed site for a community garden.
  - 2. A disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.
  - 3. A point of contact.
  
- D. Additional guidelines for gardens:
  - 1. Water quality and soils. Irrigation runoff cannot adversely affect adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
  - 2. Traffic and parking. Impacts related to the number of staff on site during work hours, and the number of potential visitors regularly associated with the site, cannot adversely affect abutting properties.
  - 3. Visual impacts and screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening must be addressed and not adversely affect abutting properties.

4. Odor. In all zones, at all times, all garden entities shall be responsible for maintaining their respective community gardens in compliance with the Springfield Zoning Ordinance, Article XV, Section 1511.5, relative to nuisance odors.
5. Agricultural chemicals. Impacts related to the use of chemicals, including any fertilizer and pesticide, cannot adversely affect abutting properties.
6. Mechanical equipment. Impacts related to the operation of equipment, including noise, odors, and vibration, cannot adversely affect abutting properties.
7. Structures. The structures for residential gardens (i.e., greenhouses and hoop houses) will comply with state and City regulations and ordinances pertaining to the neighborhood/lot.
8. Insurance. All community gardeners on City-owned land will be required to sign a "hold harmless" clause with the City.

**§ 154-4. Maintenance and upkeep.**

A. Trash removal. If necessary, and if resources are available, the City will provide an initial land clearing for free on City-owned property.

1. Once the garden has been cleared by the City, gardeners are responsible for getting trash moved to a designated area at the garden site for the City to collect.
2. The City will remove bulk items on City-owned property, if resources are available, that get illegally dumped after the initial clearing.
3. Gardeners are responsible for collecting trash from the lot and the adjoining sidewalk and putting it in barrels for trash collection. An annual trash fee will be assessed by the City if municipal trash collection is desired.

B. Appearance.

1. Gardeners must maintain the site and tree belt. This includes cutting of the grass and overgrown vegetation, as well as removal of trash and debris.
2. At the end of the growing season, all garden beds shall be cleared and cultivated, as appropriate.

C. Water.

1. The Springfield Water and Sewer Commission ("SWSC") currently waives sewer disposal fees for accounts that are used for community gardening purposes.
2. If there is an existing water main installed near the lots, the SWSC may install a water service and/or tap for a fee to be paid by the community garden entity. Requests for installing a water service and/or tap must be made within six months of anticipated installation.
3. Unless grant funding is found, community gardeners will be responsible for paying water fees, including the turn-on/turnoff fee and monthly fees even when the water main is not in use.

D. Soil/compost.

1. The City will work with community gardeners to assist with compost delivery. Any community garden that desires compost must call or email and request it from the City. The City will arrange for the delivery of at least one truckload of compost to each garden in the late spring, annually, if requested by the above deadline.
2. If gardeners plan to compost on site, they must take steps to ensure that their respective community gardens are in compliance with the Springfield Zoning Ordinance, Article XV, Section 1511.5, relative to nuisance odors. Any complaints about compost must be validated by the City of Springfield Code Enforcement Department.

**§ 154-5. Identifying and securing City-owned land.**

- A. There will be a designated person on the SFPC Steering Committee who will be responsible for accepting requests about community gardens. That person will work with the appropriate City department liaisons from Housing, Parks and Recreation, and Planning about lots that are available as requests are received.
- B. If the garden entity is looking for available and City-owned land, the SFPC will accept requests for community garden lots between the months of January to May. Lots will be identified with the help of City departments of Housing, Parks and Recreation, and Planning.
- C. Appropriate lots for community gardening can be made available based on the following criteria:
  1. The lot is unlikely to be developed in the foreseeable future.

2. There is a water line on or near the property, and/or the buildings on site have nontoxic roofs so that rainwater catchments are safe to practice.
  3. The lot receives adequate sunlight between April and October.
  4. There is streetlighting nearby.
- D. The SFPC is the liaison between the garden group and the City.
- E. If the community garden is to be located on a publicly owned parcel, the City or Springfield Redevelopment Authority ("SRA") and the gardeners shall sign a license and "hold harmless" agreement. Once the "hold harmless" agreement has been signed and the garden entity successfully maintains the site in compliance with this chapter for one full season, the City or SRA shall elect to offer a five-year license agreement to allow that land to be used as a garden.
- F. In the event that the City has concerns about the condition, operation, location or maintenance of a community garden, the City shall provide written notice to the community garden contact person, who shall have 21 days to provide a written response to the City, addressing the stated concerns. In the event that a written response is not received by the City within the allotted time period set forth above, or the concerns set forth in the City's written notice have not been fully corrected within 30 days of receipt of said notice, the City reserves to the right to immediately withdraw from the land tenure agreement.
- G. The City or SRA reserves the right to withdraw from the land tenure agreement if the following events occur, and shall provide the community garden contact person with a written forty-five-day notice of its intent to withdraw:
1. If the garden entity fails to uphold the terms and conditions identified and set forth in the license agreement; or
  2. If there is significant change in the conditions, neighborhood, marketability, or opportunity for development that occurs which calls for a different use of the land. In this circumstance, the City or the SRA shall work with the gardeners to make best efforts to secure a lot as close as possible to the garden entity by the next growing season.

**§ 154-6. Land use.**

- A. Garden entities are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil, and the sale of such excess produce is authorized by the Springfield Zoning Ordinance.

- B. If garden entities test the toxicity of soil and results show that the soil is clean, raised beds are not required.

**§ 154-7. Safety.**

Liaison with the Police Department:

- A. The SFPC subcommittee will forward to the Police Department a list of community gardens with contact information for each one each spring so the Department knows the land is not abandoned and who to contact in case of emergency.
- B. Police will take notice of garden sites when they drive by.

**§ 154-8. Community outreach.**

- A. In order to make the community aware of the gardens and the partnership with the City, a number of outreach methods will be used.
- B. The SFPC maintains a page on the City website including information about the gardens and a link to a map of the gardens.

**§ 154-9. Sustainability.**

- A. All existing community gardens that are listed and shown on the map created by the SFPC as of August 2011 will be "grandfathered" as an appropriate use of that current lot as of the date of passage of this chapter.
- B. Community support for gardening is growing in our City and as funding becomes available to City departments more resources may be allocated to gardening as appropriate. In the meantime, research and exploration into funding in partnership with the City will be prioritized.

**Chapter 157 - CURFEW**

**§ 157-1. Findings and purpose.**

- 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 18 in the City of Springfield.
- B. Persons under the age of 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 the protection of the general public, and for the reduction of incidents of juvenile criminal activities.
- D. A curfew for those under the age of 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.

**§ 157-2. Definitions.**

For the purpose of this chapter, the following definitions shall be applicable:

**CURFEW HOURS**

Curfew hours shall be from 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and from 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

**EMERGENCY**

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.

**ESTABLISHMENT**

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.

**GUARDIAN**

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.

**MINOR**

Any person under 18 years of age.

**OPERATOR**

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.

#### PARENT

A person who is a natural parent, adoptive parent, or stepparent 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.

#### PUBLIC PLACE

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.

#### REMAIN

To linger or stay or fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

#### SERIOUS BODILY INJURY

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.

#### **§ 157-3. 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.

#### **§ 157-4. Defenses.**

- A. It is a defense to prosecution under § 157-3 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 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 MGL c. 207, § 7.
- B. It is a defense to prosecution under § 157-3C 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.

**§ 157-5. Enforcement.**

Before taking any enforcement action under this chapter, 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 chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § 157-4 is present.

**§ 157-6. Violations and 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 \$300.
- B. Noncriminal disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under § 1-25. This chapter shall be



enforced by the Police Department. The penalty for each violation shall be \$50 for each day or part of a day during which the violation is committed, continued, or permitted.

## **Chapter 165 - DRUGS AND DRUG PRODUCTS**

### **ARTICLE I**

#### **§ 165-1. Prohibited conduct.**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in MGL c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the City; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

#### **§ 165-2. Enforcement.**

This article may be enforced through lawful means in law or in equity by noncriminal disposition pursuant to MGL c. 40, § 21D, by the Springfield Police Commissioner, his/her agents or any police officer.

#### **§ 165-3. Violations and penalties.**

The fine for violation of this article shall be \$300 for each offense. Any penalty imposed under this article shall be in addition to any civil penalty imposed under MGL c. 94C, § 32L.

## **Chapter 172 - EXCAVATIONS**

#### **§ 172-1. Adoption of state standards.**

The City of Springfield hereby adopts the excavation and trench safety regulations promulgated pursuant to 520 CMR 14.00, 14.01 through 14.05, as subsequently amended, regarding trench excavation in any public way, public property, and privately owned land within the City of Springfield.

#### **§ 172-2. Purpose.**

The purpose of this chapter is to establish reasonable trench excavation standards to protect the safety of the citizens of Springfield from hazards inherent in trenches.

#### **§ 172-3. Authority.**

This chapter is authorized by MGL c. 82A, § 1, and 520 CMR 14.00 et seq., as promulgated by the Department of Public Safety in conjunction with the Division of Occupational Safety and as amended from time to time. This chapter shall apply to all

excavation and trench safety only insofar as it does not conflict with any prevailing state or federal statute or regulation applicable to the City.

**§ 172-4. Applicability.**

This chapter shall apply to any excavator, as defined by 520 CMR 14.02, as subsequently amended. ("Excavator." Any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local government body or public agency which performs excavation operations, including the excavation of trenches. 520 CMR 14.02).

**§ 172-5. Permit required; permit granting authority; compliance with state and federal regulations.**

- A. No person shall, except in an emergency, make a trench excavation in any public way, public property, or privately owned land until a permit is obtained from the appropriately designated permitting authority. The City of Springfield hereby designates the Director of the Department of Public Works to issue permits for the excavation of trenches on privately owned land or land owned by the City. See 520 CMR 14.03(2)(b).
- B. When issuing a permit under this section, the permitting authority shall attach a summary of OSHA Regulation 1926 Subpart P, Excavations, and a summary of any regulation promulgated by the Department of Public Safety in conjunction with the Division of Occupational Safety in accordance with MGL c. 82A, including 520 CMR 14.00 et seq.

**§ 172-6. Permits for work on privately owned land.**

In order to assure that this chapter is read in conjunction with and shall not supersede, be construed or be enforced in a manner that contradicts 780 CMR, the Massachusetts State Building Code, no permit applications for a trench excavation on privately owned land shall be approved until reviewed by the Commissioner of Code Enforcement for the City of Springfield.

**§ 172-7. Fees.**

The fee for a permit granted under the provisions of this chapter shall be \$50.

**§ 172-8. Regulatory authority.**

The regulatory authority for this chapter is found in MGL c. 82A, §§ 1 through 5, as amended, and 520 CMR 14.00 et seq., as subsequently amended.

**§ 172-9. Effective date.**

The enforcement of this chapter shall begin on January 1, 2009, in order to provide adequate time for excavators and permitting authorities to train their employees and implement the provisions contained within these regulations.

**Chapter 175 - FEES**

ARTICLE I	Building Permit Fees (§ 175-1 — § 175-19)
ARTICLE II	Storage of Inflammable Liquids (§ 175-20)
ARTICLE III	Lodging Houses (§ 175-21 — § 175-22)
ARTICLE IV	Site Assignment of Nuisance Businesses (§ 175-23 — § 175-29)
175a	Appendix A

**Article I. Building Permit Fees**

**§ 175-1. Payment required for issuance of permits and certificates.**

The permit for the erection, alteration, repair, demolition, or removal of, 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.

**§ 175-2. Special fees.**

The payment of any fee which is required by the above § 175-1 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.

**§ 175-3. New construction and additions to buildings other than one- and two-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 R.S. Means costs (annual edition), including basement or cellar as determined by the following use groups which are classified and defined in the Massachusetts State Building Code:
  - 1. A minimum of \$100 or \$10 per 1,000 per R.S. Means square foot costs (per annual edition):
    - a. Group A, Assembly.
    - b. Group B, Business.
    - c. Group E, Educational.
    - d. Group F, Factory and Industrial.
    - e. Group H, High Hazard.
    - f. Group I, Institutional.
    - g. Group M, Mercantile.

- h. Group R, Residential.
- i. Group S, Storage.
- j. Group U, Utility and Miscellaneous.

- B. The minimum fee for a permit for the use and occupancy listed in this section shall be \$75.
- C. The minimum fee for a permit for a temporary use and occupancy listed in this section shall be \$50.
- D. The minimum fee for roofing commercial buildings shall be \$75 and \$0.05 per square foot.
- E. The minimum fee for multiresidence repairs shall be \$75 and \$0.48 per square foot.

**§ 175-4. Alterations and repairs for other than one- and two-family dwellings.**

- A. 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 minimum of \$60 or \$0.45 per square foot.
- B. For other alterations and repairs which do not involve square footage, such as changing doors, replacing windows, etc., the minimum fee shall be \$60 per floor.

**§ 175-5. Other structures and temporary structures.**

- A. The minimum fee for a building permit for a temporary structure and for a retaining wall is \$75.
- B. The minimum fee for a building permit for a radio antennas and towers is \$250, plus \$10 per \$1,000 of value per R.S. Means square foot costs (per annual edition).
- C. A minimum fee for a building permit for adding an antenna to an existing tower shall be \$500 per antenna.

**§ 175-6. 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.

**§ 175-7. Moving of buildings.**

- A. The fee for a building permit for the relocation of a building to a new location on the same lot shall be \$150.

- B. The fee for a building permit for the relocation of a building to a new location on a different lot shall be \$250.
- C. The fee for a building permit for moving one- and two-car detached garages shall be \$50.
- D. The fee for a building permit for moving a house from one lot to another shall be a demolition fee (old lot) of \$100 ; and an erection fee for a new lot of \$150.

**§ 175-8. Demolition of buildings and structures.**

- A. The fee for a permit for the demolition of a one- to three-family dwelling shall be a minimum of \$150 plus \$0.05 per square foot.
- B. The fee for a building or structure permit other than one- to three-family dwellings shall be \$150 plus \$0.05 per square foot of area or part thereof.

**§ 175-9. One- and two-family dwellings and mobile homes.**

- A. 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 a minimum of \$250 plus \$8 per square foot based upon 1,000 square feet per R.S. Means costs (annual edition).
- B. Fee for reinspection of unsatisfactory work: \$50.

**§ 175-10. Major alterations and repairs to one- and two-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 a minimum of \$50, plus \$0.25 per square foot.

**§ 175-11. Accessory use structures and additions and alterations.**

- A. Permit fees for building structures, additions and alterations to accessory use buildings for one- or two-family dwellings and mobile homes shall be a minimum of \$150, plus \$8 per 1,000 square foot of R.S. Means costs (annual edition).
- B. Detached garages: \$100.
- C. Permit fees for swimming pools:
  - 1. In ground: \$125.
  - 2. Aboveground (with deck): \$100.
  - 3. Aboveground (without deck): \$65.
- D. Demolition, per floor: \$200.

E. Fireplaces (including wood, pellet or coal stoves): \$50.

F. Roofing, siding and decks: \$50.

G. Repairs and alterations: \$50, plus \$0.25.

**§ 175-12. Plumbing and gas piping permits.**

A. Plumbing permit fees for residential occupancies. New, additions and alterations: \$50 per unit, plus \$6 for each fixture.

1. A "unit" shall consist of each living unit or apartment, including but not limited to a single-family (one unit); two-family or duplex (two units); three-family or apartment complex (each is a separate unit).

2. Hotels, motels, lodging houses, dormitories and rooming houses. 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 (e.g., water test and gas test).

1. Permit fee: \$50 (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: \$50 per permit, plus \$6 for each fixture.

2. Minor repairs and alterations: permit fee of \$50 (if no change of fixtures).

D. Nonresidential occupancies.

1. New and additions (or as stated on application as renovations):

a. Plumbing permit: \$100, plus \$6 for each fixture.

b. Gas permit: \$100, plus \$6 for each fixture.

2. Alterations and repairs (as stated on application as replacements):

a. Plumbing permit: \$50, plus \$6 for each fixture.

b. Gas permit: \$50, plus \$6 for each fixture.

3. Alterations and repairs of a minor nature (e.g., water test, and gas test):

- a. Plumbing permit: \$50.
  - b. Gas permit: \$50.
- 4. Large installations of 250,000 BTUs or more: 0.05% of the total BTUs (0.05% x BTU).
- E. Others.
  - 1. Residential hot water tank permits (includes plumbing/gas permits): \$50.
  - 2. Nonresidential hot water tank permits (includes plumbing/gas permits): \$100.
  - 3. Fee for reinspection of unsatisfactory work: \$50.
- F. Buildings owned by the City of Springfield. Any building owned and/or occupied by the City of Springfield shall be exempt from the requirement of this schedule.

**§ 175-13. Electrical wiring fees.**

All fees listed below (Subsections A through L), excluding the cost of service/services (Subsection A), permit fees are not transferable.

A. Electrical services.

- 1. The fee for all electrical service or devices shall be \$0.30 per ampere with a minimum fee of \$30.
- 2. Service panel board charges are as follows:

Size of Service Panel (amperes) Fee

60	\$30
100	\$30
200	\$60
400	\$120
800	\$240

B. Residential, new additions and alterations.

- 1. One-family: \$70 per dwelling unit; after three inspections, \$40 each unit.
- 2. Two-family: \$70 per dwelling unit; after three inspections, \$40 each unit.
- 3. Multifamily: \$70 per dwelling unit; after three inspections, \$40 each unit.
- 4. Garages: \$70 per dwelling unit; after three inspections, \$40 each unit.

C. Miscellaneous residential.

1. Hotels: \$80, plus \$0.10 per square foot.
  2. Motels: \$80, plus \$0.10 per square foot.
  3. Dormitories: \$80, plus \$0.10 per square foot.
  4. Nursing homes: \$80, plus \$0.10 per square foot.
  5. Rooming houses, etc.: \$80, plus \$0.10 per square foot.
- D. Change of use group. Change of use group to residential shall be treated the same as listed in Subsections A, B and C.
- E. Accessory work items (residential).
1. Accessory buildings (e.g., separate garages, temporary trailers): \$50.
  2. Any major appliance (e.g., air conditioner): \$30.
  3. Oil burner or gas burner: \$30.
  4. Aboveground swimming pool: \$40.
  5. In-ground swimming pool: \$60.
  6. Smoke detectors (per detector): \$10.
  7. Pole lights: \$50, plus \$10 per pole.
  8. Wiring of signs: \$50.
  9. Grounding aluminum siding: \$10.
- F. Wiring additions (residential) not involved with construction work and not listed in Subsection E.
1. Minimum fee: \$25, plus \$5 per room.
  2. Residential alarm systems: \$40.
- G. Commercial, new, additions and alterations with building permit:
1. Includes all buildings or structures not listed in Subsections B, C, D and E: \$80, plus \$0.10 per square foot.
  2. The fee for open canopies, open warehouse space and open parking garage space shall be \$80, plus \$0.08 per square foot.
- H. Wiring addition (commercial); no building permit required.
1. Major repairs or additions: \$50.
  2. Lighting retrofits: \$50.
  3. Comfort control systems: \$80.
  4. Communications systems, etc.: \$80.
  5. Fire alarm and security alarm systems:



- a. First floor: \$80.
  - b. Each additional floor: \$30.
- 6. Minor repairs or additions.
  - a. Minor repairs, such as wiring or equipment replacement, etc.: \$50.
- I. Maintenance permits.
  - 1. Any business operation (commercial or industrial) which maintains an electrical maintenance force shall pay a blanket fee of \$500 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 supervisors of electrical maintenance and arrangements shall be made for a wiring inspection semi-annually.
  - 2. Permit reissuance fee: \$40 or original permit fee if less than \$40.
- J. Temporary wiring. Temporary wiring in conjunction with bazaars, outdoor shows, exhibitions, carnivals, etc.: \$70.
- K. Any fee not covered by the above. The Building Commissioner shall determine all fees not covered.
- L. Buildings owned by the City of Springfield. Any building owned and occupied by the City of Springfield shall be exempt from the provisions of this schedule.
- M. Permits issued where no work is commenced within six months of the issuance date will no longer be valid. A new application will have to be taken out.

**§ 175-14. Fire-extinguishing equipment.**

Permit fees for fire equipment shall be as follows:

- A. Sprinkler system.
  - 1. New installations: \$100, plus \$2 for each sprinkler head.
  - 2. Additions, alterations, and repairs: \$50, plus \$2 for each sprinkler head.
- B. Standpipes not connected to sprinkler systems.

1. New installations, each story: \$75.
- C. Additions, alterations and repair, each story: \$50.
- D. Reinspection fee for unsatisfactory work: \$50.

**§ 175-15. Sign permits.**

Permit fees for sign permits shall be as follows:

- A. Nonilluminated wall sign: \$30, plus \$0.25 per square foot.
- B. Illuminated wall sign: \$60, plus \$1 per square foot.
- C. Illuminated double-faced projecting sign: \$60, plus \$1 per square foot.
- D. Illuminated ground sign: \$60, plus \$1 per square foot of total face area of each side.
- E. Illuminated roof sign: \$100 per square foot, plus \$1 per square foot of total face area of each side.
- F. Illuminated directional signal such as exit, entrance: \$50.
- G. Nonilluminated double-faced projecting signs, ground signs, roof signs and direction signs; such as exit, entrance: \$30, plus \$1 per square foot of total face area of each side.
- H. Sign removal.
  1. Unbonded sign: \$25.
  2. Bonded sign: \$40.
- I. Sign alteration: \$25, plus \$1 per square foot of the face area.
- J. Sign repair.
  1. Accessory: \$20.
  2. Nonaccessory: \$40.
- K. Outdoor advertising sign (billboards) reinspections. The fee for outdoor advertising signs as required by MGL c. 93, §§ 29 through 33, shall be \$40.
- L. Outdoor advertising signs (billboards).

1. New: \$50, plus \$1 per square foot of total face area of each side (if applicable).

**§ 175-16. Other permit items.**

- A. The fee for removal of stop-work orders shall be \$150.
- B. The fee for removal of cease-and-desist orders shall be \$150.
- C. No fees paid for the issuance of a permit under this article are returnable.
- D. Any failure to obtain permits before the start of work defined by this article shall cause the applicable fees to be doubled.
- E. 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 \$50.
- F. After-hours inspection fees for any residential or commercial new, addition, repair or alteration permit shall be \$150.
- G. The fees for the certificates of inspection will be 150% of the indicated fees listed in Table 106 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 106.

**§ 175-17. Permit fees not covered.**

Fees which are not specifically covered or defined by this article shall be set as determined by the Code Enforcement/Building Commissioner.

**§ 175-18. Board of Appeals.**

Board of Appeals fees shall be as follows:

- A. The fee for an appeal for a variance from the requirements of the State Building Code shall be \$175.
- B. The fee for an appeal for a variance from the requirements of the Zoning Ordinance for a commercial zone shall be \$500 and for a residential zone shall be \$400.
- C. The fee for an appeal for a variance from the requirements of both the State Building Code and the Zoning Ordinance shall be \$500.

- D. The fee for adding to a Board of Appeals filing for a variance from the requirements of the Zoning Ordinance for a commercial zone or residential zone shall be an additional \$150 from the issuance of a cease-and-desist order.
- E. The fee for a certificate letter of zoning compliance shall be \$50.

**§ 175-19. Accounting.**

The Commissioner shall keep a permanent accurate record of all fees which are covered 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 or premises to which they relate.

Article II. Storage of Inflammable Liquids

**§ 175-20. Crude petroleum, explosive or inflammable liquids.**

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 compound:

Amount

Gallons		Pounds	Fee
1 to 1,000	or	1 to 8,000	\$16.50
1,001 to 5,000	or	8,001 to 40,000	\$27.50
5,001 to 10,000	or	40,001 to 80,000	\$44.00
10,001 to 30,000	or	80,001 to 240,000	\$66.00
30,001 to 50,000	or	240,001 to 400,000	\$88.00
50,001 to 100,000	or	400,001 to 800,000	\$110.00
100,001 to 200,000	or	800,001 to 1,600,000	\$132.00
200,001 to 500,000	or	Over 1,600,000	\$165.00
500,001 to 1,000,000			\$275.00
Over 1,000,000			\$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:

Number of Vehicles	Fee
1 to 4	\$5

5 to 10	\$10
11 to 50	\$22
51 to 100	\$44
101 to 500	\$66
501 to 1,000	\$110
Over 1,000 vehicles	\$220.00

Article III. Lodging Houses

**§ 175-21. License fee.**

The fee to be charged for a license for a lodging house, in pursuance of Chapter 59 of the Acts of 1921, is established at \$25.

**§ 175-22. Payment in advance.**

No such license shall issue until the applicant therefor shall have paid such fee of \$25 to the City Collector.

Article IV. Site Assignment of Nuisance Businesses

**§ 175-23. Purpose; applicability.**

The Springfield Public Health Council hereby establishes a fee structure for site assignments ordered pursuant to MGL c. 111 § 143. All parties submitting applications to the Springfield Public Health Council for site assignment shall comply with this chapter.

**§ 175-24. Application fees.**

- A. General. The application fee is a fee which is paid by an applicant to the Springfield Public Health Council. The Springfield Public Health Council may use the fee for eligible costs of reviewing technical data, obtaining technical assistance and conducting a public hearing. The application fee shall be assessed as two separate fees:
  - 1. Technical fee; and
  - 2. Public hearing fee.
- B. Excess fees. The Springfield Public Health Council shall return to the applicant any of the application fee in excess of the actual expenditures for allowable costs following the completion of the site assignment process.
- C. Alternative systems. The Springfield Public Health Council may establish, in lieu of part or all of these regulations, another system for the assessment and payment of an application fee, provided such system is agreed to by the applicant.

- D. Nothing in this regulation creates or modifies any rights of the Springfield Public Health Council relative to the assessment or collection of fees under applicable statutes, bylaws, or ordinances governing municipal finance.

**§ 175-25. Technical fee.**

- A. General. The technical fee may be used by the Springfield Public Health Council to cover the cost of conducting a review of technical data and/or to cover a portion of the cost of other technical assistance.
- B. Assessment of fee.
  - 1. Assessment. The Springfield Public Health Council, upon the receipt of an application, may assess by a written notice to the applicant a technical fee for said application, not to exceed the maximum amount set forth in Appendix A of these regulations.
  - 2. Form of payment. The Springfield Public Health Council shall prescribe the amount of the fee and the manner of payment in writing to the applicant within 10 days of the filing of the application in accordance with the site assignment order.
  - 3. Payment. The applicant shall pay the technical fee in the amount and manner prescribed by the Springfield Public Health Council.
  - 4. Waiver. The Springfield Public Health Council may waive all or a portion of the technical fee. Any such waiver shall be made in writing to the applicant.
  - 5. Absence of assessment or waiver. In the absence of an assessment or waiver of the technical fee by the Springfield Public Health Council in accordance with Subsection B(1), (2) or (4) of this section, of these regulations, the applicant may satisfy the technical fee payment requirements by making a payment in the form of a certified or bank check or money order, in an amount equal to the maximum technical fee for the appropriate facility as specified in the Appendix A of these regulations.
- C. Technical review.
  - 1. General. The technical fee may be expended for 100% of the allowable cost of reviewing technical data submitted to the Springfield Public Health Council.
  - 2. Allowable costs. Allowable costs for technical review include the cost of hiring consultants and related technical experts to assist the Springfield Public Health Council in reviewing the application, any Massachusetts Department of Environmental Protection reports on the permitting of the facility, the Department of Public Health's

report and comments, public comments and any subsequent amendments or additions to the application.

3. Allowable tasks. Allowable tasks for the consultants and related technical experts include:

- a. Determining the completeness and accuracy of data in the application;
- b. Determining whether the correct analytical techniques were used, whether valid data were obtained, and whether the data support the proposed conclusions;
- c. Determining what other data should be obtained, the means to obtain it and its potential significance;
- d. Examining municipal, state, and other relevant records and consulting with municipal and/or state staff;
- e. Visiting the site to make a visual inspection;
- f. Preparing and submitting comments to the Springfield Public Health Council on technical issues relating to the site and the site suitability criteria;
- g. Reviewing any Massachusetts Department of Environmental Protection reports on the permitting of the facility and other data submitted prior to and during the hearing; and
- h. Preparing a written report of comments and determinations.

4. Excluded costs. Allowable costs for technical review shall not include the cost of conducting site, environmental or population sampling and analyses, otherwise generating new data, or performing independent analyses of environmental health impacts. These costs may qualify as allowable costs for technical assistance in accordance with Subsection D(2) of this section.

D. Technical assistance.

- 1. General. The technical fee may cover the cost of providing expert legal, scientific or engineering assistance to the Springfield Public Health Council to assure that all points of view are adequately presented and evaluated at the public hearing.

2. Allowable costs. Allowable costs for technical assistance include the cost of hiring consultants, technical experts or legal counsel. Allowable types of technical assistance include:

a. Legal counsel to represent the Springfield Public Health Council in preparation for and at the hearing and to examine witnesses at the hearing and in preparation of a decision for its consideration;

b. Scientific and/or engineering experts to assist the Council in preparation for a hearing, including but not limited to developing evidence, questioning witnesses and/or testifying at the hearing, and advising the Council on technical issues; and

c. Photographic or graphic expertise.

E. Extraordinary expenses.

1. Assessment. After commencement of the public hearing, pursuant to the requirements of an order for site assignment, the Springfield Public Health Council may assess, in writing, an additional technical fee payment when the following conditions are satisfied:

a. The evidence proposed to be obtained by the expenditure of the fee is likely to be critical to the determination of site suitability; and

b. The applicant has failed to provide such evidence upon request by the hearing officer; and

c. The evidence cannot be acquired without the expenditure by the Springfield Public Health Council of funds in excess of the technical fee; and

d. The evidence did not exist or was not reasonably discoverable through due diligence by the Springfield Public Health Council prior to the request; or

e. The evidence is based on new scientific or technical standards or criteria which were previously unavailable.

2. Payment or appeal. The applicant, upon receipt of the written request, may:

a. Within three days appeal to the hearing officer for a determination as to the appropriateness and reasonableness of the fee assessment; or



b. Make the appropriate payment as prescribed by the Springfield Public Health Council within 10 days.

3. Hearing officer's decision on appeals.

a. Standard of decision. The hearing officer shall determine that an extraordinary expense request is reasonable only if she or he finds that the conditions in Subsection E(1) of this section are satisfied.

b. Decision by the hearing officer. The hearing officer shall issue a written determination to the applicant and the Springfield Public Health Council. When the hearing officer determines the assessment is reasonable, the applicant shall make the appropriate payment as directed by the Springfield Public Health Council within six days. When the hearing officer determines the assessment is not reasonable the applicant shall not be required to make the payment.

4. Nonpayment. The Springfield Public Health Council may withhold final disposition of the site assignment application until the applicant submits the payment or issue a determination based on the available information.

**§ 175-26. Public hearing fee.**

A. General. The Springfield Public Health Council may use the public hearing fee to cover the cost of conducting a public hearing that meets the requirements of the order for site assignment.

B. Assessment and payment of the public hearing fee. The Springfield Public Health Council, upon a vote of the Springfield Public Health Council to conduct a hearing, may assess a public hearing fee.

1. Initial public hearing fee assessment.

a. Assessment. The Springfield Public Health Council shall prescribe to the applicant in writing the amount and manner of payment of the initial public hearing fee assessment.

b. Payment. The applicant shall pay the initial public hearing fee assessment as prescribed by the Springfield Public Health Council within 15 days of receipt of the written request from the board.

2. Additional public hearing fee assessments.

a. General. In the event that the initial public hearing fee assessment is insufficient to cover the allowable costs described in (3)(d) of these regulations, the Springfield Public Health Council may require additional public hearing fee payments.

b. Assessment. The Springfield Public Health Council shall prescribe to the applicant, in writing, the amount and manner of payment of the additional public hearing fee assessment.

c. Payment. The applicant shall pay the additional assessment within six days of receipt of the written request from the Springfield Public Health Council.

3. Fee waiver. The Springfield Public Health Council may waive all or a portion of the public hearing fee.

C. Nonpayment of fees.

1. Suspension of hearings. In the event that any fee assessment is not paid as required, the Springfield Public Health Council may suspend the public hearing or, in the case of the initial payment, delay the opening of the public hearing.

2. Resumption of hearings. Any hearing delayed or suspended because of nonpayment of fees shall be commenced or resumed within seven days of receipt of payment or resolution of a fee dispute in accordance with § 175-29 of this article.

3. Exception. When the applicant is the municipality itself or an agency thereof, the public hearing shall not be delayed or suspended because of nonpayment of any public hearing fee assessment.

**§ 175-27. Expenditure of application fee.**

A. General. All expenditures of the application fee shall be reasonable. The amount paid for any service shall not exceed the usual and customary amount for such service.

B. Recordkeeping. The Springfield Public Health Council shall make and retain or require all persons paid from the application fee to make and retain written records which set forth:

1. A description of each of the services performed and work products developed; and
2. The amount expended for each such service or work product.

- C. Production of records. The Springfield Public Health Council, upon written request from the applicant or the hearing officer, shall provide or cause its contractor to provide, within a reasonable time, not to exceed 14 days, a copy of said records.
- D. Cessation of expenditures. The Springfield Public Health Council shall not spend any additional amount of the application fee and shall make reasonable efforts to halt all work on any activities that would be covered by the application fee, when the Springfield Public Health Council receives either:
  - 1. A DEP report on suitability that finds a site not suitable; or
  - 2. A notice from the applicant withdrawing the application from consideration.

**§ 175-28. Reimbursement of unexpended fees.**

- A. Request for reimbursement. After a final decision on the application or upon the withdrawal of an application, the applicant may submit a written request to the Springfield Public Health Council to provide a final accounting of all funds expended or owed from the application fee and to return all unexpended and uncommitted funds. For the purpose of these regulations, a final decision shall be either:
  - 1. The DEP report on suitability finding a site to be not suitable; or
  - 2. A determination by the Springfield Public Health Council to assign a site or to refuse to assign a site after a public hearing.
- B. Accounting. The Springfield Public Health Council shall provide a full accounting of all expenditures within 45 days of receipt of the request.
- C. Reimbursement. The Springfield Public Health Council shall return the unencumbered funds within a reasonable time period.

**§ 175-29. Fee disputes.**

- A. The Springfield Public Health Council shall expend and, if applicable, reimburse to the applicant all fees in accordance with the requirements of the site assignment order.
- B. Any claims by the applicant against the Springfield Public Health Council for improper disposition of fees shall be adjudicated in a court of competent jurisdiction or, if mutually agreed upon by the parties, by arbitration or mediation.

**Chapter 178 - FIRE PREVENTION**

**§ 178-1. Bureau of Fire Prevention.**

- A. Establishment; composition; appointment of members.

1. A Bureau of Fire Prevention is established in the Fire Department of the City.
2. Such Bureau shall consist of the Fire Prevention Supervisor, one Assistant Fire Prevention Supervisor and such number of inspectors as the Board of Fire Commissioners deems proper, all of whom shall be appointed by the Board of Fire Commissioners from members of the Fire Department in conformity with Massachusetts General Laws Chapter 31, if required, and who shall be under the supervision and direction of the Chief of the Fire Department.

B. Duties.

1. It shall be the duty of the Bureau of Fire Prevention to aid the Chief of the Fire Department to enforce the observance of the laws of the Commonwealth and the ordinances of the City in connection with the following matters, when directed by the Chief:
  - a. The prevention of fires.
  - b. The storage and use of explosives.
  - c. The installation and maintenance of fire-extinguishing equipment.
  - d. The investigation of the cause, origin and circumstances of fires by which property has been destroyed or damaged.
2. It shall be the duty of the Bureau of Fire Prevention to assist the Chief in the performance of the duties required of him by the statutes of the commonwealth in the matter of fire prevention.

**§ 178-2. Inspection of buildings.**

So far as authorized by law, the Chief of the Fire Department, the Fire Prevention Supervisor, Assistant Fire Prevention Supervisor and inspectors shall inspect, as often as may be necessary, any building or part thereof or any premises or part thereof that is or may become dangerous to the public safety as a fire menace.

**§ 178-3. Buildings containing waste and combustible materials; order to correct dangerous conditions.**

- A. If the Chief of the Fire Department or any member of the Bureau of Fire Prevention finds, on inspection of premises, buildings or structures, any rubbish, debris, waste or inflammable or combustible materials, and that the same are not so arranged or disposed of as to afford reasonable safeguard against the dangers of fire, or if they find that the articles, materials, goods, wares and merchandise on or in such premises, buildings or structures are so arranged and disposed of that the occupants thereof or persons rightfully on or in the same

would not, because of such arrangement and disposition, be afforded reasonable access to the exits of such premises, buildings or structures in case of fire, or if they find that by reason of such arrangement or disposition the members of the Fire Department would unnecessarily and unreasonably be interfered with in the exercise of their duties in and about such premises, buildings or structures in case of fire in the same, they may order in writing the removal of such rubbish, debris, waste or inflammable or combustible materials from such premises, buildings or structures, or the disposing and arranging of the same on or in such premises, buildings or structures in such manner as will remove such danger from fire.

- B. They may also order in writing that such articles, materials, goods, wares or merchandise be so arranged and disposed of on or in such premises, buildings or structures that the occupants thereof, or the persons rightfully on or in the same, shall be afforded all reasonable access to the exits from the same in case of fire, and the members of the Fire Department will be afforded all reasonable facilities for the discharge of their duties in and about such premises, buildings or structures in case of fire.

**§ 178-4. Gasoline stations.**

- A. Customer pumping generally prohibited. No owner and/or operator of any gasoline filling station shall allow the pumping of gasoline, from the pumps to the gas tank, for retail sale by any person other than an authorized attendant employee or owner of said filling station except as permitted by this section. It shall be the responsibility of the attendant or owner to control all sources of ignition and immediately handle accidental gas spills and fire extinguishers, if needed within said filling station.
- B. License requirement for all self-service stations. No building or other structure located in the City shall be used as a self-service gas station unless the City has granted a license to use the land on which such building or other structure is or is to be situated for a self-service gas station.
- C. Procedure for granting self-service gasoline station licenses. The procedure for granting a self-service gasoline station license shall be as provided in MGL c. 148, § 13, and in this section. The City Clerk, upon receipt of an application for a self-service gas station license, shall notify the Chief of the Fire Department, the Building Commissioner, the Planning Director and the Director of Public Works, each of whom shall review the application in light of the concerns of their department and file a written report to the City Council within three weeks of the City Clerk's notification to them or within such other time as the City Council may permit, which shall in no event be later than one week prior to the public hearing. After receipt of the reports and after the notice outlined in MGL c. 148, § 13, has been given, the City Council shall hold a public hearing on the license application. Thereafter, the City Council may, by majority vote, grant the license applied for. The City Council shall act on the

license application within 90 days of the date on which such license application is filed with the City Clerk. Failure of the City Council to take final action granting a license application within the ninety-day period shall be deemed a denial of the license applied for.

- D. Guidelines for considering self-service gasoline station license applications. The City Council may consider any or all of the guidelines listed below (depending on the appropriateness of their application to each particular set of facts) to assist it in arriving at its decision to grant or deny a self-service gas station license:
1. Whether the site for the license sought is to be used exclusively for self-service operation in the dispensing of gasoline, or would include full-service or attendant-dispensing of gasoline as well (i.e. so called "split island" operation), and if so whether the applicant has adequately provided for proper supervision of the self-service island when attendants are otherwise occupied at the full-service island.
  2. Whether the site for the license is to be used solely for the sale of gasoline and allied motor vehicle products and services (other than the dispensing by vending machines of cigarettes, soda and the like), or is to be used in conjunction with the sale of merchandise not related to motor vehicles, such as groceries, dairy items, paper products or household items, newspapers or magazines; if the site is also to be used for the sale of merchandise not related to motor vehicles, then regard shall be had to whether the applicant had adequately provided for supervision of customer dispensing of gasoline when attendants are otherwise occupied with the sale of merchandise not related to motor vehicles.
  3. Capability of console operators to handle emergency situations and regulate traffic within the station.
  4. Whether the site for the license sought is to have available running water and at least one portable approved fire extinguisher and a compressed air dispenser for the convenience of the public.
  5. Whether the self-service operator for which the license is sought is to include the sale (and/or storage) of propane gas.
  6. Whether the approval of the license would contribute to a concentration of hazardous conditions within the immediate vicinity; consideration may be given to response time for emergency vehicles, accessibility of entrances and exits and existing traffic congestion or conditions, narrowness of streets, number of business activities handling gasoline or other hazardous or inflammable materials in the immediate area.

7. Convenience of location to a large segment of the public, traffic conditions, size of street, noise, adjacent residential areas, general effect of such facility on the neighborhood.
  8. Any or all other factors appropriate and relevant under the aforesaid guidelines in arriving at its decision.
- E. Conditions and restrictions on self-service gasoline station licenses. The Council, pursuant to its authority under MGL c. 148, § 13, may prescribe reasonable conditions and restrictions in the granting of any such license, including a condition that the license be exercised to such extent and within such period as may be fixed by the Council. Licenses granted shall be subject to any such restrictions or conditions prescribed.
  - F. Exemption for certain self-service gasoline stations. This section shall not apply to any gasoline filling station which was operating as a self-service gasoline station on or before May 30, 1979.
  - G. Loss of self-service gasoline station status. Any self-service gasoline station either operating under Subsection F of this section or licensed under Subsection B of this section which ceases to operate as such for one year shall be subject to Subsection A of this section as to any future operations at that place of business for the purpose of operating a gasoline filling station.
  - H. Application of section. The provisions of this section shall apply to all conversions from full service gasoline stations to self-service or "split island" gasoline service stations. This section shall apply to all new and existing gasoline service stations except those exempted under Subsection F of this section. The license requirement of this section shall not relieve the applicant of the duty to comply with any and all other laws, ordinances, rules and regulations, licenses and permits, applicable to gasoline service stations.

**§ 178-5. Installation and repair of fire protection appliances.**

If the Chief of the Fire Department, or any member of the Bureau of Fire Prevention, finds that the appliances on or in any premises, buildings or structures for protection against fire are not in proper condition, or of insufficient size or number, or are otherwise insufficient for the purpose for which the same are designed and intended, or if he finds that such appliances are reasonably necessary for the protection of such premises, buildings or structures and are wholly wanting, the Chief of the Fire Department shall order, in case of such improper condition or insufficiency, that the same be placed in proper condition and rendered reasonably sufficient to afford reasonable protection against fire, and in the case of absence of such appliances where he may find that they are reasonably necessary for protection against fire, he shall order the installation of appliances sufficient to afford such reasonable protection in case of fire to such

premises, buildings or structures and to the occupants thereof or persons rightfully on or in the same.

**§ 178-6. Executing orders issued under §§ 178-4 and 178-5.**

If any owner, lessee or occupant of any such premises fails or refuses to obey any order given under the provisions of §§ 178-4 and 178-5, the Chief or either of the Deputy Chiefs may execute or cause to be executed such order at the expense of such owner, lessee or occupant.

**§ 178-7. Reports of inspections.**

- A. The Fire Prevention Supervisor and all inspectors of the Bureau of Fire Prevention shall report to the Chief of the Fire Department, in writing, the results of their inspections.
- B. These reports shall be filed in the office of the Chief for the period of time that a particular building remains standing and, as far as an occupant of a building is concerned, for the period of the occupancy.

**§ 178-8. Authority to issue orders.**

The Fire Prevention Supervisor and all members of the Bureau of Fire Prevention are empowered and authorized to make such orders in respect to the conditions found by them on inspection as are authorized to be made by the Chief of the Fire Department by §§ 178-4 and 178-5.

**§ 178-9. Appeals.**

Should any owner, lessee or occupant of any premises, buildings or structures or the owner or person in control of any materials, goods, wares or merchandise consider himself aggrieved by such order of the Fire Prevention Supervisor or any supervisor of the Bureau of Fire Prevention, he may, within 24 hours after such order has been served on him, appeal to the Chief of the Fire Department, who shall thereupon make such order in the premises as in his discretion he may deem right and reasonable, and such order shall be final.

**§ 178-10. Penalty for failure to discharge duties or noncompliance with §§ 178-4 through 178-9.**

Any owner, lessee or occupant of any buildings, premises or structures referred to in §§ 178-4 through 178-9 or any owner or person in control of such articles, materials, goods and merchandise as are referred to in such sections, who fails or neglects to discharge any of the duties imposed by such sections, and the orders of the Chief of the Fire Department, Fire Prevention Supervisor or any member of the Bureau of Fire Prevention, on conviction thereof, shall be subject to a penalty as provided in § 1-25.

**§ 178-11. Direction of orders issued under §§ 178-4 through 178-9; duties of owners.**



The orders mentioned in §§ 178-4 through 178-9 shall be directed to the owner, lessee or occupant of such premises, buildings or structures, or to the owner or person in control of the article, materials, goods, wares or merchandise referred to in such sections, as the circumstances may require, and it is the duty of such owner, lessee or occupant of such premises, buildings or structures, and of such person in control of such articles, materials, goods, wares and merchandise, or the owner thereof, to comply with such orders with all reasonable dispatch and diligence.

**§ 178-12. Limitations on fuel-burning portable space heaters.**

- A. No person shall keep, store, sell or cause to be sold or shall use, cause or allow to be used in any building any fuel-burning portable space heater. A "portable space heater" is a space heater which, when installed in a building, is not firmly affixed in place by a rigid pipe connection or otherwise and is not permanently connected to a chimney, stack or flue as described in Chapter 11, Springfield Building Code, revised November 1956.
- B. Subsection A of this section shall not apply to approved salamanders used by the building trades in buildings under alteration or construction.
  - 1. An "approved salamander" is defined as one that has been approved by the Underwriters' Laboratories or the Factory Mutual Laboratories.
  - 2. An "alteration" is defined as a change in or addition to a building which changes the internal or external shape of the building.
- C. No person shall use, cause or allow to be used in any building a portable fuel-burning space heater unless such heater is firmly affixed in place and permanently connected to a chimney, stack or flue.

**§ 178-13. Limitations on fireworks or pyrotechnics.**

- A. No person shall be engaged in the business of using, displaying or exhibiting fireworks or pyrotechnics special-effect devices or explosive compositions or materials or any combination of the same, or any article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation in any indoor building or structure in the City as such terms are defined in 527 CMR 2.00. No person shall be exempted from the provisions of this section; however, any person may apply for an exemption and if granted shall comply with the provisions of the following subsections of this section.
- B. Every person shall have, during the entire time of any display or exhibit of fireworks or pyrotechnics special-effect devices or explosive compositions or materials or any combination of the same, or any article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, at least two fire fighters on duty, at

least two water-based fire extinguishers, a licensed special effects operator (a pyrotechnic operator) and a permit from the Springfield Fire Department.

- C. Pyrotechnic devices and materials used indoors shall be specifically manufactured and marked for indoor use by the manufacture. There shall be no pyrotechnic devices or materials in any indoor building or structure with a ceiling less than 25 feet level above the floor. There shall be no pyrotechnic devices or materials in any indoor building or structure that has glowing or flaming particles within 20 feet of the audience.
- D. Before the performance of any production, the permittee shall submit to the Fire Department a plan for the use of the pyrotechnic. The plan for the use of pyrotechnics shall be made in writing or such other form as is approved by the Fire Department.
  - 1. The plan shall provide the following:
    - a. Name of the person, group, or organization sponsoring the production.
    - b. Date and time of the production.
    - c. Exact location of the production.
    - d. Name of the person actually in charge of firing the pyrotechnics (i.e., the pyrotechnic operator).
    - e. Number, names and ages of all assistants who are to be present.
    - f. Qualifications of the pyrotechnic operator.
    - g. Pyrotechnic experience of the operator.
    - h. Confirmation of any applicable state or federal licenses held by the operator or assistant(s).
    - i. Evidence of the permittee's insurance carrier or financial responsibility.
    - j. Number and types of pyrotechnic devices and materials to be used, the operator's experience with those devices and effects, and a definition of the general responsibilities of the assistants.
    - k. Diagram of the grounds or facilities where the production is to be held. This diagram shall show the point at which the pyrotechnic devices are to be fired, the fallout radius for each pyrotechnic device used in the performance, and the lines behind which the audience shall be restrained.
    - l. Point of on-site assembly of pyrotechnic devices or materials.
    - m. Manner and place of storage of the pyrotechnic devices or materials.
    - n. Material safety data sheets (MSDS) for the pyrotechnic devices or materials to be used.
    - o. Certification that the set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy.
    - p. Certification that all materials worn by performers in the fallout area of pyrotechnic effects shall be inherently flame-retardant or have been treated to achieve flame retardancy.

2. All plans shall be submitted as soon as possible so that the Fire Department has time to be present and to notify other interested parties. In no event shall such advance notice be less than 15 days prior to the performance;
  3. A representative demonstration of the pyrotechnic devices or materials shall be approved by the Fire Department before a permit is approved. The Fire Department shall be permitted to waive this requirement based on past history, prior knowledge, and other factors, provided the Fire Department is confident that the discharge of the pyrotechnic devices or materials can be conducted safely.
  4. All exit locations shall be announced to the patrons prior to the start of the performance.
  5. The permittee shall pay to the Fire Department an inspection fee in accordance with the Fire Department's fee schedule, as may be amended.
- E. The Fire Department may set such other rules and regulations as it deems necessary in accordance with fire prevention codes and regulations for the safety of the citizens of the City.

**§ 178-14. Smoke detectors.**

- A. Inspection; certificate of inspection; fees.
1. The Fire Department may, upon request in writing by an owner or occupant of any building or structure occupied in whole or in part for residential purposes and not regulated by MGL c. 148, § 26A, 26B or 26C, and upon payment of the fees stated below, inspect said property to determine compliance with MGL c. 148, § 26F, and issue a certificate stating the date of such inspection and the compliance status of the premises on such date.
  2. The fee for such inspection shall be \$10.
  3. If additional inspections are necessary, there will be a fee of \$5 for each additional inspection and certificate.
  4. All fees shall be solely for the purposes of defraying the actual cost of such inspections and issuance of such certificates.
- B. Ordering installation in certain buildings.

1. Definitions. As used in this section, the following terms shall have the meanings indicated:

#### ALARM AUDIBILITY

All alarm-sounding devices shall have a minimum rating of 85 dBa (adjusted decibels) at 10 feet or three meters.

#### APARTMENT HOUSE

A building containing six or more dwelling units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, condominium or by another name.

#### APPROVED DETECTOR

A device which is automatically activated by visible products of combustion or abnormally high temperature or rate of rise in temperature and initiates an audible alarm that can be effectively heard above the maximum noise level obtained under normal conditions of occupancy and is approved by the head of the Fire Department.

#### DWELLING UNIT

A single unit consisting of one or more rooms and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

#### HEAD OF THE FIRE DEPARTMENT

The Chief of the City Fire Department or his designee.

2. Installation requirement.
  - i. Every apartment house, building or structure containing three or more dwelling units and which is not otherwise regulated by MGL c. 148, §§ 26A and 26B, shall, within one year of the effective date of this section, be equipped with an approved smoke or heat detector in each dwelling unit, each common area or hallway, each story of the structure, basement area, and rear and/or front porches as specified by the head of the Fire Department. The responsibilities of the Fire Department under this section shall be to enforce the provisions contained in this section, test installed detector systems and issue certificates of compliance.

- ii. 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 MGL c. 148, § 26A or 26B, shall, within 90 days of the effective date of 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.
3. Areas of installation. The owner of the apartment house, dwelling, building or structure required to be equipped with detectors under this section shall install detectors in all areas as specified by the head of the Fire Department.
4. Submission of plans to Fire Department head; system testing.
  - i. Prior to the installation of any detectors required by this section, the owner of the building shall submit plans and specifications of the proposed installation to the head of the Fire Department for his approval.
  - ii. Upon completion of the installation, the owner shall notify the head of the Fire Department and arrange for a test of the system to be made in the presence of the head of the Fire Department or his designee. Upon completion of a successful testing of the system, the head of the Fire Department shall issue a certificate of compliance to the owner of the building. Such certificate of compliance shall also be accepted as compliance with the provisions of MGL c. 148, § 26F. A fee of \$10 for an initial testing of the system shall be charged by the head of the Fire Department whether or not a certificate of compliance is then issued. If additional inspections are necessary, there may be a fee of \$5 for each additional inspection and certificate.
5. Authority to inspect. The head of the Fire Department or his designee shall have authority to make an inspection and test of the detector system at any reasonable hour,

except that testing of detectors within dwelling units shall not be done without the consent of the occupant.

6. Heat detector provision for certain stairways. Apartment houses containing open rear stairways shall be provided with a heat detector on the first-floor rear porch or stairway and on the top-floor rear porch or stairway. Such detectors shall be interconnected or connected to an alarm or gong so that the activation of either detector will cause an audible alarm which can be heard in all dwelling units accessible from these rear stairways or porches.
7. The penalty for violation of this section shall be a fine of up to \$200 for each day on which a building remains in violation. Whoever, without authority, removes, tampers or meddles with or interferes in any other way by breaking, cutting, injuring or defacing a smoke detector installed pursuant to this section shall be punished by a fine of not more than \$200.

**§ 178-15. Fire lanes.**

- A. The City Council, upon recommendation of the Fire Chief and Traffic Commission, shall designate fire lanes within the limits of any private way, parking area or driveway for the access of fire apparatus or other emergency vehicles onto commercial property and hospitals.
- B. There shall be a "No Parking-Fire Lane" area for not less than 30 feet perpendicular to the curbline of said private way, parking area or driveway, of which eight feet from the curbline shall be painted with diagonal lines including the words "Fire Lane-No Parking." The color and size of these pavement markings shall be approved by the Traffic Commission.
- C. Upon recommendation of the Fire Chief and the Traffic Commission, a waiver may be granted and a fire lane may be established which is not less 22 feet in width. Such waiver shall be granted by the City Council only if the failure to do so would constitute a hardship for the owner of the private way, parking area or driveway and only upon certification by the Fire Chief and the Traffic Commission that such waiver does not interfere with or defeat the purpose of this section, which is to provide adequate access for Fire Department equipment to such premises.
- D. The owner of record of any area designated as a fire lane shall provide and install signs that shall read "No Parking-Fire Lane-Violators will be fined \$15 and will have their vehicles towed at their expense." The size, color, design and wording of said sign will be first approved by the Traffic Commission.

- E. It is unlawful to obstruct or block any area designed as a fire lane with a vehicle or by any other means. The registered owner of any vehicle parked, attended or unattended within the limits designated as a fire lane shall be punished by a fine not to exceed \$15 for each offense.

**§ 178-16. Automobile junkyards.**

Every automobile wrecking yard, junkyard or salvage yard must drain and purge the fuel tanks of motor vehicles received in the course of business within 24 hours after delivery of the vehicles to the yard. No person shall drain any flammable liquid from the fuel tank of any vehicle except into an approved safety can, and such liquid may be either stored in such can or transferred to an approved underground tank or into fuel tanks on operable vehicles.

**§ 178-17. 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, and therefore 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 to:
  - 1. Assume all costs involved in the installation of the key box;
  - 2. Ensure that all key boxes are keyed to the Fire Department's standard emergency key;
  - 3. Keeping said key box in good repair; and
  - 4. Ensure that all keys contained therein are those currently in use in the structure or area.
- C. Contents.
  - 1. Such key boxes shall contain the following:
    - i. Keys to locked points of egress, whether on the interior or exterior of such building or area.
    - ii. Keys for the fire alarm panel and room.
    - iii. Keys to lock mechanical equipment rooms, if any are required.
    - iv. Keys to lock electrical rooms, if any are required.
    - v. Keys to elevator controls and fire-fighter switch, if any are required.

- vi. Keys to other areas as directed by officials of the City's Fire Department, if any are required.
  - vii. Keys to any area with hazardous conditions or materials, if any are required.
  - viii. A current list of employees to be called in case of an emergency.
2. The Fire Department must be notified of any change in the list of emergency employees or keys within 24 hours.
- D. This section shall not apply to structures used exclusively as one-, two-, or three-family dwellings.

## **Chapter 182 - FORECLOSURES**

### **Article I. Mediation of Foreclosures of Owner-Occupied Residential Properties**

#### **§ 182-1. Purpose.**

Unsecured and unmaintained vacant properties and foreclosing properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods and, as such, constitute a public nuisance. This article is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

#### **§ 182-2. Definitions.**

For the purposes of this article, the following words shall, unless the context clearly requires otherwise, have the following meanings:

##### **CREDITOR**

A person or entity that holds or controls, partially, wholly, indirectly, directly, or in a nominee capacity, a mortgage loan securing a residential property, including, without limitation, a mortgagee, an originator, holder, investor, assignee, successor, trust, trustee, nominee holder, mortgage electronic registration system or mortgage servicer, including the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation. "Creditor" shall also include any servant, employee or agent of a creditor.

##### **GOOD FAITH EFFORT**

An effort by each party upon being present or taking part in the mediation conference as required and defined by this article in an effort to negotiate and agree upon a commercially reasonable alternative to foreclosure as described in MGL c. 244, § 35A(c).



## HOMEOWNER

An individual mortgagor, his or her assignee, successor, or a trust or trustee who owns and resides in residential real property located in the City, and for whom such residential real property is his/her principal residence.

## LOAN/MORTGAGE MEDIATION CONFERENCE

The formal discussion and negotiation undertaken by the parties in a good faith effort to negotiate and agree upon a commercially reasonable alternative to avoid foreclosure and held at a location mutually convenient to the parties. Both the homeowner/mortgagor and lender/mortgagee must be physically present for the mediation conference unless telephone participation is mutually agreed upon.

## MEDIATION PROGRAM MANAGER

A neutral not-for-profit organization with offices located in the City of Springfield and experienced in the mediation of the residential foreclosure process, familiar with all programs available to help homeowners avoid foreclosure, and knowledgeable of the mortgage foreclosure laws of the commonwealth. The mediation program manager shall sign a user agreement with the City authorizing the receipt and use of personal and financial information for the purposes of the mediation program only. Such mediation program manager shall ensure the security and confidentiality of any and all information received or exchanged under the program consistent with applicable federal, state, and City laws. Access to such program information shall be limited to those officers and employees of the organization who require the information to properly perform services under the City's mediation program, and that the organization and its officers and employees may not access, modify, use or disseminate such information for inconsistent or unauthorized purposes.

## MEDIATION PROGRAM or PROGRAM

The foreclosure mediation program established in the City of Springfield pursuant to this article and described in § 182-5.

## MEDIATOR

An individual:

- A. Whose training complies with the qualifications standards for neutrals specified in the guidelines for training mediators adopted by the

Supreme Judicial Court of Massachusetts pursuant to Rule 8 of the Uniform Rules for Dispute Resolution; and

- B. Who has completed training on foreclosure mediation; and
- C. Who has a working knowledge of all federal, state, and City programs available to help homeowners retain their homes.

#### MORTGAGEE

An entity to whom property is mortgaged, the mortgage creditor or lender, including, but not limited to, service companies, agents, lenders in a mortgage agreement, and any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

#### MORTGAGE LOAN

A loan to a natural person made primarily for personal, family or household purposes secured wholly or partially by a mortgage on residential property.

#### MORTGAGE SERVICER

An entity which administers or at any point administered the mortgage; provided, however, that such administration shall include, but not be limited to, calculating principal and interest, collecting payments from the mortgagor, acting as escrow agent or foreclosing in the event of a default.

#### MORTGAGOR

The holder of a mortgage loan that is secured wholly or partially by a mortgage on residential property.

#### RESIDENTIAL PROPERTY

Real property that is owner-occupied as an owner's principal residence, located within the City, that is either a single-family dwelling or a structure containing not more than four residential units, and shall also include a residential condominium unit or a residential co-op unit occupied by an owner as an owner's principal residence.

#### PARTIES

The homeowner/mortgagor and the creditor/mortgagee or their assigns or successors.

#### PROPERTY

See "residential property" as defined in this section.

**§ 182-3. Mediation certificate required.**

Notwithstanding any general or special law to the contrary, all mortgage foreclosures in the City of Springfield pertaining to residential property which is owner-occupied as the owner's principal residence shall be required to go through a City-approved mediation program as set out in this article, and obtain a certificate verifying the mortgagee's good faith participation in foreclosure mediation.

**§ 182-4. Establishment of mediation program.**

The City of Springfield is hereby empowered to establish a mediation program relative to mortgage foreclosures in accordance with this article and promulgate regulations as necessary and appropriate to implementing such a mediation program involving mortgagees, creditors, mortgagors, homeowners, utilizing City-approved mediation program managers and mediators to mediate between the mortgagee, or its assigns, and a mortgagor/homeowner who owns residential real property in the City which is occupied by the mortgagor as his or her principal residence. Such mediation shall be facilitated by a City-approved mediation program manager according to procedures established by this article. Said mediation program may only relate to the mediation of mortgage foreclosures of residential real property in the City of Springfield that is the mortgagor's principal residence.

**§ 182-5. Scope of mediation program.**

- A. The City shall establish a mediation program to provide mediation for all foreclosures of mortgages on owner-occupied residential property with no more than four units that is the primary residence of the owner-occupant. The program shall address all issues of foreclosure where applicable, including but not limited to reinstatement of the mortgage, modification of the loan and restructuring of the mortgage debt, including the reduction and forgiveness of mortgage debt. The parties are required to make a good faith effort in mediation as defined in this article. Mediations conducted pursuant to the program shall use the calculations, assumptions and forms that are established by:
1. The Federal Deposit Insurance Corporation and published in the Federal Deposit Insurance Corporations Loan Modification Program Guide available on the Federal Deposit Insurance Corporation's publicly accessible website;
  2. The Home Affordable Modification Program;
  3. Any modification program that a lender uses which is based on accepted principles and the safety and soundness of the institution and recognized by the National Credit Union Administration, the Division of Banks or any other instrumentality of the commonwealth;

4. The Federal Housing Agency; or
  5. Similar federal programs.
- B. The City shall provide for a means of evaluating and selecting qualified mediation program managers. The City shall also provide for a means of assessing and evaluating annually the City's mediation program, including reports and data related to:
1. The number of mortgagors who are notified of mediation;
  2. The number of mortgagors who attend mediation and who receive counseling or assistance;
  3. The number of certificates of completion issued under the program; and
  4. The results of the mediation process, including the number of loans restructured, number of principal write-downs, interest rate reductions and, to the extent such information is available, the number of mortgagors who default on mortgages within a year after restructuring.
- C. The City may terminate a mediation program manager's participation in the mediation program for good cause, as determined by the appropriate City official. In such case, the mediation program manager shall deliver to the City all records and information in its possession for appropriate preservation and storage.

**§ 182-6. Confidentiality in mediation.**

Except for financial information otherwise permitted by law to be disclosed, any financial statement or information provided to the City or its approved independent counseling agencies or provided to the mortgagee or mortgagor during the course of mediation in accordance with this article is confidential and shall not be available for public inspection. Any financial statement or information to reasonably facilitate the mediation shall be made available as necessary to the mediator and to the attorneys or representatives, if any, of the parties to the mediation. Any financial statement or information designated as confidential under this section shall be kept separate and apart from other papers and matters not the subject of the mediation. No mortgagee shall be required to disclose information in violation of MGL c. 93H, and 201 CMR 17.

**§ 182-7. Notice.**

Within ten 10 days of serving notice upon the mortgagor pursuant to Massachusetts General Laws chapter 244 section 35A(g), the mortgagee or creditor shall provide the City with a

copy of said notice. The receipt of said notice shall constitute the beginning of the mediation process as set forth in this article, and at that time the City shall notify the creditor/mortgagee and the mortgagor of their rights and responsibilities under this article regarding mediation. It is the intent and purpose of this article that mediation commence within 45 days of the mortgagor receiving notice of his or her right to cure as provided in MGL c. 244, § 35A(g) and (h). The City shall refer the matter for mediation to an approved mediation program manager, which shall have the responsibility of assigning a mediator and scheduling the parties to immediately commence mediation pursuant to this article. The parties shall participate in good faith in such mediation consistent with the creditor's and mortgagor's rights and obligations set forth in MGL c. 244, § 35A, and the mediation shall proceed with the parties' good faith effort to negotiate and agree upon a commercially reasonable alternative to foreclosure as defined in MGL c. 244, § 35A(c). The mediation shall continue without delay until completion, but shall in no way constitute an extension of the foreclosure process, nor an extension of the right to cure period. Notwithstanding the limitation in the previous sentence, the mediation may be extended by mutual agreement for good cause.

**§ 182-8. Administration of mediation program.**

The mediation program established by this article shall include, and be limited to, the following steps:

- A. The parties shall participate in a mandatory loan/mortgage mediation conference at a location mutually convenient to the parties. All parties and/or their respective representatives present at said mediation conference must have authority to enter into any agreements renegotiating the mortgage that is the subject of the foreclosure, or to otherwise resolve the pending foreclosure. Telephone participation by the creditor/mortgagee shall not be permitted unless mutually agreed to by all parties.
- B. Said mediation conference shall be scheduled at a time and place to be determined by the mediation program manager, but not later than 45 days following the mortgagor's receipt of his or her notice of right to cure. The parties will be noticed under the mediation program by certified and first class mail.
- C. Prior to the scheduled mediation conference, the mortgagor shall be assigned a City-approved loan counselor. If the mortgagor is already working with a City-approved loan counselor, no assignment is necessary. However, such loan counselor must agree to work with the mortgagor during the mediation process in accordance with the provisions of this article.
- D. The mortgagor shall cooperate in all respects with the mediation program manager, providing all necessary financial and employment information. The mortgagor shall complete any and all loan resolution proposals and applications as appropriate. The mortgagor must provide evidence of current income. The mortgagee's representative shall

bring and make available the mortgage, note, all assignments, as well as a detailed accounting of the outstanding balance, costs and fees.

- E. If, after two attempts by the mediation program manager to contact the mortgagor, the mortgagor fails to respond to the mediation program manager's request to appear for the mediation conference, or the mortgagor fails to cooperate in any respect with the requirements outlined in this article, the requirements of this article will be deemed to be satisfied upon verification by the City-approved mediation program manager that the required notice was sent; and if so, a certificate shall be issued immediately by the mediation program manager certifying that the creditor/mortgagee has satisfied the mediation requirements of this article.
- F. If it is determined, after a good faith effort made by the creditor/mortgagee at the mediation conference with the mortgagor, that the parties cannot come to an agreement to renegotiate the terms of the loan in an effort to avoid foreclosure, such good faith effort on behalf of the creditor/mortgagee shall be deemed to satisfy the requirements of this article. A certificate certifying such good faith effort pursuant to this article shall be issued immediately and without delay by the mediation program manager authorizing the creditor/mortgagee to proceed with its rights under Chapter 244 of the General Laws.

**§ 182-9. Mediation registration fee.**

The City of Springfield is hereby authorized to enact and from time to time revise by ordinance a reasonable and appropriate mediation registration fee to be charged to the parties for the services attendant to administering the mediation program established under this article. A mortgagor's portion of the fee shall not exceed 15% of the total cost of the mediation. A mortgagor's inability to pay for mediation shall not be a bar to participation in the mediation program.

**§ 182-10. Violations and penalties.**

- A. A mortgagee's failure to comply with any section of this article shall result in a fine of \$300 owed to the City of Springfield, for each instance of a violation, to be charged to the mortgagee in accordance with MGL c. 40, § 21.
- B. Every calendar day of noncompliance with the sections of this article shall constitute a separate violation subject to the penalties described under this section, up until the end of the right-to-cure period.
- C. Said fine or fines under this section shall be recovered by indictment or complaint pursuant to MGL c. 40, § 21.

D. No fines pursuant to this article shall be charged to the borrower either directly or indirectly.

### **Chapter 184 - FORTUNETELLERS**

#### **§ 184-1. License required.**

No person shall practice phrenology, fortunetelling, character reading, mind reading or any business pertaining to the prediction of the future without a license therefor from the Board of Police Commissioners.

#### **§ 184-2. Qualifications of licensee.**

The Board of Police Commissioners shall have authority to grant such licenses, provided the applicant has first been fingerprinted by the City Police Department and the applicant is a person of good repute for morals and integrity.

#### **§ 184-3. Duration of license.**

The license shall bear the date of the day on which it is issued and, unless sooner revoked by the Board, shall continue in force for one year from such date.

#### **§ 184-4. Record of name and place of business.**

No licenses shall be issued for the purpose of the practice of phrenology, fortunetelling, character reading, mind reading or any business pertaining to the prediction of the future until there has been recorded with the Board of Police Commissioners the name and place of business of the applicant.

#### **§ 184-5. Fee.**

Each person licensed under this chapter shall pay a fee of \$25.

#### **§ 184-6. Revocation of license.**

Any license granted under this chapter, or any ordinance amendatory or additional thereto, may be revoked for cause by the Board of Police Commissioners.

#### **§ 184-7. Exhibiting license.**

Any person who fails, neglects or refuses to exhibit his license when the same is demanded of him by a commissioner or police officer or a health inspector shall be subject to the penalty as set forth in § 1-25.

### **Chapter 190 - GANG ACTIVITY**

#### **§ 190-1. Findings and purpose.**

- A. The City Council of the City of Springfield finds and decrees that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age or disability, to be secure and protected from fear, intimidation and physical harm caused by the activities of violent groups and individuals. It is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The City Council hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances and to participate in the electoral process.
  
- B. The City Council of the City of Springfield finds, however, that neighborhoods, schools, businesses and residential areas within the City are being intimidated and victimized by street gangs. The City Council finds that there are now several hundred street gangs operating in the Commonwealth of Massachusetts, and that their intimidation and criminal activity is most widespread in urban areas, including the City of Springfield.
  
- C. Street gang activity presents a clear and present danger to public order and safety and is not constitutionally protected. No society is or should be required to endure such activities without redress. Accordingly, it is the intent of the City Council, by enacting this chapter, to prohibit street-gang-related activity.

**§ 190-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**GRAFFITI**

As defined in § 201-5, as amended, 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.

**STREET GANG, GANG, ORGANIZED GANG or CRIMINAL GANG**

Any combination, confederation, alliance, network, conspiracy, understanding or other similar conjoining in law or in fact of three or more persons with an established hierarchy that through its membership or through the agency of any member engages in a course or pattern of activity in violation of the criminal statutes of the Commonwealth of Massachusetts or the ordinances of the City of Springfield. For purposes of this chapter, it shall not be necessary to show



that a conspiracy, combination or conjoining of persons possesses, acknowledges or is known by any known name, insignia, flag, means of recognition, secret, signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualifications, initiation rights, geographical or territorial situs or boundary or location or other unifying mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence in law or in fact can be demonstrated by a preponderance of the competent evidence.

#### STREET GANG MEMBER or GANG MEMBER

Any person who actually and in fact belongs to a gang and any person who knowingly acts in the capacity of an agent for or accessory to or is legally accountable for or voluntarily associates himself with a course or pattern of gang-related activity in violation of the criminal statutes of the Commonwealth of Massachusetts or the ordinances of the City of Springfield, whether in a preparatory, executory or cover-up phase of any activity, or who knowingly performs or aids or abets such activity.

#### STREET-GANG-RELATED ACTIVITY or GANG-RELATED ACTIVITY

Any activity in violation of the criminal statutes of the Commonwealth of Massachusetts or the ordinances of the City of Springfield to further the goals and objectives of any gang by any person or persons with the intent to:

- A. Increase the gang's size, membership, prestige, dominance or control in any geographical area of the City of Springfield; or
- B. Provide the gang with any advantage in or any control or dominance over any criminal market sector, including, but not limited to, the manufacture, delivery or sale of controlled substances or cannabis; arson or arson-for-hire; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity or pornography; or that involves robbery, burglary or theft; or the delivery or sale of any dangerous or deadly weapon; or
- C. Exact revenge, retribution or intimidation for the gang or any member of the gang by means of intentionally or knowingly and without legal justification causing or threatening bodily harm to an individual or making or threatening physical contact of an insulting or provoking nature with an individual; or

- D. Obstruct justice or intimidate or eliminate any witness against the gang or any member of the gang; or
- E. Otherwise directly or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence or membership; or
- F. Influence the reputation of the gang or its members by the placement of graffiti upon any public or private curbstone, flagstone, brick, sidewalk or any part of any sidewalk or any street or upon any tree, lamp post, telephone pole, utility box, utility pole, stanchion, postal mail receptacle, newspaper box, fire hydrant, fence, door, wall, window, garage or enclosure, vehicle, bridge, pier or upon any other public or private structure or building; or
- G. Further the goals and objectives of the gang by knowingly using, displaying or wearing known gang colors, emblems or their gang insignia or to make any act, utterance, gesture or display with the intent to communicate membership with, affiliation with, association with, support of, or identification with any known street gang.

**§ 190-3. Prohibited conduct.**

No street gang member or gang member shall engage in any street-gang-related or gang-related conduct within the City of Springfield.

**§ 190-4. Violations and penalties.**

A conviction under § 190-3 above shall be a misdemeanor.

- A. Any person convicted of a violation of § 190-3 above shall be fined \$100 for the first offense, \$200 for the second offense and \$300 for third and subsequent offenses.
- B. Each day that a violation continues shall be considered a separate offense.
- C. Any person convicted of a violation of § 190-3 above shall make restitution for any damages to public or private property and for injuries or damages to any person or individual caused by the street-gang-related or gang-related activity.

**§ 190-5. Disclosure of true name.**

In accordance with MGL c. 268, § 34A, all persons shall provide their true name to a law enforcement officer following an arrest.

**§ 190-6. Conflicts with state law.**

No section, paragraph or provision of this chapter shall be construed to conflict with any state law, including MGL c. 265, § 44, as amended, "Coercion of [a] child under 18 into criminal conspiracy; penalties," which provides: "Whoever commits an assault and battery on a child under the age of 18 for the purpose of causing or coercing such child to join or participate in a criminal conspiracy in violation of section seven of chapter 274, including but not limited to a criminal street gang or other organization of three or more persons which has a common name, identifying sign or symbol and whose members individually or collectively engage in criminal activity, shall, for the first offense, be punished by imprisonment in the state prison for not less than three nor more than five years or by imprisonment in the house of correction for not more than 2 1/2 years; and for a second or subsequent offense by imprisonment in the state prison for not less than five nor more than 10 years." Should it be determined that there is a conflict between this chapter and any state law, such state law shall control.

**Chapter 201 - GRAFFITI**

ARTICLE I	Sale of Spray Paint and Indelible Markers (§ 201-1 — § 201-3)
ARTICLE II	Vandalism and Graffiti (§ 201-4 — § 201-13)

**Article I. Sale of Spray Paint and Indelible Markers**

**§ 201-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**INDELIBLE MARKER**

Any felt-tip marker, china marker or similar device that is not water soluble and which has a flat or angled writing surface 1/2 inch or greater.

**MINOR**

Any person under the age of 18 years.

**PERSON**

Any retail establishment.

**§ 201-2. Prohibited conduct.**

- A. No person shall sell or offer for sale, transfer or offer to transfer any spray paint container or indelible marker unless such spray paint container or indelible marker is held for sale or transfer in an enclosed device which is constructed to prevent removal of the merchandise except by authorized attendants or is stored, out of sight, in such a way as to prevent free access to the merchandise by the public.

- B. No person shall sell or otherwise transfer any spray paint container or indelible marker to a minor, unless the minor is accompanied by his or her parent or legal guardian at the time of the purchase or transfer.
- C. No minor shall, at the time of purchase of items specified in Subsection B of this subsection, knowingly furnish fraudulent evidence of maturity, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or any document issued by a federal, state, county or municipal government.

**§ 201-3. Violations and penalties.**

Any person who violates the provisions of this article shall be subject to a fine or penalty of not less than \$50 nor more than \$300 for each offense.

Article II. Vandalism and Graffiti

**§ 201-4. Purpose and intent.**

- A. The City Council of the City of Springfield has determined that there has been an increase in vandalism in the City of Springfield. This article has been enacted through the efforts of an ad hoc subcommittee consisting of members of the Springfield School Committee and the City Council. In fiscal year 2007, it has been estimated that the City will expend \$800,000 in vandalism and graffiti repair.
- B. Vandalism and graffiti are public nuisances which interfere with the rights and values of property owners and the entire community. This article is intended to provide enforcement tools to protect public and private property from acts of vandalism and graffiti; to establish a plan to remove graffiti; to seek reimbursement of all vandalism and graffiti repair costs incurred by the City; and to impose penalties upon violators. Unless action is taken, other properties within the City become targets of vandalism and graffiti. As a result, entire neighborhoods can become less desirable places in which to reside, attend school, work, and visit, all to the detriment of the City. The City Council does not intend for this article to conflict with any existing vandalism and anti-graffiti state laws or as amended.

**§ 201-5. Definitions.**

For the purpose of this article, 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:

AEROSOL PAINT CONTAINER

Any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

#### BROAD-TIPPED MARKER

Any felt-tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than 1/4 of an inch, containing ink or other pigmented liquid that is not water soluble.

#### ETCHING EQUIPMENT

Any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

#### GRAFFITI

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. As used herein, graffiti is considered a form of vandalism.

#### GRAFFITI IMPLEMENT

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.

#### PAINT STICK or GRAFFITI STICK

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.

#### PERSON

Any individual, association, private corporation, personal trustee, assignee, or any other legal entity, partnership, cooperative representative, receiver, trustee, assignee, or any other legal entity.

#### PROPERTY

Any property, real or personal, located within the City of Springfield or any City-owned property, real or personal, regardless of whether such property is located within the City of Springfield.

#### VANDALISM

To intentionally, willfully and maliciously or wantonly paint, mark, scratch, etch or otherwise mark, injure, mar, deface or destroy the real or personal property of another. (See MGL c. 266, §§ 126A and 127.) As used herein graffiti is considered a form of vandalism.

**§ 201-6. Prohibited acts.**

It shall be unlawful for any person to commit acts of vandalism or graffiti to property.

**§ 201-7. 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 of \$300." Such sign(s) shall be at least 48 square inches and shall be posted in public view in the store at a height of not less than four feet or greater than nine 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 of \$300."

**§ 201-8. Graffiti as nuisance; duties of owners and occupants.**

- A. The existence of graffiti on public or private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this article.

- 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.

**§ 201-9. Removal of graffiti by violator; removal on historical properties.**

- A. Any person applying graffiti shall be responsible for the removal thereof or for the payment of the costs of removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this article. Where graffiti is applied by an unemancipated minor, the parents with legal custody or the legal guardian shall also be responsible for such removal or for the payment for the costs of 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 by the Springfield Historical Commission in accordance with its rules and regulations.

**§ 201-10. Removal of graffiti by property owner or City.**

If graffiti is not removed by the violator according to this article, 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 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 a 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 10 days after the receipt of the notice and that if the owner does not abate the graffiti within that time the City will declare the property to be a public nuisance, subject to the abatement procedures in § 201-11;
  - 4. An information sheet identifying any graffiti removal assistance programs available through the City and private graffiti removal contractors; and
  - 5. An extension of time to remove graffiti may be granted by the City.
- B. Right of City to remove.

1. Use of trust funds. Whenever the City becomes aware of 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/her 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 article, 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 the Housing Court for right of entry upon the property and to recover 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 30 days, pursuant to the authority created by Massachusetts General Laws Chapter 139 (Common Nuisances Statute), the portion thereof that remains unpaid shall constitute a lien on the property that was the subject of the eradication effort. The City 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.

**§ 201-11. Utilities and encroachments.**

- 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 regular maintenance scheduled if said schedule is within one year of this article.
- B. Condition encroachment permits. All encroachment permits issued by the City shall, among such other things, be conditioned on:



1. The permittee's application to the encroaching object of an anti-graffiti material 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 objects containing graffiti.

**§ 201-12. Trust fund.**

The City Council hereby creates the "City of Springfield Anti-Vandalism and Graffiti Trust Fund." Penalties assessed against violators of this article 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 this article and such other public purposes as may be approved by an order of the City Council. This provision is not intended to conflict with the statutory authority of the Springfield Financial Control Board created under Chapter 169 of the Acts of 2004 and the provisions thereunder.

**§ 201-13. Indemnification; enforcement; liability; violations and penalties; collection of payments.**

- A. Indemnification. Any person who commits an act of vandalism, including graffiti, in violation of this article shall be responsible to indemnify the property owner for all damages and costs incurred as direct result of such vandalism or graffiti.
- B. Noncriminal disposition. Any person who commits an act of vandalism, including graffiti, in violation of this article shall be punished by a fine of \$300. All such fines shall be payable to the City of Springfield. The Police Department and the Code Enforcement Department shall enforce the provisions of this article.
- C. Liability of parents and legal guardians. In the case of an unemancipated minor, parents with legal custody ("parent") or a legal guardian shall be jointly and severally liable with the minor for payment of damages and costs to the property owner and fines to the City. This provision is not intended to conflict with MGL c. 231, § 85G (Parents Liability for Willful Act of Minor Children).

- D. Failure to pay indemnification or penalties. If the violator of this article, or if the violator is an unemancipated minor the parent or legal guardian, fails to make payment to the City, the City is authorized to commence a civil action against such violator or parent or legal guardian seeking payment of the fine(s), indemnification for damage to City-owned property, and administrative costs. If necessary, the City may seek a lien against the personal and/or real property of the violator or parent or legal guardian to secure payment of the fine, restitution, and administrative costs.
- E. Springfield public school students. If at the time of the vandalism occurrence the violator is a student with the Springfield public schools, he or she may be subject to the Springfield public schools' Code of Student Conduct, as amended, which is hereby incorporated by reference.
- F. 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 restitution. It is acknowledged that upon an application and finding of indigence, the court may decline to order fines against the minor, parents or guardian.
- G. 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 article 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 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.
- H. 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 violator shall perform at least 30 hours of community service.
  2. At least one parent or guardian of the minor shall be in attendance a minimum of 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 violator to a type of community service that is reasonably expected to have the most rehabilitative effect on the violator, including community service that involves the performance of vandalism repair or 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 vandalism repair or graffiti removal service of not less than 15 hours or more than 80 hours.
- I. Civil responsibility for 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 article 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 article, provided that such liability shall not exceed \$1,500.
  - J. Collection of indemnification payments, fines and costs for damage to City property. The Director of Parks and Buildings or his/her designee shall calculate the damages, costs and fines, and he or she shall send itemized demand letters to the responsible party and/or to the appropriate district attorney's office handling the criminal restitution claim. The responsible party shall receive no less than two itemized demand letters. The first itemized demand letter shall require full payment of all damages, costs and fines within 30 days. The second demand letter shall require immediate payment. If full payment has not been received after the demand letters have been sent by the Director of Parks and Buildings or his or her designee, the collection matter shall be referred to the City Solicitor of the Springfield Law Department. The City Solicitor or his or her designee shall make all reasonable and practical efforts to collect all outstanding damages, costs and fines. From time to time, the City Council may request updates on collection efforts from the Director of Parks and Buildings and/or the Law Department.

## **Chapter 208 - HAZARDOUS MATERIALS**

### **Article I. Notification of Release**

#### **§ 208-1. Notification required.**

Each person or facility in the City of Springfield engaged in the business of manufacturing, storage, disposal, selling, or the use of chemical, biological, or radioactive

materials which are 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 15 minutes, except for those reports required under § 208-4 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 or from the premises into the air, ground or water. This report shall also satisfy the notification requirements to the Springfield Local Emergency Planning Committee.

**§ 208-2. Release posing immediate threat or risk to life.**

In the event of immediate threat or risk-to-life releases or spills that may pose an immediate threat or risk to life, the property of the surrounding area or the 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:

- A. The caller shall indicate that a release or threatened release has occurred;
- B. Location/address of the spill or release;
- C. Caller's name and job title, telephone number, company name;
- D. Chemical name or identification (UN number, if known) of any substance(s) involved in the spill or release;
- E. Description of known injuries;
- F. Any specified instructions (e.g., wind direction, entry approach, personal protection gear requirements, etc.);
- G. If available, estimate of the quantity of the substance spilled or released into the environment;
- H. Medium or media into which the spill or release occurred (e.g., air, ground, water, etc.);
- I. Time when release was discovered;
- J. Any known or anticipated acute or chronic health risks associated with the spilled or released substance, to the extent known;

- K. Any actions taken to stop the spill or release and contain any spilled or released materials;  
and
- L. Names and telephone numbers of the person(s) to be contacted for future information.

**§ 208-3. Release not posing immediate risk to life.**

In the event of a release of a hazardous material that does not pose an immediate risk to life, property, or the environment but which is still reportable to either a federal or state agency, the person or facility shall provide the following information to the Fire Department operator via 9-1-1 to the extent known at the time of the telephone call:

- A. Location/address of release;
- B. Caller's name and title, telephone number, facility name;
- C. Name of hazardous material(s) released or spilled;
- D. Quantity of material(s) released or spilled;
- E. Time of the release or discovery;
- F. State and federal law/regulation(s) requiring the report;
- G. Actions taken to mitigate release or spill;
- H. Any known or anticipated health risk associated with the spill or release, to the extent known; and
- I. Names and telephone numbers of persons to call for further information.

**§ 208-4. Exemptions from fifteen-minute reporting requirement.**

- A. 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 hours of the occurrence.
- B. 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 article.

- C. 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 article.

**§ 208-5. 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 60 days of the initial report. The Office of Emergency Preparedness shall have 60 days to approve or deny the request.

**§ 208-6. Oversight.**

The Office of Emergency Preparedness shall be the oversight department for the purpose of this article.

**§ 208-7. Violations and penalties.**

- A. Criminal disposition. Any person or facility who or which violates a provision of this article 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 \$300.
- B. Noncriminal disposition. A noncriminal disposition may penalize any person or facility who or which violates any provision of this article as provided for under § 1-25. The Office of Emergency Preparedness, Fire Department and the Police Department shall all enforce this article. The penalty for each violation shall be \$300 for each day or part of a day during which the violation is committed, continued, or permitted.

**Chapter 213 - HEALTH AND SANITATION**

**Article I. Rest rooms**

**§ 213-1. Service station toilet facilities; enforcement.**

Motor vehicle service stations which provide toilet facilities for employees and/or patrons shall keep all toilet facilities, including rooms and fixtures, in a clean condition, and in good repair, and free of objectionable odors. The Health Department of the City shall, along with the Police Department, have the power to enforce this article.

**Chapter 229 - LICENSES AND PERMITS**

**§ 229-1. Purpose.**

The purpose of this chapter 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 or which 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 the owner of which has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

**§ 229-2. List of parties with taxes, fees or charges due.**

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.

**§ 229-3. Denial, revocation or suspension for failure to pay taxes, fees or charges.**

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on the 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 the 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 14 days after said notice.

**§ 229-4. Evidence; use of findings.**

- A. The 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 chapter 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 of the date of issuance of said certificate.

**§ 229-5. 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 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 is given notice and a hearing as required by applicable provisions of law.

**§ 229-6. 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 MGL c. 268A, § 1, in the business or activity conducted in or on said property.

**§ 229-7. Exemptions.**

This chapter shall not apply to the following licenses and permits: open burning, MGL c. 48, § 13; bicycle permits, MGL c. 85, § 11A; sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; ; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping licenses, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; and theatrical events, public exhibition permits, MGL c. 140, § 181.

**Chapter 235 - LODGING AND ROOMING HOUSES**

**Article I. Rooming Unit Rentals**

**§ 235-1. Definitions.**

For the purpose of this article, the following definitions shall be applicable:

**BASEMENT**

A portion of dwelling located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

**BUILDING CODE**

The Building Code of the Commonwealth of Massachusetts.

**CELLAR**



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.

#### COOKING FACILITIES

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.

#### DWELLING

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.

#### DWELLING UNIT

A single-family residence or multifamily residence consisting of individual units, each providing complete living facilities for one family.

#### FAMILY

Those persons as set forth in Article II 9 of the City of Springfield Zoning Ordinances.

#### LESSEE

Any person having charge, care, management, or control of any dwelling or part of it, which dwelling units or rooming units are let.

#### MULTIFAMILY DWELLING

Any dwelling or part thereof containing three or more dwelling units.

#### OCCUPANT

Any person, including an owner or lessee, living or sleeping in the dwelling unit or rooming unit.

#### OWNER

Any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit or rooming unit.

#### ROOMING HOUSE

Any dwelling or part thereof containing one or more rooming units, in which space is let to up to three additional persons.

#### ROOMING UNIT

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.

**§ 235-2. License required; fee; term.**

- 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 his or her 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 \$115 for up to three existing bedrooms as shall appear on the original building permit and design of said structure for a single occupant of said rooming unit containing residential living space, and upon compliance with the following sections of this article, issue a license to said applicant for a period of one year.

**§ 235-3. License application; standards for issuance.**

- A. No license shall be granted for rental of a rooming unit unless said unit shall be occupied by the registered owner or the lessee with the written consent of the registered owner, which is filed with the Building Commissioner's 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 § 178-14 of this Code; and full compliance with the applicable wiring, plumbing and sanitary codes. In multifamily dwelling units, no license for rental of a rooming unit shall be issued without the consent of the owner of record, to the lessee in writing, filed with the Building Commissioner's office, and said lessee shall be considered said owner of record for all intent and purposes of this article.
- 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 premises for each lodger, roomer or tourist.
  - 2. In any rooming house as described above, there shall be two means of egress approved by the Building Commissioner or his designee.
  - 3. For the purpose of this article, basements and cellars are not considered to be approved living space.
- C. No rooming unit for which a license shall be issued under this article shall provide cooking facilities or be equipped to provide for the preparation of food.

- D. This article 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 perform 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 license granted under this article, 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 preexisting use. No other City agency shall issue a license, special permit or variance for the rental of a rooming unit without said renter having first obtained a license as prescribed by this article.

**§ 235-4. 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 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 § 235-2 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 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 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 30 days after the hearing is concluded. The action of the board of appeals is final.

**§ 235-5. Enforcement; violations and 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 article 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 article 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 Department receives more than five 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 whether the license shall be revoked as set forth in § 235-4.
- C. The Building Department or the Housing Code Enforcement Department may, pursuant to § 1-25, 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 article shall be subject to a fine of \$100 for the first violation and \$50 per day for as long as said violation shall continue within said one-year period; and the sum of \$200 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 article. 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 this article.

### **Chapter 240 - LOITERING**

#### **§ 240-1. Definitions.**

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

#### **ILLEGAL DRUGS**

Any controlled or restricted substance or drug, the sale of which is prohibited by the Massachusetts General Laws.

#### **KNOWN DRUG DEALER OR PURCHASER**

A person who, within one 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 a crime involving the sale or purchase of illegal drugs or a crime involving the possession of illegal drugs with the intent to sell.

## KNOWN PROSTITUTE OR PANDERER

A person who, within one 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.

## LOITER

Remaining idle in essentially one location, and shall include the concepts of spending time idly, loafing or walking about aimlessly.

## 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.

### **§ 240-2. Prohibited conduct.**

- A. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same or to 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 the same.
- C. No person shall congregate, stand, loaf, 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 present there 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 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 \_\_\_\_\_. 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 stop motor vehicle operators by hailing, waving of arms or other bodily gestures.
- H. No person shall loiter or remain in a vacant 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.

**§ 240-3. Violations and penalties.**

- A. No person shall be arrested for a violation of this chapter unless the arresting officer, or 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 chapter shall be punished by a fine of \$50. Each day on which the violation exists shall be deemed to be a separate offense.

**Chapter 247 - MASSAGE BUSINESSES**

**§ 247-1. License required; application procedures.**

- A. No person shall practice massage, or conduct an establishment for the giving of vapor, pool, shower, or other baths for hire or reward, or advertise or hold oneself out as being engaged in the business or occupation of massage or the giving of said baths without receiving a license therefor from the Commissioner of Public Health of the City.

- B. The Commissioner shall have the authority to grant said license to qualified applicants upon such terms and conditions as he finds necessary and may make such rules and regulations in regard to said business or occupation as he finds proper; provided that, within 21 days after receipt of a formal application accompanied by a fee set annually by the Commissioner, the Commissioner shall conduct a hearing on the application.
- C. Reasonable notice of the time and place of the hearing shall be given and the applicant may be represented by counsel of his choice and may present any witnesses or evidence material to the application.

**§ 247-2. Issuance of license.**

The Commissioner shall, within 90 days from the close of the hearing, give a written decision whether to issue such license, containing a statement of reasons.

**§ 247-3. License fee; term.**

Any license issued under this chapter shall be valid for a period of one year from the date of issue and may be renewed by paying the fee set by the Commissioner.

**§ 247-4. Modification, revocation or suspension of license.**

- A. If any licensee under this chapter fails to comply with the laws of the Commonwealth or with the rules and regulations of the Department of Public Health or with any other laws, ordinances, rules or regulations, the Commissioner may, after giving notice to the licensee informing him of the alleged violation, and after an opportunity for hearing, modify, suspend or revoke the license.
- B. The decision shall be made within 21 days after the date of hearing and shall contain a statement of reasons.

**§ 247-5. Restrictions on operations.**

No licensee shall practice massage upon a person of the opposite sex; nor shall a licensee give vapor baths to a person of the opposite sex.

**§ 247-6. Violations and penalties.**

- A. Any person who violates any of the provisions of this chapter shall be punished by a fine not to exceed \$300 for each offense.
- B. Nothing in this chapter shall be construed as conflicting with any license issued under the authority of the Commonwealth.

## Chapter 259 - NOISE

### **§ 259-1. Definitions.**

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this chapter:

#### AMPLIFICATION DEVICE

The words "loud amplification device" shall mean a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loudspeaker, sound amplifier or similar device which is operated in such a manner that it creates an unreasonable noise.

#### EMERGENCY SITUATION

A situation wherein immediate work is necessary to restore property to a safe condition following a public calamity, natural disaster, snow emergency, or where immediate work is required to protect persons or property from imminent exposure to danger.

#### UNREASONABLE NOISE

Any noise plainly audible at a distance of 100 feet; and in the case of an amplification device, the words "unreasonable noise" shall mean any noise plainly audible at a distance of 50 feet.

### **§ 259-2. Scope.**

- A. This chapter shall apply to the control of all sound originating within the limits of the City of Springfield, including, but not limited to, power lawn mowers, engine-powered equipment, air conditioners, animals, birds, loud amplification devices, firecrackers, firearms, pile drivers, shovels, graters, scrapers, tractors, jackhammers, and other construction equipment. This chapter is intended to prohibit preventable and unnecessary noise and is not intended nor shall it be construed to regulate the usual and customary noise incidental to urban life.
- B. In all applications of this chapter, due consideration shall be given to the character of the zoning, and the customary and natural noise incident to the operation of businesses or industries permitted by zoning so as not to work an undue hardship upon lawful business and industrial establishments.
- C. The provisions of this chapter shall be in addition to and shall not disturb either the right of the City, if such, or the right of individuals affected by the violation of this chapter to pursue any other remedy for the abatement of a nuisance or any other remedy which might or could be available under the law.



**§ 259-3. Exemptions.**

This chapter shall not be construed so as to apply to the following:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work or in training exercises related to emergency activities.
- B. Any lawful program or activity supervised, licensed or permitted by the appropriate authority within the City of Springfield or the state or federal government. Any person or entity licensed or permitted by the City of Springfield, who is alleged to have caused unreasonable noise, as defined above, in violation of this chapter shall be subject to the violation procedures and penalties as established by the relevant license or permit granting authority within the City of Springfield.
- C. Emergency situations, as defined above.
- D. The use of any device the purpose of which is to protect an owner's vehicle from damage and/or theft through the mechanical creation of a noise, provided such device shall deactivate or be deactivated after sounding for five minutes.

**§ 259-4. Amplification devices.**

It shall be unlawful for any person to operate an amplification device, as defined above, so as to be plainly audible at 50 feet, in or on a:

- A. Motor vehicle on a public or private way, or in a public place;
- B. Public way, in a private way open to public use, or in any other public place; and
- C. Residential premises or on the land of such residential premises.

**§ 259-5. Outdoor domestic power tools.**

Any power lawn mower, power hedge clipper, power saw or such other implement designed primarily for outdoor use, except snow blowers, shall be operated within the City only between the hours of 7:00 a.m. and 9:00 p.m. on weekdays or between the hours of 9:00 a.m. and 9:30 p.m. on Saturdays, Sundays and state and federal holidays; however, such equipment may be operated during the hours otherwise prohibited by this section if the noise is not plainly audible at a distance of 50 feet. Snow blowers may be operated between the hours of 5:00 a.m. and 12:01 a.m. on the day of the snow storm or snow emergency.

**§ 259-6. Construction hours.**

No erection, demolition, alteration, or repair of any building and excavation in regard thereto shall take place 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 week each and so as not to be plainly audible at a distance of 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 may be only authorized by the Code Enforcement Commissioner in a written format.

**§ 259-7. Creation of noise at night.**

It shall be unlawful for any person in charge of any store, garage, filling station, apartment house, theater, restaurant, bar, or other premises where persons gather or enter for purposes of amusement or trade within the City, either by his/her own actions or by permitting or allowing any persons who may resort to his/her premises, to disturb the neighbors or public peace by loud noises, boisterous voices, operation of musical equipment, machines, instruments or other musical devices, the use of which produces noise plainly audible at a distance of 200 feet, interrupting the peace or quiet of the City after the hour of 10:00 p.m. and before the hour of 8:00 a.m.

**§ 259-8. Disturbing residential areas.**

Unless otherwise authorized, it shall be unlawful for any person or persons within the City of Springfield to cause or allow to be made any unreasonable noise, as defined above, within areas zoned residential within the City.

**§ 259-9. Complaints.**

Any person aggrieved by such disturbance of the peace may complain to the Springfield Police Department about such unreasonable or excessive noise. The Police Department shall verify the complaint and may thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint for violation of MGL c. 272, § 53, which sets forth the penalties for disturbing the peace.

**§ 259-10. Arrests 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 MGL c. 272, § 54, for disturbing the peace or under MGL c. 272, § 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 above, 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.

**§ 259-11. Enforcement.**

The provisions of this chapter may be enforced by any police officer, any special police officer designated by the Board of Police Commissioners to do so, Code Enforcement Commissioners and the Director of Health and Human Services.

**§ 259-12. Violations and penalties.**

- A. Any person who violates the provisions of this chapter shall for the first offense be fined \$100. 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 \$100. 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 MGL c. 40, § 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 this chapter, after notice thereof. Such person shall be

punished at the time of the third such violation, and every violation thereafter within 12 months of the first violation, by a fine of \$200 in the case of the third, and \$300 for each thereafter. It shall be a defense that the landlord or person in charge of a residential structure shall have made a good faith effort, including the seeking of a court order, to prevent violations.

- D. Any person who subsequently violates the provisions of this chapter shall be punished by a fine of \$200 for the second offense and \$300 for the third offense and all subsequent offenses committed within a twelve-month period. All fines hereunder may be recovered by the noncriminal disposition procedures stated in Chapter 1, General Provisions, § 1-25, of this Code and MGL c. 40, § 21D, which procedures are incorporated herein by reference; provided, however, that if a violator fails to follow the procedures and requirement of said MGL c. 40, § 21D, the fine or fines shall be recovered by indictment or on complaint pursuant to MGL c. 40, § 21.

### **Chapter 265 - PARKING, VALET**

#### **§ 265-1. Purpose; scope of approvals.**

- A. The primary purpose of public streets and rights-of-way is the free and unobstructed right of travel. The City of Springfield recognizes that the use of public streets and rights-of-way for valet parking operations will provide a public benefit and enhance our ability to attract retail and other businesses downtown. The City may therefore permit and restrict valet parking operations as a special privilege, not as a matter of right. The approval of any permit under this chapter for the use of the public right-of-way is on a temporary and nonpermanent basis and is for a nonexclusive use of that public right-of-way. Those persons granted permits under this chapter shall have neither property interest in nor any entitlement to the granting or continuation of any permit for the use of any public right-of-way.
- B. The City of Springfield has implemented a valet parking ordinance to regulate valet parking services within the City, assist visitors and residents in parking vehicles within the City and promote the more efficient use of limited on-street parking spaces. This chapter is written to govern valet parking operations, the issuance of valet parking permits and to prohibit valet parking of a car in any space that is not in a licensed off-street parking facility except at the end of daily valet operations. These regulations seek to ensure that valet parking personnel do not park cars illegally or in spaces that would otherwise be available to visitors and residents in a neighborhood.

#### **§ 265-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

PARKING AREA

An off-street parking facility which is used for commercial parking.

#### PARK or PARKING

The standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading, unloading and delivering merchandise, or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the vehicle operator.

#### STREET

The entire width between property lines of any public street, avenue, road, alley, highway, lane, path or other public place located in the City and established for the use of vehicles.

#### VALET PARKING OPERATION

The receiving, taking possession of, driving, moving, parking or leaving standing of any vehicle that is left at one location to be driven to another location for parking, whether or not a charge is levied, and whether or not done under contract to the business or organization for which the vehicles are being parked, or done independently. It does not include operators of public or private off-street parking operations or facilities where customers park their own vehicles and remove the keys themselves or if the valet operation takes place solely on private property.

#### VALET PARKING OPERATOR

Any employee or agent of a person, business, establishment, or corporation granted a valet parking permit who is engaged in receiving or discharging passengers or loading or unloading baggage from a vehicle, making arrangements to remove a vehicle to a designated off-street parking facility, parking a vehicle, or otherwise in control of a vehicle subject to valet parking requirements.

#### VALET PARKING PERMIT

A permit issued to a person, business, establishment or corporation pursuant to approval of the City of Springfield Traffic Commission.

#### VALET SPACE

A single vehicle space, normally 20 feet to 22 feet in length on a public way along the curb, in which the loading and unloading of possessions is legal.

## VEHICLE

Any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks, or motivated by human power.

### **§ 265-3. Procedure for obtaining permits.**

- A. An operator of the proposed valet parking program shall submit an application to the City of Springfield Traffic Commission 45 days prior to the proposed starting date. Valet parking operations in business prior to the passage of this chapter may remain in business during the application process on the condition that such operator meets all other requirements of this chapter.
- B. The application shall include, but is not limited to, the following:
  1. Name, address, phone number of valet operator;
  2. Name, address, phone number of the establishment for whom valet service is proposed;
  3. A plan of the proposed pick-up/drop-off area, the number of spaces required;
  4. A detailed plan of the proposed valet operation, including hours and days of operations, routes to and from the parking area(s), and number of valets; and
  5. Proof that the valet operator maintains the minimum levels and standards of liability insurance or claims reserves as required by the Springfield Traffic Commission. A certificate of insurance or insurance policy coverage declaration page shall be an acceptable form of proof of coverage in the amount of \$1,000,000.

### **§ 265-4. Indemnification.**

- A. The valet parking operators, and any person acting under or pursuant to an operator's or sponsor's permit, agree to indemnify, hold harmless, release and defend, to the maximum extent permitted by law, and covenant not to sue the City, its Council and each member thereof, employees, Commission members and representatives, from any and all liability, loss, suits, judgments, costs, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of, directly or indirectly, wholly or in part, or are claimed to result from, or arise out of:
  1. Any use or performance under the permit;

2. The activities and operations of the operator or sponsor and its employees, subcontractors or agents;
  3. Any condition of property used in the operation; or
  4. Any acts, errors or omissions (including, without limitation, professional negligence) of the operator or sponsor and its employees, subcontractors or agents in connection with the valet parking operation.
- B. This indemnity includes, but is not limited to, personal injury (including death at any time) and property or other damage sustained by any person or persons (including, but not limited to, companies, or corporations, valet parking operators and employees, valet parking customers and members of the general public).

**§ 265-5. Procedure for obtaining parking spaces; fees; one-day permits.**

- A. The Public Works Department of the City of Springfield may issue a special street obstruction permit good for one year for valet parking, for the period beginning July 1 and ending on June 30 of the following year.
- B. The Director of Public Works or the City of Springfield Traffic Commission shall reject any application which would adversely affect public safety or interfere with the free flow of pedestrian or vehicular traffic during the valet operating hours. The City of Springfield Traffic Commission shall hold public hearings on any request to issue a valet parking permit prior to issuance.
- C. If the City of Springfield Traffic Commission approves the application, the valet parking permit will be forwarded to the applicant.
- D. The Director of Public Works may promulgate the required traffic regulations for valet parking operators.
- E. The cost for valet space shall be \$2 per year per foot of curb required to operate the service safely between 6:00 p.m. and 6:00 a.m. in parking areas without parking meters on the days required.
- F. If the City of Springfield Traffic Commission approves the application, the applicant will be responsible for covering the parking meter(s) during the hours of valet operation. The bag used to cover the meter(s) shall be approved by the City of Springfield. The valet operator will be charged the cost noted above in Subsection E and an additional fee equal to the parking meter hourly rate multiplied by the number of regular operating hours per business day for the length of time the valet parking permit is issued.

- G. The fees listed in Subsections E and F will be pro-rated monthly if a valet parking operation begins service prior to July 1 of any year. Any part of a month will be charged as a full month.
- H. There shall be a one-day fee of \$10 for one-day special street obstruction permits. Such permit applications shall be filed at least 72 hours prior to the scheduled event.

**§ 265-6. Permit required; operating requirements.**

- A. It is unlawful for any person to operate, engage in, conduct, manage, or cause to be operated any valet parking operation or any related activity upon any portion of a public street or right-of-way or other City property, except under the terms and conditions of a current operator's valet parking permit and, if using the public street or right-of-way in any manner for drop-off and pick-up of vehicles, under the terms and conditions of a current establishment's valet parking permit and with the posting of an official valet parking sign authorized for that location. On private property, the additional authorization of the owner or lessee of such property is required.
- B. No valet parking operator who is engaged in providing valet services, including but not limited to receiving or discharging passengers or loading or unloading baggage from a vehicle, making arrangements to remove the vehicle to a designated off-street parking facility, parking a vehicle, or otherwise in control of a vehicle subject to valet parking requirements, may engage in such activities unless the valet parking operator is wearing a jacket or shirt clearly identifying him or her as a valet.
- C. Nothing in this chapter is intended to authorize or authorizes the parking of motor vehicles by valet parking operators in a manner contrary to, and all valet parking operators shall comply with, applicable state laws and local parking and traffic regulations.
- D. If any provision of these sections imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, order, or policy, then the provisions of these sections shall control.

**§ 265-7. Enforcement; violations and penalties.**

- A. The City of Springfield Code Enforcement Department and City of Springfield Police Department and their designees shall have the authority to enforce the provisions of this chapter. 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 MGL c. 40, § 21D.
- B. Any violation of this chapter shall be subject to a fine of \$50. A penalty of \$30 shall be assessed if the fine remains unpaid 21 days after issuance of a notice of such violation. All



finer hereunder may be recovered by the noncriminal disposition procedures stated in Chapter 1, § 1-25, of this Code and MGL c. 40, § 21D, which procedures are incorporated herein by reference; provided, however, that if a violator fails to follow the procedures and requirement of said MGL c. 40, § 21D, the fine or fines shall be recovered by indictment or a complaint pursuant to MGL c. 40, § 21.

- C. Three or more violations of this chapter in a calendar year by a valet parking operator may result in the suspension or revocation of the valet parking permit.
- D. No valet parking permit may be renewed, be removed from suspension, or be reinstated following revocation until all fines issued thereunder have been fully satisfied.

**§ 265-8. Revocation or suspension of permits.**

- A. The Director of Public Works or the City of Springfield Traffic Commission may temporarily suspend any operator's or sponsor's permit, without a hearing, whenever the continued valet parking operation by the valet parking operator would, in his/her/its discretion, constitute a danger to public health, safety or welfare, including, without limitation:
  - 1. The operations have interfered with, or threaten to interfere with, the public's use of the streets or the normal flow of vehicular or pedestrian traffic on any public right-of-way or City-owned property;
  - 2. The operations would threaten a hazard to public safety; or
  - 3. The valet parking operator has failed to maintain the minimum levels and standards of liability insurance or claims reserves.
- B. The notice of temporary suspension may be personally delivered to the party named or to the address given on the application pursuant to which such permit was issued, or mailed by registered or certified mail to the party named at the address given on the application pursuant to which such permit was issued. The temporary suspension is effective upon the earlier of either receipt or the expiration of five days from the date of mailing. The notice of temporary suspension shall include a notice of hearing and all other information required by § 265-9. The temporary suspension shall remain effective until the decision on revocation or suspension is final, or until the condition is corrected.
- C. The Director of Public Works or the City of Springfield Traffic Commission may, from time to time, with or without temporary suspension, suspend or revoke any operator's or sponsor's permit whenever it is determined, after notice and hearing as set forth in § 265-9, and based upon substantial evidence, that:

1. The permit holder or any of its drivers, employees, agents, or subcontractors have operated or parked vehicles, or operated the valet parking operations, contrary to law, including the use of unlicensed drivers or the failure to comply with the Code of the City of Springfield, this chapter or the regulations hereunder, or state law in connection with the operation under permit;
  2. The permit holder or any of its drivers, employees, agents, or subcontractors have failed to comply with or violated any permit condition, including failure to maintain the minimum levels and standards of liability insurance or claims reserves for any period of time;
  3. The permit holder or any of its drivers, employees, agents, or subcontractors have provided false or incomplete permit application information;
  4. Any reason exists for which the permit might have been denied in the first instance;
  5. The operations constitute a danger to public health, safety or welfare, including, without limitation, interference with the public use of the streets, the normal flow of vehicle or pedestrian traffic on any public right-of-way or City-owned property; or
  6. The operations constitute a public nuisance, including, but not limited to, a visual blight.
- D. The Parking Clerk may charge the sponsor and/or operator a revocation fee, in an amount set from time to time by resolution of the City Council, for each notice of revocation.
- E. Any revocation, suspension or modification of any permit shall be in addition to any other penalties otherwise provided by law.
- F. Should the valet parking operator continue to operate after the permit has been terminated and should the City be forced to file suit to restrain the valet parking operator, the valet parking operator shall, in addition to criminal and other penalties herein, reimburse the City for its reasonable costs and expenses in connection therewith, including attorney's fees.

**§ 265-9. Revocation or suspension notice and hearing.**

- A. A notice of intent to revoke or suspend an operator's or sponsor's permit shall be personally delivered or be mailed, at the direction of the Director, to the party named and to the address given on the application pursuant to which such permit was issued; shall state grounds for suspension or revocation; and shall give the permit holder notice of a hearing thereon, which shall be convened within 10 days of notice. The notice shall advise the party of the date, time and place of the hearing, that he/she may be represented by counsel and any other information deemed proper.

- B. An independent hearing officer shall preside over the hearing and shall consider testimony of City staff and the permit holder, if present, and any other evidence determined to be relevant to any matter at issue.
- C. At the hearing, the hearing officer may revoke or suspend the permit by making one of the findings under Subsection C of § 265-8 based upon substantial evidence.
- D. Within 15 days after the conclusion of the hearing, the hearing officer shall render a decision and shall mail notice of the decision to the permit holder.
- E. A decision to revoke or suspend a permit shall become effective on the 15th day after the date of notice of the decision.
- F. Upon delivery of a notice of decision to revoke or suspend a sponsor's permit, the City shall have the right to require the immediate removal of all obstructions in the public right-of-way, and may perform such removal if the valet parking operator fails to do so.
- G. The valet parking operator shall reimburse the City for any expense incurred by the City in removing any obstruction.
- H. Should the valet parking operator continue to use the public right-of-way after the permit has been revoked or suspended, the City may, in addition to other remedies and actions, take appropriate action to restrain the use of the public right-of-way by the valet parking operator and, in such event, the valet parking operator shall reimburse the City for its reasonable costs and expenses in connection therewith, including reasonable attorney's fees and court costs.
- I. If a permit is revoked or suspended by the City, the valet parking operator shall be entitled to a pro-rata refund of the regular permit fee.

#### **Chapter 270 - PAWNBROKERS AND JUNK DEALERS**

##### **§ 270-1. Pawnbroker's licenses; fee.**

- A. The Police Department may license suitable persons to carry on the business of pawnbrokers in this City, pursuant to the provisions of Chapter 140 of the General Laws. Upon application or license renewal of all persons involved in secondhand dealer or as a pawnbroker shall submit to a CORI check of their criminal history. The Police Commissioner or his designee shall determine the suitability of the applicant and/or employees of the applicant.
- B. The fee for such license shall be \$200.

**§ 270-2. Junk and secondhand dealer's licenses.**

No person, firm, or corporation shall engage in the business of operating a shop for the purchase, sale or barter of secondhand articles without obtaining a license thereof and complying with the terms of this section. The Police Department may license suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metal or secondhand articles, pursuant to the provisions of Chapter 140 of the General Laws.

**§ 270-3. Records of purchases.**

- A. Every keeper of a shop for the purchase, sale or barter of junk, old metal or secondhand articles and every pawnbroker within the limits of this City shall keep an electronic record in which shall be written, at the time of every purchase or upon the receipt of any article, a description thereof, which shall include, but shall not be limited to, all distinguishing marks, etchings, engravings, model names, model numbers and serial numbers. The full name (first and last), date of birth, license or state/government ID number and residence of the person from whom, and the day and hour when, such purchase or receipt was made, and such electronic record shall at all times be open to the inspection of officers of the Police Department and of any person authorized to make such inspection.
- B. The license holder shall photograph any and all jewelry items pawned, sold, pledged, or otherwise deposited with the license holder. The required photo shall be clear and such quality that the item(s) shall be clearly identified. The photographs shall be stored in a digitized format and the image must be retrievable and a clear copy provided to police upon request. The above described photos shall be maintained by the license holder for a minimum of three years
- C. Every license holder shall allow a representative of the New England State Police Information Network (NESPIN) to enter his shop and install the software necessary on the shopkeepers computing device to allow the shopkeeper to electronically transmit a record of his/her transactions. Before the first hour of every business day, post meridian, every shopkeeper shall transmit a record of his/her transactions from the prior day. The record transmitted must include the information included in section 270-3(A) and (B) of this ordinance.
- D. The license holder shall accurately describe all items pawned, sold, or pledged with the license holder. This description shall include, but shall not be limited to, all distinguishing marks, etchings, engravings, model names, model numbers and serial numbers. Any jewelry with an affiliation to any institution or organization shall include the name of said institution or organization, year, and inscribed initials if any. Any and all descriptions of items of jewelry shall include the material, size (if applicable), weight, length, shape, and color. Descriptions of coins, stamps, collectible cards, autographed items, figurines, or other collectible of any description shall include any identifying features such as the name of the items, date,

denomination, color, size, brand name, vintage or image represented. All items pledged, sold, or pawned with the license holder must remain intact, (i.e. precious stones in jewelry or data on electronic devices) until such time that they may legally change ownership.

- E. The license holder shall photograph the customer making the transaction with the license holder, along with a photograph of the required customer license or state/government issued ID. The required photographs shall be clear and such quality that the customer and required license or state/government issued ID is clearly identifiable. This information shall be maintained according to 270-3(C).
- F. Dealers in secondhand books, clothing and furniture excepted. Persons who do not buy or sell secondhand articles except books, clothing or furniture shall be exempt from the provisions of Subsection E.

**§ 270-4. Signs on shops.**

Every keeper of a junk shop or pawnshop shall put in a suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

**§ 270-5. Examination of junk shops.**

All junk shops, and all articles of merchandise therein, may be at all times examined by officers of the Police Department or by any person by it authorized to make such examination.

**§ 270-6. Dealing with minors.**

No keeper of a junk shop, second hand dealer, or pawnshop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any junk, old metal or secondhand articles of a minor knowingly or having reason to believe him to be such.

**§ 270-7. Time period for holding articles prior to resale.**

- A. No article purchased or received by the keeper of a pawn shop or second hand dealer shall be sold until at least 30 days from the date of its purchase or receipt have elapsed. The article shall be kept in an unaltered condition for the required time period. For the purposes of this section, "unaltered condition" means that the item or article shall be kept in the same condition it was in at the time it was brought into the shop by the seller.
- B. Dealers in secondhand books, clothing and furniture excepted. Persons who do not buy or sell secondhand articles except books, clothing or furniture shall be exempt from the provisions of this Subsection.

**§ 270-8. Hours of business for junk shops.**

Pawn shops and second hand dealers shall be closed except between the hours of 7:00 a.m. and 9:00 p.m. of each weekday, and no keeper thereof and no junk collector shall purchase any junk, old metal or secondhand articles except during such hours. Any shop wishing to open on Saturday must receive written permission from the Police Commissioner or his designee. All pawn shops and second hand dealers must maintain regular business hours.

**§ 270-9. Storage of rags and wastepaper by junk dealers.**

Rags and wastepaper kept or collected by junk dealers or junk collectors shall not be kept or stored within the limits of the fire district, except in substantial brick or stone buildings.

**§ 270-10. Purchase of certain items prohibited; violations and penalties.**

- A. No keeper of a pawnshop and no keeper of a shop for the purchase, sale or barter of junk, old metal or secondhand articles shall purchase or take in pawn any item if it appears that such item has had any serial numbers or identifying marks removed or apparently removed.
- B. For the purpose of this section, "identifying mark" includes but is not limited to engravings, initials, or similar inscriptions on rings, watches or other jewelry or similar inscriptions on other items.
- C. Violation of this section shall be grounds for revocation of a license granted under § 270-1 or 270-2.
- D. Violations of any section of Chapter 270 may result in a fine of not less than \$300, suspension of license, or revocation of license.

**§ 270-11. Moratorium.**

No new license shall be issued under Chapter 270 of the revised Ordinances of the City of Springfield by the Police Department for two years following the enactment of this section. This section shall not apply to persons or entities that are seeking to renew a license held by said person or entity for the previous year

**Chapter 275 - PEACE AND GOOD ORDER**

ARTICLE I	Offenses Against Public Peace and Decency (§ 275-1 — § 275-3)
ARTICLE II	Offenses Involving Property (§ 275-4 — § 275-7)
ARTICLE III	Miscellaneous Offenses (§ 275-8 — § 275-10)

**Article I. Offenses Against Public Peace and Decency**

**§ 275-1. Disorderly conduct.**

No person shall behave himself in a rude and disorderly manner.

**§ 275-2. Alcoholic beverages.**

- A. It is unlawful for any person to possess, consume from and/or transport an open container of alcoholic beverages on any public street, public sidewalk, or public way, or on any grounds owned by the City, within the limits of the City; except that this section shall not apply at events or festivals duly licensed by the Board of License Commissioners of the City and approved in writing by the board, commission, department, or official of the City having the care and custody of the premises so licensed, to the extent of such license and approval.
- B. It is unlawful for any person to possess, consume from and/or transport an open container of alcoholic beverages on any property where the public has a right of access to, after having been forbidden to do so by the person who has lawful control of said premises, either directly or by notice posted on said premises.

**§ 275-3. Public solicitation.**

No person, other than a law enforcement officer in the performance of official duty, shall, in a street or other place to which the public has access, purchase, ask to purchase or attempt to purchase an unlawful sexual act.

Article II. Offenses Involving Property

**§ 275-4. Affixing items to poles or lampposts.**

No person shall affix any sign, card or other advertising matter, or attach any iron ring to any telephone, telegraph, traffic or electric light pole or post.

**§ 275-5. Fences, signboards and awnings.**

No person shall wantonly mar, injure, deface or destroy any fence, guidepost, signboard, awning, telephone, telegraph or electric light pole or post, lamp or lantern in any street, square or public place in the City.

**§ 275-6. Gardens.**

It is unlawful for any person to enter any enclosed or unenclosed vegetable garden or orchard located within the City without the consent of the owner, occupant or tenant, or his agent, and there cut down, injure, damage, destroy, eat or carry away or without so entering to cut down, injure, damage, destroy, eat or carry away any portion of the garden, including any growing thing, crop, tree, timber, grass, seed, soil, fertilizer, water supply, tool, implement, fence or any other protective device or any other thing useful for the development, cultivation, maintenance and use of such garden or orchard.

**§ 275-7. Public buildings; obstructing passageways.**

- A. No person shall be or remain upon the steps of, or other projection from, any church, hotel or public building, nor in any hall, space or way leading thereto, so as to incommode or obstruct the passage to and from such church, hall, hotel or building.
- B. Every person so being or remaining, when ordered by the Mayor, Chief of Police, a police officer, watchman, owner, agent or other person having charge of such church, hotel, hall or other public building, shall immediately depart therefrom.

### Article III. Miscellaneous Offenses

#### **§ 275-8. Iceboxes, refrigerators and stoves.**

- A. No person shall store or discard used iceboxes, refrigerators or stoves in any yard or other open area without first removing the door on each icebox, refrigerator or stove.
- B. This section shall not apply to individuals or concerns actually engaged in the wholesale or retail business in such items where such items are stored in any area not accessible to children.

#### **§ 275-9. Attracting attention to sales.**

No person shall stand in or upon any highway or in the entrance or hallway of any building in the City for the purpose of calling the attention of any person in any highway to goods, wares or merchandise displayed or on sale within any building or to business conducted within any building.

#### **§ 275-10. Whistles or horns used by Fire, Police and Water Departments.**

No person shall sound or cause to be sounded, within the limits of the City, any whistle or siren horn that shall in any way imitate any whistle or siren horn used by the Fire Department or the Police Department of the City upon its apparatus or by the Water Department of the City upon its emergency car without first obtaining written permission therefor from the Chief of the Fire Department, the Chief of the Police Department or the Chief Engineer of the Water Department.

#### **§ 275-11. In-Board and Out-Board Motors.**

No one shall operate, maintain, repair or winterize an out- board or in-board boat motor in any area of the city of Springfield, except those areas designated for such by the City Council. Any violation of this code will result in a fine of not less than seventy five dollars (\$75.00) for the first offense, one hundred fifty dollars second (\$150.00) and third offense no less than four hundred dollars (\$400.00).

### **Chapter 279 - PEDDLING AND SOLICITING**



ARTICLE I	Hawkers and Peddlers (§ 279-1 — § 279-9)
ARTICLE II	Itinerant Wholesale Fruit or Vegetable Dealers (§ 279-10 — § 279-20)
ARTICLE III	Charitable Solicitations (§ 279-21 — § 279-24)
ARTICLE IV	Transient Vendors (§ 279-25 — § 279-31)
ARTICLE V	Sales Near Schools (§ 279-32)
ARTICLE VI	Panhandling (§ 279-33 — § 279-37)

Article I. Hawkerc and Peddlers

**§ 279-1. License required for peddlers of food; fee.**

No person shall go about from place to place within the City carrying or exposing for sale or selling fruits or vegetables, except those raised or produced by himself or his family, and no person shall go about from place to place within the City carrying or exposing for sale or selling fish, except fish obtained by his own labor, or that of his family, in or from any cart, wagon or other vehicle or in any other manner, without a license therefor from the Board of Police Commissioners.

- A. Qualification of licensee. The Board of Police Commissioners shall have authority to grant one or both of such licenses to any person of good repute for morals and integrity who is, or has declared his intention to become, a citizen of the United States.
- B. Duration of license. Licenses shall bear the date of the day on which they are issued and, unless sooner revoked by the Board of Police Commissioners, shall continue in force for one year from such date.
- C. Fees. Each person so licensed to sell fruits and vegetables shall pay therefor a fee of \$25, and each person so licensed to sell fish shall pay therefor a fee of \$15.

**§ 279-2. Recording name and residence.**

- A. No hawker or peddler shall sell, or offer or expose for sale, any of the articles enumerated in MGL c. 101, § 17, or in any acts in amendment thereof or in addition thereto, until he has recorded his name and residence with the Board of Police Commissioners.
- B. Every person licensed under the provisions of § 279-1 as a hawker or peddler of fruits and vegetables or fish shall record his name and residence in like manner with such Board.

**§ 279-3. Restrictions on conduct; vehicles used in business.**

No person hawking, peddling or carrying or exposing for sale any of the articles enumerated in MGL c. 101, § 17, or in any acts in amendment thereof or in addition thereto, shall ring or cause to be rung any bell, or use or cause to be used any horn or other instrument, or utter any boisterous outcry or cry his wares in any street in the City to give notice of his

business, or call attention for the purpose of making sale of any article, nor carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor carry or convey such articles otherwise than in vehicles and receptacles which are neat and clean and do not leak.

**§ 279-4. Numbers and badges; violations and penalties.**

- A. Every hawker and peddler licensed by the Board of Police Commissioners shall be assigned a number and shall be provided by the Board with a badge which shall be conspicuously worn by the licensee, and every other such hawker and peddler as described in § 279-2 shall provide himself with a badge of such type and design as may be approved by such Board, which he shall wear in like manner.
- B. Whoever neglects to wear such badge, or wears such badge without authority, shall be punished by the penalty provided in § 1-25.

**§ 279-5. Number plates on vehicles.**

Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached thereto on each side a number plate, to be furnished by the Board of Police Commissioners with his license, bearing the number and date of expiration of such license.

**§ 279-6. Certificate of Sealer of Weights and Measures; false weights and measures.**

- A. No person shall be registered or assigned a badge or number under the provisions of § 279-2 or § 279-4 until he presents a certificate from the Sealer of Weights and Measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law.
- B. The use or possession by such person with intent to use of any false or unsealed weighing or measuring device shall be sufficient cause for the revocation of his license or the cancellation of his registration.

**§ 279-7. Exhibition of license on demand.**

Any licensee who fails, neglects or refuses to exhibit his license when the same is demanded of him by a commissioner or inspector or Sealer or Deputy Sealer of Weights and Measures or police officer shall be subject to the same penalty as if he had no license.

**§ 279-8. Licenses issued by commonwealth.**

Nothing in this article shall be construed as conflicting with any license issued under the authority of the commonwealth.

**§ 279-9. Revocation of license.**

Any license granted under this article or any ordinance amendatory or additional thereto may be revoked by the Board of Police Commissioners.

Article II. Itinerant Wholesale Fruit or Vegetable Dealers

**§ 279-10. Definition.**

As used in this article, the following terms shall have the meanings indicated:

ITINERANT WHOLESALE FRUIT OR VEGETABLE DEALER

Any person engaged in selling or offering for sale fruits and vegetables, either at wholesale or retail, without having a regular place of business for the sale of such products in the City during 12 months of the year and during reasonable hours of every business day in the year.

PLACE OF BUSINESS

May be a warehouse or store during part of the year and a fixed location in any open-air market during the rest of the year.

**§ 279-11. License required.**

No person shall engage in or manage the business of an itinerant wholesale fruit or vegetable dealer as defined in § 279-10, within the City, without a license therefor from the Board of Police Commissioners.

**§ 279-12. License duration.**

The licenses shall bear the day on which they are issued and, unless sooner revoked by the Board of Police Commissioners, shall continue in force for one year from such date.

**§ 279-13. Fees.**

Each person licensed under this article shall pay a fee of \$100. Any person coming under the definition of "itinerant wholesale fruit or vegetable dealer" as defined in § 279-10, employing in his business more than one vehicle, shall pay as a license fee, in addition to the \$100 mentioned in this article, the sum of \$100 for each vehicle in excess of one.

**§ 279-14. Record of name and place of business.**

No licenses shall be issued for the purpose of engaging in the business of an itinerant wholesale fruit or vegetable dealer until there has been recorded with the Board of Police Commissioners the name and residence or place of business of the applicant.

**§ 279-15. Badges.**

- A. Every licensee shall be assigned a number and shall be provided by the Board of Police Commissioners with a badge which shall be conspicuously worn or displayed by the licensee, such badge to be of such type and design as may be approved by such Board.
- B. Whoever neglects to wear or display such badge or wears or displays such badge without authority shall be punished in accordance with § 1-25.

**§ 279-16. Number plates on vehicles.**

Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by a licensee shall have attached thereto on each side a number plate to be furnished by the Board of Police Commissioners with his license, bearing the number and date of the expiration of such license.

**§ 279-17. Exhibition of license on demand.**

Any licensee who fails, neglects or refuses to exhibit his license when the same is demanded of him or of his agents, by a commissioner or inspector or Sealer or Deputy Sealer of Weights and Measures or a police officer shall be subject to the penalty as set forth in § 1-25.

**§ 279-18. Exemptions.**

This article shall not apply to commercial agents or other persons selling by samples, lists, catalogs or otherwise, for future delivery, or to any person who peddles or sells farm products raised or produced by himself or his family, or to any peddler serving regular household customers operating under a license as required by the ordinances of the City.

**§ 279-19. Licenses issued by commonwealth.**

Nothing in this article shall be construed as conflicting with any license issued under the authority of the commonwealth.

**§ 279-20. Revocation of license.**

Any license granted under this article or any ordinance amendatory or additional thereto may be revoked for cause by the Board of Police Commissioners.

Article III. Charitable Solicitations

**§ 279-21. License required; exceptions.**

- A. In order to protect the public safety and welfare of the residents of the City, no person, group, organization or corporation shall solicit the general public within the City for charitable purposes or causes without a license therefor from the City Clerk.
- B. This and the following sections shall not be applicable in the case of solicitations made by:

1. Bona fide religious organizations.
2. Accredited colleges, universities or schools.
3. Duly qualified political parties.

**§ 279-22. License application; fee.**

- A. The City Clerk shall have authority to grant such licenses, provided an application is filed containing the following information:
1. Names and addresses of the applicants;
  2. A statement of the financial condition of the applicant, which shall include income derived from collection and sources within the City and expenses for the past fiscal year and specifically designating in such statement the entire cost of administering such charity during the past fiscal year; and
  3. A certificate of registration as required by MGL c. 68, § 19.
- B. The fee for such license shall be \$50.

**§ 279-23. License duration.**

The license required by § 279-21 shall bear the date of the day on which it is issued and shall continue in force for one year from such date.

**§ 279-24. Licenses for temporary transient business.**

The City Clerk shall, in accordance with authority granted through MGL c. 101, § 12A, under such conditions as he deems proper, grant to any organization engaged in charitable work or to a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection a special license authorizing it, for a particular time period not to exceed a total of four days, to be stated in such a license, to conduct under their control a temporary or transient business in which transient vendors participating in such sales shall not be subject to the provisions of MGL c. 101, §§ 3 to 12, inclusive. The exercise of all licenses provided for in this section shall be subject to the provisions of all statutes, ordinances, bylaws, rules and regulations not inconsistent with this section.

Article IV. Transient Vendors

**§ 279-25. Licenses required; definition.**

- A. No person who engages in a temporary or transient business selling any goods, wares or merchandise, either in one location or in traveling from place to place, shall conduct such

business within the City without first having obtained any necessary state license issued pursuant to MGL c. 101, § 3, and a local transient vendor license issued and signed by the City Clerk.

- B. "Temporary or transient business" means any exhibition and sale of any goods, wares or merchandise which is carried on in any tent, booth, or other open-air structure, including the display of goods, wares or merchandise in an unenclosed location exposed for sale on a table, in containers, or on the ground, unless such location is open for business during usual business hours for a period of at least 12 consecutive months.

**§ 279-26. License application and issuance; fees; term.**

- A. Prior to the issuance of a transient vendor's license by the City Clerk, the applicant shall be required to provide on a form approved by the Clerk the following information:
  - 1. The name and permanent residential address of the applicant, his/her business address if different from the residential address, and the names and addresses of any persons who will be aiding or assisting the applicant in conducting his business at the proposed site of his/her sales.
  - 2. Identification of any and all types of goods, wares or merchandise to be included in his/her sales inventory at the site wherein or whereat such sales are to be conducted.
  - 3. The location of the property site where such sales are to be conducted. If the site is not owned by the transient vendor, he/she shall provide the City Clerk with a validly executed lease or letter of permission from the owner of the property site allowing the vendor to conduct such activity upon such site.
  - 4. A statement, pursuant to MGL c. 62C, § 49A, signed under the pains and penalties of perjury, reciting that the applicant is and shall remain in full compliance with all laws and regulations of the commonwealth relative to the payment of state sales taxes and any other state taxes or duties applicable to the goods, wares and merchandise which the applicant shall display for sale.
- B. The City Clerk, prior to issuance of any such license, shall forward the completed application to the Board of Police Commissioners for a determination as to whether the records of the Police Department indicate any just cause for the denial or issuance of said license due to fraudulent or illegal activities conducted by the applicant with respect to his operation of a temporary or transient business.
- C. Following compliance with the requirements of this section, and upon payment of a fee of \$250, the Clerk shall issue the license. A license shall only be valid when used by the person

in whose name it has been issued and shall not be transferable. Licenses shall expire on the next January 1 following the date of issuance.

**§ 279-27. Exhibition of license; violations and penalties.**

Every transient vendor, while engaged in the sale of goods, wares or merchandise within the City, must have his local transient vendor license in his possession and available for inspection. Any vendor who fails to exhibit his license when the same is demanded of him/her by a police officer shall be in violation of this article. Such violation shall be punishable by a fine of no less than \$100 and no more than the maximum amount provided by law.

**§ 279-28. License not transferable.**

A transient vendor license may not be transferred or assigned to any other person, or used by any party other than the person to whom it has been issued.

**§ 279-29. License revocation.**

Any license issued pursuant to this article may be revoked for just cause by the City Clerk following a hearing and decision by the Board of Police Commissioners where a determination has been made that any fraudulent activities have occurred with respect to the operation of the temporary or transient business.

**§ 279-30. Street, sidewalk and tree belt use.**

No transient vendor shall exhibit or sell any goods, wares or merchandise on any public street, sidewalk, terrace or tree belt without having first obtained an occupancy permit from the Director of Public Works pursuant to Chapter 338, Streets and Sidewalks, § 338-10.

**§ 279-31. Tag sales exempted.**

This article shall be construed so as not to require the obtaining of a transient vendor's license by residents of the City who apply for and receive a tag sale license pursuant to Chapter 351, Tag/Garage Sales, of this Code.

Article V. Sales Near Schools

**§ 279-32. Restriction on sale of food or other articles intended for human consumption.**

No person shall offer for sale, sell or cause to be sold to any school pupil any articles of food, or any articles suitable for or intended for human consumption, within the limits of the public ways and within 100 yards from the nearest boundary of any public school grounds between the hours of 8:00 a.m. and 4:00 p.m. on days when the public schools are in session.

Article VI. Panhandling

**§ 279-33. Purpose.**

The purpose of this article 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.

**§ 279-34. Definitions.**

For the purpose of this article, the following words, terms, and phrases shall have the following meanings:

**AGGRESSIVE MANNER**

To do any of the following:

- A. Approach, speak to, or follow 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
- B. Touch another person without that person's consent in the course of asking for alms; or
- C. Continue to ask, beg, or solicit alms from a person after the person has made a negative response; or
- D. Follow the person solicited before, after, or while asking, begging, or soliciting alms; or
- E. Intentionally block or interfere with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
- F. Direct abusive or profane language toward the person solicited, either while asking, begging, or soliciting alms, or following a refusal by the person solicited.

**ASK, BEG OR SOLICIT ALMS**

Includes the spoken, written, or printed words or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value.

**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:



- C. 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
- D. Stating or expressing that the donation is needed to meet a need that does not exist; or
- E. Stating that the solicitor is from out of town and stranded when that is not true; or
- F. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or
- G. Using any makeup or device to simulate deformity.

#### SOLICITOR

Anyone who asks, begs, or solicits alms, including money and other things of value.

#### **§ 279-35. 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 25 feet of any bus or train station stop.
- D. No person may ask, beg, or solicit alms within 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.

#### **§ 279-36. Interpretation.**

No provision of this article shall be interpreted or constructed to prohibit speech, expression, or conduct protected by the laws of the United States or the Commonwealth of Massachusetts.

**§ 279-37. Violations and penalties; enforcement.**

- A. Criminal disposition. Any person who violates a provision of this article 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 \$50.
- B. Noncriminal disposition. Any person who violates any provision of this article may be penalized by a noncriminal disposition as provided for under § 1-25. The Police Department shall enforce this article. The penalty for each violation shall be \$50 for each day or part of a day during which the violation is committed, continued, or permitted.

Article VII. Door to Door Sales

**§ 279-38. Definition, door-to-door sales.**

No person shall engage in the activity door-to-door sales, as defined in this Article, within the City of Springfield, unless they have received a license from the Police Commissioner or his designee.

**§ 279-39. Definition, door-to-door sales.**

The in-person solicitation of sales of goods or services for present or future delivery by entry upon residential property or soliciting a person, located on residential property, from a street, sidewalk, or other adjacent property without prior invitation of the person to be solicited.

**§ 279-40. Qualification of licensee**

The Police Commissioner or his designee shall have authority to grant one such license to any person of good repute for morals and integrity who is a citizen of the United States or Permanent Resident.

**§ 279-41. Duration of license**

Licenses shall bear the date of the day on which they are issued and, unless sooner revoked by the Police Commissioner or his designee, shall continue in force for one year from such date.

**§ 279-42. Fees**

- A. Each person shall pay a \$25 fee to apply for said license.
- B. Any person, who resides within the City of Springfield and is under the age of 18 shall not pay a fee for a license under this Article.

**§ 279-43. Exhibition of license on demand.**

Any licensee who fails, neglects or refuses to exhibit his license when the same is demanded of him by a police officer shall be subject to the same penalty as if he had no license.

**§ 279-44. Licenses issued by commonwealth.**

Nothing in this article shall be construed as conflicting with any license issued under the authority of the commonwealth.

**§ 279-45. Revocation of license.**

Any license granted under this article or any ordinance may be revoked by the Police Commissioner or his designee upon violation of this section.

**§ 279-46. Violations and Penalties; Enforcement**

Any person who violates a provision of this article shall pay a fine of \$50 for each day which the violation is committed, continued or permitted.

**Chapter 285 - PROPERTY MAINTENANCE**

ARTICLE I      Anti-Blight Program (§ 285-1 — § 285-7)

ARTICLE II     Vacant or Foreclosing Residential Property (§ 285-8 — § 285-17)

**Article I. Anti-Blight Program**

**§ 285-1. Findings.**

It is hereby found and declared that there exist 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.

**§ 285-2. 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 created or maintained any blighted premises.

**§ 285-3. Definitions.**

For the purpose of this article, the following words, terms, and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise:

#### BLIGHTED PREMISES

Any vacant building, structure or parcel of land in which at least one of the following conditions exist:

- G. It is becoming dilapidated as documented by the Code Enforcement Department;
- H. It is attracting illegal activity as documented by the Police Department;
- I. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department; and
- J. 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 the safety, health, morals and general welfare of the City.

#### BUILDING

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.

#### CODE ENFORCEMENT DEPARTMENT

Has the meaning set forth in Massachusetts General Laws or in Chapter 27, Article V, of the City of Springfield Code.

#### LEGAL OCCUPANCY

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.

#### NEIGHBORHOOD

An area of the City comprising premises or parcels of land, any part of which is within a radius of 800 feet of any part of another parcel or lot within the City.

#### STRUCTURE

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.

VACANT

A period of 60 days or longer during which space subject to this article is not legally occupied.

**§ 285-4. 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 article, 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 with a copy of said reports together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article.
- C. Orders to take corrective action. The Code Enforcement Department shall serve notice of violation and an 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 article in a manner specified in said order within 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.

**§ 285-5. 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 50% of the fair market value of the structure to be repaired, as determined by the City Assessor.
- 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 is 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 the owner fails, neglects or refuses to pay the City of Springfield the amount of the debt within 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 may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt.

**§ 285-6. Procedures for demolition.**

- A. Determination of need to demolish; order; appeal. When the Code Enforcement Commissioner, or an 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 article, 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 shall be issued in accordance with the procedure set forth in § 285-4 of this article.
- 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 article and seeking an order from the court for the demolition of the building or structure and/or for payment of fines for violation of the provisions of this article.
  - 2. Institute a civil action in a court of competent jurisdiction seeking an injunction 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 provisions of this article.
  - 3. When, in the judgment of the Code Enforcement Commissioner, the Fire Marshal, or Chief of Police, the condition 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 § 285-5 of this article. The City shall make every best effort to mitigate expenses by using its own employees and equipment to fulfill the demolition order.

**§ 285-7. Violations and penalties.**

- A. Each violation of any provision of this article shall be considered a separate offense hereunder.
- B. Each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.
- C. Each separate offense of this article shall be punishable by a fine of not less than \$50 nor more than \$300. The Code Enforcement Commissioner shall establish by regulation a fine schedule for each standard described in this article.
- D. The total cumulative fine in any case shall not exceed \$300 per day.
- E. The owner of any premises which has received proper notice of a violation of this article and who has 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 30 calendar days of receipt of the request for payment thereof sent by certified mail.
- F. The imposition of any fine shall not be construed 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 article 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 of such fine.
- H. Upon failure to correct any violation of this article 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, or may initiate enforced abatement or demolition procedures.

## Article II. Vacant or Foreclosing Residential Property

### **§ 285-8. Purpose.**

Unsecured and unmaintained vacant properties and foreclosing properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods and, as such, constitute a public nuisance. This article is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

### **§ 285-9. Definitions.**

The following words and phrases, when used in this article, shall have the following meanings:

**BUILDING**

Any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons.

**CERTIFICATE OF COMPLIANCE WITH CHAPTER 285, ARTICLE II**

A certificate issued by the Commissioner to the owner of a vacant and/or foreclosing property upon compliance with the provisions of this article.

**COMMISSIONER**

The Building Commissioner for the City of Springfield.

**DAYS**

Consecutive calendar days.

**FIRE COMMISSIONER**

The Commissioner of the Springfield Fire Department or his or her designee.

**FORECLOSING**

The process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

**INITIATION OF THE FORECLOSURE PROCESS**

Taking any of the following actions:

- A. Taking possession of a residential property pursuant to MGL c. 244, § 1.
- B. Commencing a foreclosure action on a property in any court of competent jurisdiction, including without limitation filing a complaint in Land Court under the Service Members Civil Relief Act, Public Law 108-189 (50 U.S.C.S. App. § 501-536).
- C. In any instance, where the mortgage authorizes mortgagee entry to make repairs upon mortgagor's failure to do so.

**LOCAL**

Within 20 miles of the property in question.



## MORTGAGEE

The creditor, including, but not limited to, service companies, agents, lenders in a mortgage agreement, and any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

## OWNER

Every person, entity, service company, property manager or real estate broker, who or which, alone or severally with others:

- C. Has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- D. Has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, administratrix, executor, trustee or guardian of the estate of the holder of legal title; or
- E. Is a mortgagee of any such property who has initiated the foreclosure process as defined in this article; or
- F. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- G. Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association created pursuant to MGL c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
- H. Every person who operates a rooming house; or
- I. Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

## PROPERTY

Any real residential property, or portion thereof, located in the City, including buildings or structures situated on the property; provided, however, that

"property" shall not include property owned or under the control of the City, the commonwealth or the United States of America.

SECURED; SECURING

Making the property inaccessible to unauthorized persons.

VACANT

Any property not currently legally occupied and not properly maintained or secured, this definition shall not include properties that have been placed in receivership pursuant to Massachusetts General Laws chapter 111 section 127I or properties with valid building or other repair permits pursuant to the Massachusetts Building Code, or other like code.

**§ 285-10. Registration of vacant and/or foreclosed residential properties; maintenance requirements.**

- A. Any owner of a vacant and/or foreclosing property shall, unless exempt from such actions by Massachusetts General Laws, within 30 days of the property becoming vacant or within 15 days of the initiation of the foreclosure process:
1. Provide written notification to the Commissioner and the Fire Commissioner of the status of such property, including in such notice the name, address and telephone number of the owner or person in control of the property; the location of the property; the length of time the building has been vacant (where applicable); the estimated time the building will remain vacant (where applicable); and the nature of the contents of the building; and
  2. As may be required by the Fire Commissioner, file one set of space utilization floor plans for any buildings on said property with the Fire Chief and one set of said plans with the Commissioner. The owner shall certify space utilization plans as accurate twice annually, in January and July; and
  3. Remove from the property, to the satisfaction of the Fire Commissioner, hazardous material as that term is defined in MGL c. 21K, as that statute may be amended from time to time; and
  4. At the discretion of the Commissioner, secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board-up Procedures or provide twenty-four-hour on-site security personnel on the property. When a vacant or foreclosing property is located within a complex of buildings owned by a single owner, twenty-four-hour on-site security shall be provided within the building or within the complex wherein the building is located; and

5. Where a property is vacant, post "No Trespassing" signs on the property; and
  6. Maintain the property in accordance with this article, free of overgrowth, trash and debris, and pools of stagnant water, and ensure that structures are maintained in a structurally sound condition; and
  7. If the property is vacant, drain all water from the plumbing and turn off all electricity between September 15 and June 15 of each calendar year to guard against burst pipes and fires; and
  8. Maintain the property in accordance with the Massachusetts State Sanitary Code, the Massachusetts State Building Code and all specialized codes incorporated therein, and any Springfield ordinances concerning the maintenance of property and the Springfield Zoning Ordinances; and
  9. Provide the Fire Commissioner and Commissioner with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the property as may be required by the Fire Commissioner or Commissioner; and
  10. Maintain liability insurance on the property and furnish the Director with a copy of said certificate of insurance; and
  11. Provide a cash bond acceptable to the Commissioner, in the sum of not less than \$10,000, to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, marking or making such building safe. One thousand dollars (\$1,000) of said bond shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, and marking said building and other such buildings that are not in compliance with this article. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties it owns in the City; and
  12. Notify the Commissioner in writing when the property is sold or transferred.
- B. Upon satisfactory compliance with the above provisions, the Commissioner shall issue a certificate of compliance with Chapter 285, Article II. Said certificate shall be valid for the length of time prescribed by the Director and noted thereon; provided, however, the certificate shall be subject to continued compliance with the provisions of this article.

**§ 285-11. Signs and markings.**

When required pursuant to this article, signs or markings shall be applied on the front of the property, and elsewhere as the Fire Commissioner or Commissioner may require, at or above the second floor level, and shall not be placed over doors, windows or other openings. All signs/markings shall be visible from the street and, when requested by the Fire Commissioner or Commissioner, shall be placed on the sides and rear of the property. Signs/Markings shall be a minimum of 24 inches by 24 inches, with lines of two-inch width, and shall have a reflective background, or be painted with reflective paint in contrasting colors. Signs/Markings shall be applied directly on the surface of the property and shall state the date of posting and the most recent date of inspection by the Fire Chief and Commissioner.

**§ 285-12. Properties without certificate of compliance.**

The Commissioner, upon being informed of the existence of a vacant or foreclosing property without a certificate of compliance with Chapter 285, Article II, shall cause notice to issue to the owner of the status of said property and shall order said person to immediately obtain a certificate of compliance with Chapter 285, Article II. If any person fails to comply with said order, the Commissioner and agents thereof may enter the premises to inspect, and further may seek court orders to enter upon the premises to secure, clean, and remove any pools of stagnant water.

**§ 285-13. Expenses.**

The owner of a vacant or foreclosing property who fails to obtain a certificate of compliance with Chapter 285, Article II, as required herein, shall be liable to the City for expenses incurred by the City in securing such property, for removing rubbish and overgrowth and/or for abating stagnant pools of water. The Commissioner shall provide the owner with a written statement of all costs associated with inspecting, securing, and marking the property, and removing rubbish or overgrowth, or abating stagnant pools of water. If the owner fails to pay or reimburse the City within seven days of notice of expenses, the City shall draw down upon the bond paid by the owner as required in § 285-10A(11). If there is no bond available, the Commissioner shall record the notice of claim in the Hampden County Registry of Deeds (or the Land Court Department) forthwith, and shall have the right to file a civil action in the Western Division Housing Court to establish a lien on the property for the balance due.

**§ 285-14. Duty to maintain property.**

- A. No owner of a vacant or foreclosing property shall allow said property to become or remain unsecured, or to contain an accumulation of rubbish, or to contain overgrowth, or to have a stagnant pool of water. If it appears that any vacant or foreclosing property is unsecured, contains rubbish, overgrowth, or a stagnant pool of water, the Commissioner shall send written notification to the owner, requiring that the owner promptly secure the property, remove the rubbish or overgrowth, or abate the stagnant pool of water.

- B. If the owner fails to comply with any notice issued pursuant to this provision, the Commissioner may immediately seek to obtain the proceeds secured by the bond filed pursuant to § 285-10A(11) herein and shall enter upon the premises and cause the property to be inspected, and further may seek court orders to enter upon the premises to secure, clean, and remove any pools of stagnant water.

**§ 285-15. Nuisance referral.**

All unsecured vacant or foreclosing properties shall be immediately referred to the Commissioner for a determination relative to whether the property is a nuisance or dangerous pursuant to MGL c. 139 and procedures promulgated thereunder.

**§ 285-16. Notice.**

Notices required pursuant to this article shall be served in the following manner:

- A. Personally on any owner as defined in this article or on the contact person specified pursuant to § 285-10A(9); or
- B. Left at the last and usual place of abode of any owner, or contact person as specified pursuant to § 285-10A(9), if such place of abode is known and is within or without the commonwealth; or
- C. By certified or registered mail, return receipt requested, to any owner, or the contact person specified pursuant to § 285-10A(9).

**§ 285-17. Enforcement; violations and penalties.**

- A. Failure to comply with any provision of this article shall be punished by a fine of \$300 pursuant to MGL c. 40, § 21D, with each day of violation constituting a separate offense.
- B. This article may also be enforced by civil, criminal process or noncriminal process, including injunctive relief. The Commissioner and/or the Fire Commissioner shall be enforcing persons for purposes of this section.

**Chapter 300 - SEWERS**

ARTICLE I	General Provisions (§ 300-1)
ARTICLE II	Public Sewers and Drains (§ 300-2 — § 300-11)
ARTICLE III	Building Sewers and Private Sewers (§ 300-12 — § 300-21)
ARTICLE IV	Private Drains (§ 300-22)
ARTICLE V	Use of Public Sewers (§ 300-23 — § 300-33)
ARTICLE VI	Industrial Pretreatment Program (§ 300-34 — § 300-47)
ARTICLE VII	Wastewater Works (§ 300-48)
ARTICLE VIII	Inspection on Private Property (§ 300-49)
ARTICLE IX	Powers and Duties of Director (§ 300-50)

ARTICLE X	Transportation of Materials Removed from Private Disposal Systems (§ 300-51 — § 300-54)
ARTICLE XI	Enforcement (§ 300-55 — § 300-56)

## Article I. General Provisions

### **§ 300-1. Definitions.**

Unless the context specifically indicates otherwise, the meanings of terms used in this Part 1 shall be as follows:

#### **APPLICANT**

Any person requesting approval to discharge wastewaters into municipal facilities or for a new connection to the public system.

#### **AVERAGE DAILY FLOW**

The total volume of sewage in gallons measured at a metering station or other point during a continuous period of 365 days divided by 365.

#### **BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of dissolved oxygen, expressed in milligrams per liter, used in the biochemical oxidation of wastewater in five days at 20° C. (68° F.) under standard laboratory procedures.

#### **BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and/or other stacks inside the building and terminates 10 feet outside the inner face of the building wall.

#### **BUILDING SEWER**

That part of the horizontal piping which begins 10 feet outside the inner face of the building wall and extends to a public sewer, private sewer or other place of wastewater disposal.

#### **CATEGORICAL PRETREATMENT STANDARDS**

Pollutant discharge limitations for specific industrial user categories promulgated under federal law by the U.S. Environmental Protection Agency.

#### **CHEMICAL OXYGEN DEMAND (COD)**

The measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand.

#### CHLORINE DEMAND

The amount, in milligrams per liter, of chlorine required to be added to water, wastewater, or other liquids to achieve a combined chlorine residual of one milligram per liter after 15 minutes of contact.

#### CITY, MUNICIPALITY or MUNICIPAL

The City of Springfield or pertaining or belonging to said City.

#### COMBINED SEWER

A sewer receiving and conveying both sanitary wastewater and surface runoff from storms.

#### DIRECTOR

The Director of Public Works of the City or his authorized deputy or representative.

#### DOMESTIC WASTEWATER

The liquid wastes and liquid-borne wastes discharged from sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, laundry rooms, kitchens, cafeterias and floor drains, essentially free of industrial wastes or toxic materials.

#### DRAIN

See "storm drain."

#### EXCESSIVE

Amounts or concentration of a constituent of a wastewater which, in the judgment of the municipality:

- A. Will cause damage to any facility;
- B. Will be harmful to a wastewater treatment process;
- C. Cannot be removed in the treatment works to the degree required in the limiting stream classification standards of the Connecticut River and/or its tributaries;

- D. Can otherwise endanger life or property; or
- E. Can constitute a nuisance.

#### FACILITIES

Includes structures, conduits, pumping stations, treatment and disposal works, and other appurtenances for the purpose of collecting, treating and disposing of domestic and/or industrial wastewater.

#### GARBAGE

The wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter, usually with a high natural moisture content.

#### INDUSTRIAL USER

An industry discharging industrial wastewater to a public sewer.

#### INDUSTRIAL WASTEWATER

The liquid wastes from industrial manufacturing processes, laboratories, trades or businesses which predominate, as distinct from domestic wastewaters.

#### INDUSTRY

An establishment with facilities for mechanical, testing, trade, or manufacturing purposes.

#### INTERCEPTOR SEWER

A sewer, located in public and/or private property, which collects the entire flow from a number of public and/or private sewers, conveys the flow to a suitable collection point for final discharge to a place of wastewater treatment and is entirely controlled by the municipality.

#### INTERFERE

A discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the City's wastewater works, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the City in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to



as the "Resource Conservation and Recovery Act (RCRA)," including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Water Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

#### LICENSED CONTRACTOR

Any contractor licensed by the Director of Public Works to install building sewers, private sewers and public sewers in the City.

#### MAXIMUM DAILY FLOW

The highest volume, in gallons, measured at a metering station or other point during any continuous twenty-four-hour period.

#### NATURAL OUTLET

Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

#### PASS-THROUGH

The discharge of pollutants through the City's wastewater works into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, are a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

#### PERSON

Any individual, firm, company, association, society, corporation, group, trust, municipality or governmental authority.

#### pH

The negative logarithm (to the base 10) of the hydrogen ion concentration in grams per liter of solution.

#### PRIVATE DRAIN

Any drain located on private property and not under the full care and control of the Department of Public Works.

#### PRIVATE SEWER

Any sewer located on private property that collects and conveys wastewater from two or more building sewers, discharges into a public sewer, and is not under the full care and control of the Department of Public Works.

#### PROPERLY SHREDDED GARBAGE

Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

#### PUBLIC DRAIN

A drain located in a public way, private way, or easement in which all owners of abutting properties have equal rights, and which is under the full care and control of the Department of Public Works.

#### PUBLIC SEWER

Any sewer owned or maintained by the City and any sewer situated outside the City that is owned or maintained by a city, town or district that discharges into City wastewater treatment works.

#### RECEIVING WATERS

Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface water or groundwater receiving discharge of wastewaters.

#### SANITARY SEWER

A sewer which carries domestic and/or industrial wastewaters and to which surface runoff from storms and groundwater is not intentionally admitted.

#### SEWER

A pipe or conduit for carrying wastewater.

#### SLUG

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration, or flow, during normal operation.

#### STORM DRAIN

A pipe or conduit for conveying rainwater, groundwater, subsurface water, condensate, cooling water, or other similar discharges.

## SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as "nonfilterable residue" in the laboratory test prescribed in Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

## TURBIDITY

- A. A condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays.
- B. A measure of fine suspended matter in liquids.
- C. An analytical quantity usually reported in arbitrary turbidity units determined by measurements of light diffraction.

## WASTES

Substances in liquid, solid or gaseous form that can be carried in water.

## WASTEWATER

The spent water of the municipality and may be a combination of the liquid and liquid-borne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater and surface water that may be present.

## WASTEWATER TREATMENT WORKS

Any arrangement of devices and structures used for treating wastewater.

## WASTEWATER WORKS

All structures, equipment and processes for collecting, pumping, treating and disposing of wastewater.

## Article II. Public Sewers and Drains

### **§ 300-2. Restrictions on street openings.**

- A. Whenever any street is opened for the laying of pipes for water, gas or other purposes, or for the performance of any works of construction or repairs, such laying of pipes and repairs and work connected therewith or such work of construction shall be executed so as not to obstruct the course, capacity or construction of a public sewer or drain; and whenever pipes for any purpose or any work of construction shall hereafter be found to exist at such depth

or in such location as to interfere with any existing sewer or with the building of any public sewer of the required size, and at the proper depth and grades, the person maintaining the same shall, upon notice thereof, at once remove, change and alter such pipes or other works in such manner as the Director of Public Works may direct.

- B. If such person neglects to immediately remove, change or alter such pipes in accordance with the terms of the notification, then the Director of Public Works may make such removal, change or alteration, and the cost thereof shall be paid by such person.

**§ 300-3. Performance of excavations and connections.**

- A. No person other than the Director of Public Works through his employees, or a contractor with written authorization by the Director acting under his direction, shall be allowed to excavate within the limits of any street or open any public drain or sewer for any purpose whatever.
- B. The connection of all private drains or sewers within the street limits and all connections to any public drain or sewer shall be performed by the Director of Public Works, or his agent, and all material therefor shall be furnished by the City, and the cost thereof and of the labor of laying the same shall be included in the sum paid for the permit (see §§ 300-11 and 300-14).

**§ 300-4. Connection to public sewers required; privies and cesspools prohibited.**

- A. The Mayor, City Council, and the Commissioner of Public Health are authorized, in all cases where there is a public sewer or drain in any street of the City or easement held by the City, to cause every owner of land adjoining such street or easement, his agent or tenant to provide, subject to the provisions of this Part 1, a sufficient building sewer or drain from his house, yard or lot to and into such public sewer or drain, whenever, in the opinion of the City Council and the Commissioner of Health, the same shall be necessary for the protection of the public health, and shall, thereupon, give such owner, agent or tenant notice in writing, specifying the time within which such building sewer or drain shall be constructed.
- B. The City Council and the Commissioner of Public Health may, whenever in their opinion the protection of the public health requires, prohibit the maintenance of any privy or cesspool on any premises connected with a public sewer or drain.
- C. Any person who neglects to construct a building sewer or drain under the provisions of this section within the time specified in such notice to do so, or maintains a privy in violation of such prohibition, shall forfeit and pay a penalty as provided in Section 12(t) of Chapter V of the 1972 Revised Ordinances of Springfield.

**§ 300-5. Procedure for laying out or constructing new public sewers and drains by City.**

- A. Whenever the laying out or construction of a new public sewer or drain by the City is wanted, application therefor shall be made by petition in writing to the Mayor or City Council, signed by no fewer than six inhabitants of the City or by the City Planning Director or the City Engineer.
- B. Upon filing of said petition, the Mayor or City Council may refer the petition to the Board of Public Works for investigation, hearing and report thereon. Before holding any hearing on said petition, the Board of Public Works shall give all parties notice in the same manner as required by Chapter 338, Streets and Sidewalks, § 338-4.
- C. After hearing all interested parties in the same manner as provided in Chapter 388, Streets and Sidewalks, §§ 338-3 and 338-4, the Board of Public Works shall report to the Mayor or City Council whether, in the Board's opinion, the public convenience or the public health require the laying out or construction of a new public sewer or drain by the City.

**§ 300-6. Reference to Board of Public Works; consent for sewers or drains outside of streets.**

- A. No new public sewer or drain shall be constructed by the City unless the question of such construction or making shall first be referred to the Board of Public Works, which shall report to the Mayor and City Council an estimate of its cost, the materials of which, and the manner in which the same should be constructed or made, and an estimate of the damage likely to be occasioned by construction, taking land, or encroachment of watercourses; and if the sewer or drain or any portion thereof shall be outside the limits of the streets, it shall not be constructed or made otherwise than by the consent of all persons interested, without the same proceedings being followed as are required for laying out streets as provided in Chapter 338, Streets and Sidewalks, §§ 338-8 through 338-13. (See also § 300-5.)
- B. In addition to the aforementioned procedure, the Board of Public Works shall conduct a hearing for all interested parties, in accordance with the notification procedure set forth in Chapter 388, Streets and Sidewalks, § 338-9, after the estimate for damages and estimate of assessments is complete, but before final enactment by the City Council.

**§ 300-7. Plans for public sewers or drains.**

- A. Whenever any public drain or sewer is to be built, the Director of Public Works shall make or cause to be made a plan of the same, showing the form, mode of construction, depth below the surface, relation of the sewer invert elevations to the City base, the alignment and general direction of the drain or sewer relative to the street lines or neighboring property, and the sill elevations of all houses to be served, which plan shall be kept on file in his office.
- B. This plan shall be the basis of the evaluation and report by the Board of Public Works required under § 300-6.

**§ 300-8. Location in streets; materials and dimensions.**

All public sewers which shall be ordered by the Mayor and City Council in any street or highway shall, whenever practical, be laid out as nearly as is practicable in the center of such street or highway, and shall be constructed of such materials and of such dimensions as the Mayor and City Council direct.

**§ 300-9. Connection of private sewer to public sewer or private drain to public drain.**

No connection shall be made between any private sewer or building sewer and any public sewer, or between a private drain and any public drain unless it is of such size, material, construction, depth and location as the Director of Public Works may direct, and until the appropriate permit has been obtained from the Director of Public Works and all fees, charges, and assessments have been paid.

**§ 300-10. Private sewers or drains to become City property when connected; size requirements.**

- A. All private sewers and drains laid by private parties in any street, court or way open or proposed to be opened for public travel and accommodation shall become public sewers or drains when connected to public sewers or drains.
- B. After the adoption of this Part 1, no such sewer shall be connected with a public drain until plans showing the size, material, construction, depth and location are approved by the Director of Public Works and until the owner conveys in writing to the City exclusive control over the same, with the right to enter such street, court or way and dig up the same so far as necessary for repairing and controlling such sewer or drain and making connections therewith.

**§ 300-11. Permits.**

- A. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or drain or appurtenance thereof without first obtaining an appropriate written permit from the Director of Public Works.
- B. Applicants shall apply for separate permits for sewers and drains.
- C. Classes of permits shall be as follows:
  - 1. Class A: residential, sewers.
  - 2. Class B: commercial service and institutional, sewers.
  - 3. Class C: industrial waste-producing establishments, sewers.
  - 4. Class D: drain permit.

- D. The owner or his agent shall make application on a special form furnished by the Director. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee for each type of permit shall be paid to the City at the time the application is filed. The fee schedule will be established by the Director and approved by the City Council and Mayor. Fees shall include the total cost of making the connections as provided in § 300-3.

### Article III. Building Sewers and Private Sewers

#### **§ 300-12. License required to install or repair.**

- A. No contractor or person shall be allowed to install or repair a building sewer and/or private sewer or drain unless properly licensed by the Director of Public Works.
- B. Such licenses shall be valid for one year unless cancelled by the Director for cause after a hearing.
- C. Fees for such licenses shall be established by the Director and approved by the City Council and the Mayor.

#### **§ 300-13. Licenses to clean private disposal systems.**

The Commissioner of Public Health shall, from time to time, license some person to remove night soil, the contents of privy vaults and cesspools, and to remove dead animals, subject to the provisions of the City ordinances and all the rules of the Public Health Council relating thereto.

#### **§ 300-14. Installation, maintenance, repair or replacement charges.**

- A. The City shall be reimbursed by the owner for all costs incurred by the City for installation, maintenance, repair or replacement of building sewers and/or private sewers.
- B. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such installation, maintenance, repair or replacement.
- C. If reimbursement is not made, the costs shall be considered a lien upon the property served by the building sewer and/or private sewer.

#### **§ 300-15. Independent building sewers.**

- A. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway.

- B. Under these circumstances, and upon approval of the Director, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- C. Any such approval shall be by written agreement and shall be recorded in the County Registry of Deeds.

**§ 300-16. Approval and recording of private sewers.**

- A. A private sewer for the collection of two or more building sewers shall be constructed only upon receipt of written approval by the Director and shall be recorded in the County Registry of Deeds.
- B. A copy of such approval and a plan prepared in accordance with all the requirements of this Part 1 shall be kept on file in the office of the Director.

**§ 300-17. Reuse of existing building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Part 1.

**§ 300-18. Construction requirements.**

- A. The size, slope, alignment and materials of construction of a sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall conform to the applicable rules and regulations of the Director of Public Works. The private sewer or building sewer shall not be connected to the public sewer prior to certification by the Director that the entire sewer has been properly constructed, inspected for conformance, and tested, and is ready for use. In the absence of specific rules and regulations or in amplification thereof, the materials and procedures set forth in appropriate specifications of the latest edition of the ASTM and WPCF Manual of Practice No. 9, on file with the Director, shall apply.
- B. All excavations for sewer installation shall be adequately guarded by the licensed contractor with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director of Public Works.
- C. No person or persons shall construct a building sewer or a private sewer without first obtaining the appropriate permit from the Director of Public Works. The Director reserves the right to install any building sewer or private sewer with City forces.

**§ 300-19. Depth of building sewer.**



Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any plumbing connection is too low to permit gravity flow to the private sewer or public sewer, domestic wastewater discharged by such connection shall be lifted by a suitable means (which have been approved by the Director of Public Works) and shall be discharged to the building sewer.

**§ 300-20. Sanitary sewer connection restrictions.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or to interior piping which in turn is connected directly or indirectly to a public or private sanitary sewer.

**§ 300-21. Connection to public sewer.**

- A. The connection of the building sewer or private sewer into the public sewer shall conform to applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the latest edition of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.
- B. The applicant for the sewer permit shall notify the Director when the sewer is ready for inspection and connection to the public sewer. The private sewer and building sewer shall not be connected to the public sewer prior to certification by the Director that the entire sewer has been properly constructed, inspected for conformance, and tested, and is ready for use. The connection shall be made under the supervision of the Director or his representative. (See also §§ 300-3, 300-9 and 300-11.)
- C. Any person proposing a new discharge into the system or a change in the volume or characteristic of pollutants that are being discharged into the system shall notify the Director at least 45 days prior to the proposed change of connection.

Article IV. Private Drains

**§ 300-22. Requirements.**

The requirements of §§ 300-14, 300-16, 300-17, 300-18 and 300-21 shall also apply to private drains.

Article V. Use of Public Sewers

**§ 300-23. Unpolluted discharges.**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or

unpolluted industrial process waters to any sanitary sewer other than such discharge as is present at the time of passage of this Part 1. All new or altered connections, excluding ordinary repairs, to the sanitary wastewater system shall conform with this section.

- B. Stormwater and all other unpolluted drainage shall be discharged to such drains as are specifically designated as storm drains or combined sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm drain, combined sewer, or natural outlet.

**§ 300-24. Prohibited discharges.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works;
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**§ 300-25. Restricted discharges.**

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Director, that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.
- B. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater

treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors.

C. The substances restricted are:

1. Any liquid or vapor having a temperature higher than 140° F., or such lower temperature specified by the Director to ensure that the temperature of influent wastewater at the City's wastewater treatment works does not exceed 104° F.
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Director.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations as to exceed the limits established by the Director and/or the requirements of the state, federal or other public agencies or jurisdictions for such discharge or the receiving waters.
6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
7. Any waters or wastes having a pH in excess of 9.0.
8. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Color or turbidity in such an amount that it will prevent the City from discharging a treated effluent in compliance with the water quality standards.
  - c. Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the wastewater treatment plant.

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this Part 1.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Septic tank solids that are not diluted sufficiently to assure that all particles will be carried freely under all flow conditions in the wastewater facilities.

**§ 300-26. Actions in cases of polluted discharges.**

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances in excess of the limits which may be established by the Director or possess the characteristics which, in the judgment of the Director, may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:
  1. Reject the wastes;
  2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  3. Require control over the quantities and rates of discharge; and/or
  4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Part 1. The amount to be assessed shall include not only the aforementioned costs but also costs of ascertaining responsibilities.
- B. If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and subject to the requirements of all applicable codes, ordinances and laws.

**§ 300-27. Industrial wastewaters containing metals.**

- A. Any waters or wastes containing heavy metals, including but not limited to arsenic, barium, cadmium, chromium, cobalt, copper, lead, nickel, tin, silver, gold, or zinc, will require pretreatment before discharge to the City's system. Pretreatment shall be such as to reduce the concentration of heavy metals by appropriate methods in the pretreatment system

effluent to a level equal to or less than the solubility of the oxide of hydroxide of the heavy metal.

- B. Sludges resulting from the pretreatment process may not be discharged to the sewerage system. The above requirement is in compliance with the policy of the Massachusetts Division of Water Pollution Control. Stricter limits may be imposed if it is found necessary to meet water quality standards. Industries discharging or requesting to discharge beryllium, mercury, arsenic or selenium in any quantity will additionally obtain approval of the Division of Water Pollution Control or their appointed successors.

**§ 300-28. Industrial wastewaters containing grease, oil, or sand; interceptors.**

- A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.
- B. All interceptors shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection.

**§ 300-29. Control manholes.**

- A. When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.
- B. Such manholes, when required, shall be accessibly and safety located and shall be constructed in accordance with plans approved by the Director.
- C. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

**§ 300-30. Measurement, testing and analysis of industrial wastewaters.**

- A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Part 1 shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer or private sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the

existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

- B. Furnishing required analyses, flow data, etc., shall be the responsibility of the applicant. The Director will stipulate the minimum analyses and other data that shall be obtained and shall conduct such wastewater sampling and measuring programs as are requested by the applicant. Expenses thus incurred by the City shall be assessed to the applicant.
- C. All industries discharging into a public sewer system shall perform such monitoring of their discharges as the Director and/or other duly authorized employees of the City may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director. Such records shall be made available by the Director, upon request, to other governmental agencies or City departments having jurisdiction over discharges to receiving water.

**§ 300-31. Treatment of industrial wastewaters by City.**

- A. No statement contained in this article shall be construed as preventing any agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.
- B. Such agreement or arrangement shall first be approved by the City Council and the Mayor.
- C. Such agreements may not waive pretreatment standards (local and categorical), unless such a waiver is granted by mechanisms established under the general pretreatment regulations. Prohibited discharge standards may not be waived under any circumstances.

**§ 300-32. Maintenance and operation of pretreatment or flow-equalizing facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in a condition satisfactory to the Director and be effectively operated by the owner at the owner's expense.

**§ 300-33. Disposal of septic tank solids.**

No septic tank solids shall be discharged to the City's wastewater system except by specific permission of the Director. The Director shall designate the locations where septic tank solids may be discharged to the wastewater system and the conditions for such discharge.

**§ 300-34. Compliance with pretreatment regulations and categorical standards.**

All persons discharging wastewater into a public sewer shall comply with federal and state industrial pretreatment regulations (as amended). Industrial users shall comply with federal and state general pretreatment standards and with applicable categorical standards. Compliance with such standards shall be achieved no later than the date such standard is effective, unless a shorter compliance time is specified by the Director.

**§ 300-35. Sampling, analysis and surveillance.**

The Director shall randomly sample and analyze the discharges of industries connected to a public sewer and shall conduct surveillance and inspection activities to identify, independent of information supplied by such persons, occasion and continuing noncompliance with this article (as amended).

**§ 300-36. Discharge permit required.**

- A. Within 120 calendar days after the effective date of this article, all industrial users shall apply for an industrial discharge permit. Such application shall be made by completing a form developed by the Director. Beginning 240 calendar days after the effective date of this article, no industrial user may continue to discharge wastewater to a public sewer without an industrial discharge permit duly issued by the Director.
- B. All new industrial users proposing to discharge wastewater to a public sewer shall apply for an industrial use discharge permit at least 60 calendar days before connecting to the public sewer. As part of such application, the Director may require the applicant to obtain written certification from the appropriate federal and state regulatory agencies as to whether the applicant falls within particular industrial categories or subcategories for purposes of industrial pretreatment standards.

**§ 300-37. Modification of permit; violations; conflicts; term; transfer.**

- A. The terms of an industrial discharge permit may be modified by the Director and a reasonable time provided for compliance with such modified terms.
- B. Violations of the terms of such permits are violations of this article.
- C. Where a conflict exists between the terms of a duly issued permit and this Part 1, this Part 1 shall govern, unless the permit is more restrictive.
- D. Permits may be issued for a maximum period of three years and may not be transferred to a new owner or occupant of the premises without the Director's written approval.

**§ 300-38. Modification, suspension or revocation of permits.**

- A. A permit may be modified, suspended or revoked in the discretion of the Director:
1. For violations of the terms and conditions of the permit;
  2. For violations of this article;
  3. For violations of any state or federal statutory provisions or regulations;
  4. For falsification of any information or reports submitted to the Director;
  5. For changes in conditions, or the existence of a condition, which require either a temporary or permanent reduction or elimination of the authorized discharge;
  6. To require compliance with applicable pretreatment or other water pollution standards promulgated by state or federal agencies.
- B. If the Director determines that conditions exist that constitute an imminent endangerment to the health or welfare of persons, or an endangerment to the environment or which threaten to interfere with the operation of the wastewater facility, the Director may immediately modify, suspend or revoke the permit, and shall give notice to the permit holder of the action and the right of the permit holder to request a hearing before the Director within 48 hours of the revocation, suspension or modification. Upon notification of the permit holder's request for a hearing, the Director shall establish a hearing date and time within one working day of the request for a hearing.
- C. In all instances of revocation, modification or suspension of a permit, the Director shall notify the permit holder 14 days prior to the effective date of the permit action, and of the permit holder's right to request a hearing before the Director within seven days of the notice. Upon notification of the request for hearing, the Director shall establish a hearing date and time within seven days of the request for a hearing.
- D. If a permit holder does not request a hearing within the proper time period, the action of the Director shall become final. Following the hearing, the Director may take such action as he deems appropriate as to the suspension, revocation or termination of the permit.

**§ 300-39. New pretreatment standards.**

- A. Within 90 days after adoption by a federal or state regulatory agency of a categorical pretreatment standard, existing industries subject to such standards shall submit an industrial discharge permit amendment application containing information required under applicable federal and state industrial pretreatment reporting regulations in the form



required by the Director. (Such permit amendment application is in addition to the industrial user discharge permit application required in this article.)

1. Such information shall include, at a minimum:

- a. The name and address of the facility, including the name of the operators and owners;
- b. A list of all environmental permits held by or for the facility;
- c. A brief description of the nature, average rate of production, and standard industrial classification of the operations carried out at such facility;
- d. A schedule of actions to be taken to comply with the categorical standards;
- e. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.

2. The Director may require that additional information be included in the application.

- B. Beginning 180 days after the adoption of federal or state categorical pretreatment standards, industries subject to such standards may not discharge industrial wastes from processes regulated by such categorical standards to a public sewer, unless an industrial discharge permit amendment is approved by the Director and its terms are being met. Such permit amendment may include a compliance schedule for activities necessary to meet pretreatment standards.

**§ 300-40. Compliance reports.**

Within 90 days after the date for final compliance by existing industries within applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into a public sewer, such industries shall submit a report indicating the nature and concentration of pollutants in the discharge from the regulated process(es) governed by categorical pretreatment standards and the average and maximum daily flow for these units. Such report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices or pretreatment is necessary. Such industrial users shall also submit before June 1 and December 1 each year, unless required more frequently by the Director, a report indicating the nature and concentration of pollutants in the discharge, average and maximum daily flows, and violations of applicable categorical pretreatment standards. Additional requirements for such periodic reports may be imposed by the Director.

**§ 300-41. Slug discharge notice.**

Industries shall immediately notify the Director of any slug discharged by such user, in person or by telephone followed by written notice.

**§ 300-42. Authorized representatives.**

Reports and permit applications submitted by industries under this article shall be signed by an authorized representative. An authorized representative may be:

- A. A principal executive officer of at least a level of vice president, if the industrial user is a corporation;
- B. A general partner or proprietor, if the industrial user is a partnership or sole proprietorship;  
or
- C. A duly authorized representative of either of the individuals designated in Subsections A and B of this section, if such representative is responsible for the overall operation of the subject facility.

**§ 300-43. Recordkeeping.**

- A. Industries subject to the reporting requirements of this article shall maintain records of information resulting from monitoring activities required to prepare such reports.
- B. Such records shall include, for each sample:
  - 1. The date, exact place, method and time of sampling and the name(s) of the person(s) taking the sample;
  - 2. The dates the analyses were performed;
  - 3. The name(s) of the person(s) performing the analyses;
  - 4. The analytical techniques and methods used; and
  - 5. The results of such analyses.
- C. Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Director.

**§ 300-44. Record confidentiality.**

Information and data submitted to the Director relating to wastewater discharge characteristics shall be available to the public and governmental agencies without restriction. Other such information shall be available to the public and governmental agencies without restriction, unless the person providing such information specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge processes or methods of production entitled to protection as trade secrets. Trade secrets shall not be made available for inspection by the public, but may be made available upon the written request of the governmental agencies for their use regarding this Part 1, the national pollutant discharge elimination system (NPDES) permit, and state disposal system permits and/or the pretreatment program. Information accepted by the Director as being a trade secret shall be treated in accordance with MGL c. 4, § 7, and 40 CFR 403.14.

**§ 300-45. Dilution; mass limitations.**

No person may utilize dilution as a means of complying with federal, state or local discharge limitations. The Director may impose mass limitations (in addition to concentration limitations) on the discharge of any pollutant by any person.

**§ 300-46. Annual report of violators.**

The Director shall annually publish in the largest daily newspaper published by the City a report of industrial users that were significant violators during the previous 12 months. For purposes of this provision, a significant violation includes:

- A. A violation remaining uncorrected 45 days after notification of noncompliance;
- B. A pattern of noncompliance over a twelve-month period;
- C. A failure to accurately report noncompliance; or
- D. A violation resulting in the Director's exercise of emergency powers under § 300-55.

**§ 300-47. Permit fees.**

- A. The annual operating costs incurred by the City for implementation of the industrial pretreatment program, including the costs of labor, equipment, monitoring, sample analyses by the City and outside laboratories, and related items, shall be recovered from industrial users. The Director shall establish annual permit fees to be paid by industrial users in the amounts necessary to recover such costs. The Director may set different levels of permit fees for various classes of industrial users and may adjust such fees on an annual basis to ensure that the industrial pretreatment costs are fully recovered.
- B. The Director shall file such fees with the City Clerk within 10 days, and the City Council may revise the fees to be retroactive 60 days from the date the Mayor signs the order.

## Article VII. Wastewater Works

### **§ 300-48. Protection from damage; violations and penalties.**

No person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater works. Any person violating this provision shall be subject to arrest and a fine to the extent permitted by law.

## Article VIII. Inspection on Private Property

### **§ 300-49. Power and authority of inspectors.**

- A. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Part 1. The Director or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Such powers shall also include the inspection and copying of records and reports required to be kept under this Part 1.
- B. While performing the necessary work on private properties referred to in Subsection A of this section, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

## Article IX. Powers and Duties of Director

### **§ 300-50. Powers and duties with respect to sewers, drains, and wastewater treatment.**

The Director of Public Works shall be responsible for the operation and maintenance of the wastewater works, the administration of contracts and agreements between the City and municipalities and industries served by the City, and the administration of this Part 1. He shall make all rules and regulations required to satisfactorily implement and enforce the provisions of this Part 1 and the intent thereof. The rules and regulations shall include, but not be limited to, the following:

- A. Standards for public sewers and drains.
- B. Standards for private sewers and drains.
- C. Standards for building sewers.
- D. Licenses, permits, application forms, and fees.

- E. Leakage tests.
- F. Discharges allowed to the public sewer.
- G. Monitoring of discharges to the public sewer.
- H. Operation and maintenance of facilities.
- I. Safety.

#### Article X. Transportation of Materials Removed from Private Disposal Systems

##### **§ 300-51. Standards.**

No person shall remove or transport through any street or passageway in the City any substances mentioned in § 300-13, except in such manner, at such time, and in such vessels or vehicles as the Public Health Council may prescribe.

##### **§ 300-52. Transportation without license.**

No person not licensed under the provisions of § 300-13, unless permitted to do so under the provisions of MGL c. 111, § 31A, shall remove or transport through any street or passageway in the City any substances specified in § 300-13.

##### **§ 300-53. Vehicles and utensils used in transporting.**

No person shall at any time whatsoever carry into or through any public street of the City any part of the contents of any privy vault or cesspool in any cart, wagon or other vehicle or utensil which shall not be closely covered, watertight and kept clean upon the outer surface.

##### **§ 300-54. Charges for removal.**

Every person licensed under the provisions of § 300-13 shall be entitled to collect from the owner, occupant, or person having charge of the premises from which he has removed any of the substances mentioned in § 300-13 such compensation as shall be fixed by the rules of the Public Health Council, whether such removal is made upon the application of such owner, occupant or agent or by order of the Commissioner of Health.

#### Article XI. Enforcement

##### **§ 300-55. Stopping or preventing discharges.**

- A. The Director, after notifying the discharger by telephone or in person, may immediately halt or prevent any discharge of pollutants to a public sewer that reasonably appears to present an imminent endangerment to the health or welfare of persons, or any such discharge presenting (or which may present) an endangerment to the environment or which threatens

to interfere with the operation of the City's wastewater works. Actions which may be taken by the Director may include, but are not limited to, seeking injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the discharger.

- B. The Director is authorized to take all appropriate action to enforce the terms of an industrial discharge permit or this Part 1.

**§ 300-56. Violations and penalties.**

- A. Any person found to be in violation of any provision of this Part 1 shall be penalized up to \$1,000 per violation. The Director may seek imposition of civil and/or criminal penalties for violations of this Part 1 to the maximum extent set forth in this Part 1 and in other current or future laws.
- B. Any person violating any of the provisions of this Part 1 and regulations shall become liable to the City for any fine assessed to the City or any expense, loss, or damage occasioned the City by reason of such violation.

**Part 2 - Assessments and User Charges**

ARTICLE XII	General Provisions (§ 300-57)
ARTICLE XIII	Assessments for Sanitary Sewers (§ 300-58 — § 300-64)
ARTICLE XIV	Assessments for Drains (§ 300-65)
ARTICLE XV	User Charges (§ 300-66 — § 300-69)
ARTICLE XVI	Administration (§ 300-70 — § 300-74)

**Article XII. General Provisions**

**§ 300-57. Definitions.**

For the purposes of this Part 2, the words set out in this section shall have the following meanings:

**ABUTTER**

One who holds title to real property within the limits of a sewer improvement area and his successors in title.

**APPLICANT**

Any person requesting approval to discharge wastewaters into municipal facilities or for a new connection to the public system.

**BIOCHEMICAL OXYGEN DEMAND (BOD5)**

The quantity of dissolved oxygen, expressed in milligrams per liter, used in the biochemical oxidation of wastewater in five days at 20° C. (68° F.) under standard laboratory procedures.

#### COMMERCIAL

A classification of user 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.

#### DEVELOPED PROPERTY

Property that generates wastewater.

#### DIRECTOR

The Director of Public Works of the City.

#### DRY INDUSTRY

A classification of user which includes all industries which do not use water for processes, do not use large volumes of water for cleaning, or for which total annual wastewater production is less than 100,000 cubic feet.

#### INDUSTRY

An establishment with facilities for manufacturing, processing, fabricating, finishing, assembly, testing, or packaging goods, including materials, chemicals, by-products, and finished and unfinished products.

#### INSTITUTIONAL

A classification of user which includes all schools, churches, governmental buildings and offices, religious organizations, and similar facilities, both profit and nonprofit.

#### LOT

Real property which is described by deed, or a filed subdivision plan, as a single entity and cannot not be further subdivided.

#### PARCEL

Real property consisting of one lot, or two or more contiguous lots, under one ownership.

#### SEWER IMPROVEMENT AREA

All that land contained with boundaries which shall include all areas served by an extension of the sewerage system (Areas to be serviced by pumping facilities shall be considered separate sewer improvement areas.); the boundaries of the sewer improvement area shall include only those parcels and portions of parcels which can be directly served by the public sewer (public sewer is located in a right-of-way, street, public way or easement which is adjacent to the parcel and the public sewer abuts an extension of the nearest property line of the parcel) and which will require a building sewer not exceeding 100 feet in length between the property line and the public sewer, measured along the shortest route between the public sewer connection point and the intersection of the building sewer at the property line, such that the building sewer does not pass through adjacent private land.

#### SUSPENDED SOLIDS (SS)

All solids that either float on the surface of or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as "nonfilterable residue" in the laboratory test prescribed in Standard Methods for the Examination of Water and Wastewater.

#### TOTAL ABUTTER FRONTAGE

The summation of individual abutter frontages in a sewer improvement area, whether or not some parcels may be deferred or excluded from assessment. City streets and ways shall not be included.

#### UNDEVELOPED PROPERTY

Property that is void of any buildings, does not have wastewater facilities, and does not require a connection to the public sewer.

#### USER

The person, as defined in this Part 2, who holds title to real property with the City, and his successors in title, who discharges wastewater.

#### WASTEWATER

The spent water of the municipality and may be a combination of the liquid and liquid-borne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater and surface water that may be present.

#### WET INDUSTRY



A classification of users which includes all industries which produce large volumes of wastewater; users which produce a wastewater of greater strength than residential wastewater (or contains constituents which require pretreatment in accordance with Part 1 of this chapter) shall be classified as a wet industry for purposes of this Part 2.

Article XIII. Assessments for Sanitary Sewers

**§ 300-58. Calculations and method of assessments for new public sewers.**

A proportionate cost of each extension of the public sewer system, including the cost of all required pumping stations and appurtenances thereto, shall be distributed between the City and the abutters in an equitable manner, based on the estimated cost of the project.

- A. The proportionate cost shall be the sum of the following:
  - 1. The estimated cost of all eight-inch diameter and smaller public sewers, including appurtenances thereto.
  - 2. The proportionate share of the estimated costs of pumping facilities, including appurtenances thereto, determined by a direct ratio of design capacities as established by the Director.
  - 3. The proportionate share of the costs, as stated in this Part 2, of sewers larger than eight-inch diameter. For all public sewers larger than eight-inch diameter, the Director shall estimate the cost of eight-inch diameter public sewers required to serve the parcels within the sewer improvement area. The Director shall use the estimated cost of eight-inch diameter sewers to establish the proportionate share of the costs of sewers larger than eight-inch diameter.
- B. The assessment for an individual parcel shall be the sum of a frontage charge and an area charge.
  - 1. Frontage charge.
    - a. The frontage charge shall be the product of the assessable abutter frontage and a charge per foot. The assessable abutter frontage shall be the actual street frontage, but not less than the minimum frontage required by the Zoning Ordinance. Where a lot has frontage on more than one street, the shortest frontage, but not less than the minimum frontage required by the Zoning Ordinance, shall be the assessable abutter frontage. One-half of the length of any curve connecting two intersecting streets shall be included in the assessable abutter frontage. Where a parcel which has been (or could be under the Zoning

Ordinance) subdivided into two or more lots has frontage on more than one street, the total frontage shall be the assessable abutter frontage. Where one or more lots can be classified as undeveloped property, a deferment of a portion of the assessment may be granted under Subsection C of § 300-64.

b. The charge per foot shall be the quotient of 20% of the estimated proportionate cost of all sewers, pump stations, and all other appurtenances that are required to serve that particular sewer improvement area divided by the total abutter frontages in the sewer improvement area, whether or not some parcels may be deferred or excluded from assessment.

2. The area charge shall be the product of the assessable parcel area and a charge per square foot. The assessable parcel area shall be equal to the total parcel area where the parcel depth is less than 100 feet; for parcels with lot depth greater than 100 feet, only that portion of the total area of the individual lots within 100 feet measured perpendicular to the street line shall be used for assessment purposes. The charge per square foot shall be 1 1/2% of the above frontage charge per foot.

C. In no case shall the assessment exceed the benefit received by the land assessed.

**§ 300-59. Project costs to be paid by City.**

The City will pay the difference between the actual total project cost and the summation of all calculated abutter costs within the sewer improvement area, as described in § 300-58.

A. The amount of assessments granted exemptions under § 300-63 will be paid by the City.

B. All assessments deferred under § 300-64 will be assumed by the City for the period of deferment. The City shall be reimbursed by the parcel owners for all deferred assessments as provided under § 300-64.

C. The full amount of any abatement granted will be paid by the City.

D. The assessments computed in accordance with § 300-58 and approved by the City Council after the proceedings outlined in § 300-6 shall not be increased as a result of exemptions, deferments, or abatements granted on some parcels.

**§ 300-60. Capacity charge to be paid by commercial and industrial users.**

A. A one-time capacity charge shall be paid upon connection to the City's wastewater works by all commercial and industrial users who contribute wastewater at a peak rate in excess of 10 cubic feet per minute according to the following schedule for each cubic foot per minute or fraction thereof of peak wastewater flow anticipated from the property:

Contribution Rate (cubic feet per minute)	Capacity Charge
10 to 15	\$100 per cfm for every cfm over 10 cfm
15 to 30	\$500, plus \$50 for each cfm over 15 cfm
Over 30	\$1,250, plus \$25 for each cfm over 30 cfm

- B. Upon application for these services, the applicant shall submit an estimated peak wastewater flow, together with the information required in Article V of Part 1 of this chapter, plus any additional information requested by the Director for verification of the estimate.
  
- C. If the capacity charge computed above exceeds \$500, the first \$500 shall be paid with the application and the balance may be paid in the same manner as a betterment assessment.
  
- D. At such time as the peak rate of discharge exceeds the amount paid for in the capacity charge, application shall be made for the increased capacity required. Upon approval by the City, an additional capacity charge shall be paid. This new capacity charge shall be calculated in accordance with the above schedule. The amount due shall be equal to the total calculated capacity charge less credit for all previous payments under this section. In the event that the City does not approve the application for additional capacity, the applicant shall, within 60 days, reduce the sixty-day period allowed for reduction of flow that the actual discharge exceeds the approved capacity, shall be considered a separate violation of this Part 2. The discharger shall be subject to fine and penalty in accordance with Section 12(t) of Chapter V of 1972 Revised Ordinances of Springfield. At any time, upon inspection by the City, it is found that the discharge exceeds the approved capacity, he shall be subject to fine in accordance with Section 12(t) of Chapter V of 1972 Revised Ordinances of Springfield for each day that the approved flow is exceeded until a new application is approved. Each day shall be considered a separate offense.
  
- E. No reimbursement will be made by the City for reduction of peak rate.
  
- F. The capacity charges calculated above shall reimburse the City for capacity provided in the existing wastewater works; however, it will not obligate the City to enlarge the capacity of the existing wastewater works for the benefit of an individual user. Should such enlargements be required, a separate agreement must be entered into with the City. Such agreement must provide for equitable cost recovery by the City.
  
- G. The dollar amount of the above capacity charge schedule will be revised annually by the ratio that the Engineering News Record Construction Cost Index for that date bears to 1850, which will become effective on the first Monday in January of each year.
  
- H. All commercial and industrial users who are connected to the public sewer on the date that this Part 2 is adopted shall, within 180 days from the date of adoption, make application for

capacity on an official form obtained from the Director. Required capacity shall be computed taking fully into account the reduction in peak discharge anticipated by July 1977 through the separation of cooling water and the provision of equalization and surge facilities to minimize peak discharges. Prior to June 30, 1977, the Director will review the application, verify the peak discharge, and establish the capacity charge. The capacity charge for an existing user shall be paid prior to July 1, 1977. In the event that the charge exceeds \$500, an initial payment of \$500 shall be made prior to July 1, 1977, and the balance shall be paid in accordance with Subsection B of this section.

- I. Any user who qualifies for delayed payment of the capacity charge under § 300-64 shall forfeit such right if modifications are made (to the wastewater facilities, building, processes, production capability, etc.) which will result in an increase in the peak flow over that discharged during the six-month period prior to the adoption of this Part 2.
- J. Any user may add wastewater storage facilities which will store all peak discharges for automatic release (controlled by time clock) during times specified by or approved by the Director. If the facilities provided result in a discharge of peak flows during the hours of normal City low flow (1:00 a.m. to 5:00 a.m.) and do not create a peak flow in the public sewers greater than the average daily peak upstream of the user's discharge, then the Director may give an appropriate reduction in the capacity charge.

**§ 300-61. Wastewater service from municipal sewer.**

The owners of all properties who desire service of a public sewer or who by law are required to have service shall pay the assessments and capacity charges (where applicable) existing at the time of issuance of the permit (if the full assessments and charges have not already been paid) and user charges, plus the cost of installing the necessary building sewers and private sewers (if required), including lifting devices where required as set out in § 300-19, the cost of making the connection(s) to the public sewer, and all applicable fees, as determined by the Director of Public Works.

**§ 300-62. Methods of payment.**

- A. All assessments and charges arising from the extension of and/or the connection to the City's wastewater works become liens against the properties to which they apply in accordance with the provisions of the General Laws.
- B. The abutters, whether or not they wish to connect to the wastewater works, shall pay the full assessment as a lump sum payment, or a portion of the assessment in a lump sum payment and the balance, with interest, in annual payments in accordance with the provisions of Chapter 80 of the General Laws.

**§ 300-63. Exemptions and reductions in assessments under special cases.**

In the event that property is included in the sewer improvement area which cannot be completely served by a gravity connection between the building sewer and the public sewer or cannot be served in its entirety, the assessment against that property shall be adjusted accordingly:

- A. Owners of properties served only partially by new sewers shall pay an assessment based on the abutter frontage and assessable area computed for the number of minimum-sized lots (in accordance with the requirements of the Zoning Ordinance) which can be served (providing the portion not served is not in common use with the portion served).
  
- B. An owner of a developed parcel which cannot be served by a gravity connection between the building sewer and public sewer will pay an assessment which is reduced by the amount equal to the extra cost of providing a suitable pumping or lifting device adequate to lift the wastewater from the building plumbing system and discharge it to the public sewer. The owner shall fully document the extra cost involved to the satisfaction of the Director of Public Works.
  - 1. The resulting reduction in the assessment shall not exceed the least of:
    - a. The reasonable extra cost to the owner;
    - b. One-half of the full assessment; or
    - c. The full assessment due on a minimum-size lot allowed under the Zoning Ordinance.
  
  - 2. The City shall reserve the option of furnishing and installing the required sewage lifting or plumbing installation in lieu of granting the reduction in the assessment.
  
- C. Property owned by charitable organizations and nonprofit organizations shall not be exempt from payment of assessments and charges.

**§ 300-64. Deferment of payment of assessments.**

An abutter may make application to the City Council for a deferment of all or a portion of his assessment in accordance with the conditions provided for in this Part 2.

- A. Assessments may be deferred on those parcels or portions of parcels of land which are developed and the actual use of which is solely agricultural or which are developed as cemeteries, golf courses, or parks which are open to public use. Portions of parcels occupied by buildings shall be charged a full assessment based on minimum-sized lots which could be subdivided out of the parcel, in accordance with the Zoning Ordinance, to accommodate the buildings.

B. A portion of the assessment on an undeveloped parcel may be deferred. The deferred amount shall not exceed the greater of the following:

1. One-half of the assessment; or
2. The amount eligible for deferment on the undeveloped portion of a parcel as calculated under Subsection C of this section.

C. A parcel which is partially developed may be granted a partial deferment on the undeveloped portion of the parcel, provided that:

1. The total assessment exceeds \$600, or the assessment computed for the developed portion of the parcel, whichever amount is greater; and
2. One or more lots can be subdivided out of the undeveloped portion in accordance with the requirements of the Zoning Ordinance. On those parcels for which a deferment is granted, the minimum initial payment shall equal the full assessment on the developed portion of the parcel plus the payment on the undeveloped portion as calculated in the following table:

Total Assessment for the Entire Parcel	Percent Paid on Undeveloped Property
\$600 to \$2,000	50% of the amount greater than \$600*
\$2,000 to \$5,000	The sum of: <ol style="list-style-type: none"><li>1. 50% of the amount greater than \$600* but less than \$2,000</li><li>2. 40% of the amount greater than \$2,000</li></ol>
\$5,000 or greater	The sum of: <ol style="list-style-type: none"><li>1. 50% of the amount greater than \$600* but less than \$2,000</li><li>2. 40% of the amount greater than \$2,000 but less than \$5,000</li><li>3. 25% of the amount greater than \$5,000</li></ol>

NOTE: Or the assessment computed for the developed portion of the parcel, whichever amount is greater.

- a. The above schedule of deferment for undeveloped land shall apply only to the individual assessment on single parcels or on contiguous parcels; the total assessment on holdings of several individual scattered parcels shall not be considered.

- b. If the parcel is improved in such a manner that there is not enough undeveloped land area remaining for an additional lot in accordance with the Zoning Ordinance, then the owner must pay the full assessment on the entire parcel.
  
- D. All deferments granted under Subsections B and C of this section shall be subject to an annual payment of the interest calculated at the rate provided by law on the total amount deferred. Such rate shall be determined at the time of request for deferment and shall be clearly stated in the request submitted to the City Council for approval. Such annual interest payments shall be added to the City property tax bill and shall be paid in the same manner as property taxes; delinquent payments shall become liens on the property and shall be recorded and collected in the same manner as assessments in accordance with the provisions of Chapter 80 of the General Laws.
  
- E. All deferments shall be duly recorded in the County Registry of Deeds and shall be due and payable in full immediately upon the change of land use to one which need not qualify for deferment under this Part 2. Upon failure to pay the deferred assessment when due, it shall automatically become a collectable lien on the property.

#### Article XIV. Assessments for Drains

##### **§ 300-65. Amount and computation.**

- A. All sections contained in Article XIII of this Part 2, except § 300-60, shall apply to drains in the same manner as for sewers, with § 300-58 revised as provided in this section.
  
- B. For every instance where the term "eight-inch diameter or smaller public sewer" is used in § 300-58, "twelve-inch diameter or smaller public drain" will be substituted. Also, for every instance where the term "eight-inch diameter" is used in § 300-58, "twelve-inch diameter" will be substituted. The cost of twelve-inch drains will be used as the proportionate share of the costs of public drains.

#### Article XV. User Charges

##### **§ 300-66. Applicability.**

All users, abutters, and owners, each with developed property which can be directly served, as defined in the definition of "sewer service area" in § 300-57, shall pay regular charges for service as enumerated in §§ 300-67 through 300-70, in addition to charges and assessments for construction of the sewers, connection to the public sewer and for permits, as provided for elsewhere in this Part 2. Within this article, the term "user" shall apply to all who are subject to the user charges, as defined in § 300-67.

##### **§ 300-67. Classification and abatement.**

A. General requirements.

1. Sewer use fees. Sewer use fees shall consist of a rate per 100 cubic feet of normal-strength wastewater used, a surcharge for wastewater of a higher concentration than is allowed under the rate for normal-strength wastewater and a service charge. The charges which follow in Subsection B of this section apply to all classes of users, including residential, commercial, institutional, industrial, governmental, charitable and nonprofit uses.
2. Metering for billing purposes. Where metering devices are not installed by the owner for the purpose of measuring the actual quantity of wastewater discharged, the water use measured by a meter approved by the City shall be used for billing purposes. Wastewater volume, determined from City water consumption, shall be established from the usage determined by the City's Water Department.
3. Water consumption served by wells. Water consumption of each user which is served by a well shall be deemed to be equal to the average water consumption of comparable City dwelling units as determined by the Director, subject to the appeal process set forth below.
4. Requirements for users with wells. The Director may require a user served by a well to submit a sworn statement of water consumption for the year. Such statement is to be supported by available records or other evidence of water consumption. As a condition of using the sewer facilities, the Director may require any nonresidential user served by a well to install and maintain at the sole expense of such user a metering or measuring device to determine wastewater strength or usage.

B. Charges.

1. Rates. The schedule of rates given in Table 300-67 shall apply to all users who discharge wastewater. The minimum annual rates indicated in the table shall be the flat-rate charges for normal-strength wastewater. The applicable surcharges set forth in Subsection B(2) of this subsection shall be added thereto.
2. Surcharges. Surcharges as set forth in Table 300-67 will be assessed against all users who discharge a larger volume of wastewater and/or wastewater of a higher concentration than is allowed under the rate charged for normal-strength wastewater. Surcharges shall be over and above and in addition to the rate charged for normal-strength wastewater.
3. Special allowance for non-wastewater-producing water usage.



- i. An allowance will be made for any user consuming metered water which is not discharged into the wastewater collection system, provided that a separate (City-approved) sealed meter is provided by the user to measure this water.
    - ii. No allowance shall be made if the City seals on meters have been broken.
4. Metering and billing. Metering and billing shall be as follows:
  - i. All rates are based upon the metered use of water where applicable.
  - ii. Billing periods for all users shall be the billing periods of the Water Department.
  - iii. Surcharges for BOD and suspended solids shall be determined and billed for each billing period.
5. Procedures and conditions for abatements, reclassification and special allowances; appeals.
  - i. All requests for reclassifications, special allowances and abatements shall be made in writing to the Director or his nominee on an approved form obtained from the office of the Director within 45 days of the date of the billing.
  - ii. Upon receipt of a request for abatement, reclassification or special allowance, the Director or his nominee shall determine whether such abatement, reclassification or special allowance shall be granted in accordance with the criteria listed in Subsection B(5)(f) of this subsection. The Director or his nominee shall notify the applicant in writing whether the requested abatement, reclassification or special allowance has been granted or denied and the reasons therefor. The burden of proving eligibility for an abatement, reclassification or special allowance shall be upon the applicant.
  - iii. There shall be established a Sewer Use Review Board which shall hear appeals to the decision of the Director or his nominee. The Board shall be composed of three residents of the City to be appointed by the Mayor of the City; one member of the Board shall be appointed from those residential users designated as single-family residences and two-family residences and one member shall be appointed from those users designated as three-family residences, four-family residences, multifamily residences and trailer parks; the remaining Board member shall be chosen from industrial, commercial and institutional users of the sewer system. Each member of the Board shall serve a term of two years, with the exception that the first appointment of a member of

the Board from the nonresidential users of the sewer system shall be for one year. The members of the Board shall serve without stipend.

- iv. Any user who has filed for an abatement, reclassification or special allowance and who is aggrieved by the decision of the Director or his nominee may appeal the decision of the Director or his nominee to the Sewer Use Review Board. Any appeal to the Sewer Use Review Board shall be filed within 21 days of the date of the decision of the Director or his nominee unless the Sewer Use Review Board, for good cause shown, allows otherwise.
- v. An abatement reclassification or special allowance shall be granted if the applicant shows that failure to do so would result in a charge which is not equitable, reasonable and proportional. The criteria which shall be used to determine if a charge is not equitable, reasonable and proportional are: the volume of water, including surface or drain water discharged into the system; the character of the sewage or industrial or other wastes discharged into the system and the nature of the use made of the sewage system, including any use of the sewage facilities.
- vi. The decisions of the Sewer Use Review Board shall be rendered in written form within 30 days of receipt of application and shall state the reasons for the action taken. The decision of the Sewer Use Review Board shall be binding upon the Director.
- vii. All bills shall be paid pending decision by the Director and the Sewer Use Review Board.

**§ 300-68. Effective date of user charges.**

User charges shall be levied in accordance with the rate schedule presented in § 300-67 on all property subject to the charges as defined in § 300-66, beginning July 1, 1974.

**§ 300-69. Credit for prior payment of sewer entrance fees.**

Credit will be given for prior payment of sewer entrance fees under the Order for Sewer Entrance Fees dated June 21, 1943, upon submittal to the Director of Public Works of a completed application for such credit on a form provided by or approved by the Director of Public Works stating the amount of the sewer entrance fee, date paid, and accompanied by suitable proof of payment. Application must be made prior to July 1, 1975. Full credit for the amount of prior payment of the user charges (until the amount of prior payment is expended) may be granted in accordance with the following schedule:

Number of Years Lapsed Since Building Sewer Became Operational	Percentage of Sewer Entrance Fee Which is to be Applied Toward User Charges
Less than 1	100%
1 to 2	80%
2 to 3	60%
3 to 4	40%
4 to 5	20%
Longer than 5	None

Article XVI. Administration

**§ 300-70. Authority to collect 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 30 days from the issuance date of the bill. After 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 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.

**§ 300-71. Springfield Wastewater Facilities Fund.**

There is established in the City Treasury a fund in which shall be deposited the fees, charges, receipts and any and all payments collected or received from the operation of the City wastewater facilities, and all such funds shall be received by the City Treasurer and kept in a

fund known as the "Springfield Wastewater Facilities Fund" ("local"), which shall be separate from all other moneys, funds or property of the City, and the principal and interest of which shall only be expended, subject to appropriation with the approval of the Mayor and the City Council of the City, for the operation and maintenance of and improvements to a wastewater treatment facility system and for any bonded indebtedness and interest of said City wastewater facilities or for transfer to the Greater Springfield Regional Wastewater Facilities Fund for purposes stated in this Part 2, all to be done in accordance with Chapter 520 of the Acts of 1975 of the General Court of the Commonwealth.

**§ 300-72. Greater Springfield Regional Wastewater Facilities Fund.**

The City establishes by this section, and there is hereupon established, in the City Treasury a fund in which shall be deposited the fees, charges, receipts and any and all payments collected or received from the operation of the Greater Springfield Regional Wastewater Facilities, and any and all such funds shall be received by the City Treasurer and kept in a fund known as the "Greater Springfield Regional Wastewater Facilities Fund" ("regional"), which shall be kept separate from all other moneys, funds or property of the City, and the principal and interest of which shall only be expended, subject to appropriation with the approval of the Mayor and the City Council of the City, for the operation and maintenance of and improvements to a wastewater treatment facility system and for any bonded indebtedness and interest for said Greater Springfield Regional Wastewater Facilities, all to be done in accordance with Chapter 520 of the Acts of 1975 of the General Court of the Commonwealth.

**§ 300-73. Annual report of Auditor.**

The Auditor of the City shall file an annual report of all receipts and expenditures pertaining to said Greater Springfield Regional Wastewater Facilities with each of the member municipalities, in accordance with Chapter 520 of the Acts of 1975 of the General Court of the Commonwealth.

**§ 300-74. Annual budget request; periodic reports.**

The Director shall submit an annual budget request in detail to the Mayor, which shall be reviewed by the Mayor and Council in the same statutory manner as are other annual budget requests. The Director shall report to the Mayor and Council, in addition to the annual report, at intervals of not less than three years, relative to any surpluses available, projected expenditures, and when adjustment of charges and fees are, in his opinion, required to meet projected expenditures.

**Chapter 301 - Storm Drains**

**§ 301-1. Purpose**

- E. Regulation of illicit connections and discharges to the municipal storm drain system is required by federal and state law, and is necessary for the protection of the city's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- F. The objectives of this chapter are:
  - 1. to prevent pollutants from entering the city's municipal separate storm sewer system (MS4);
  - 2. to prohibit illicit connections and unauthorized discharges to the MS4;
  - 3. to require the removal of all such illicit connections;
  - 4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
  - 5. to establish the legal authority to ensure compliance with the provisions of this chapter through inspection, monitoring, and enforcement.

**§ 301-2. Definitions**

- B. For the purposes of this chapter, the following shall mean:

**AUTHORIZED ENFORCEMENT AGENCY**

The Department of Public Works of the City of Springfield (hereinafter the "Department"), its employees or agents designated to enforce this chapter.

**BEST MANAGEMENT PRACTICE (BMP)**

An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEAN WATER ACT**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**DISCHARGE OF POLLUTANTS**

The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or the Commonwealth from any source.

## GROUNDWATER

Water beneath the surface of the ground.

## ILLCIT CONNECTION

A surface or subsurface drain or conveyance, which allows an unlawful discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this chapter.

## ILLCIT DISCHARGE

A direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 11.16.070. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 11.16.070 of this chapter.

## IMPERVIOUS SURFACE

Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

## MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the city.

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT

A permit issued by United States Environmental Protection Agency, or jointly with the Commonwealth, that authorizes the discharge of pollutants to waters of the United States.

## NON-STORMWATER DISCHARGE

A discharge to the municipal storm drain system not composed entirely of stormwater.

## PERSON

An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

## POLLUTANT

Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into the municipal storm drain system or any waters of the Commonwealth. Pollutants shall include without limitation:

1. paints, varnishes, and solvents;
2. oil and other automotive fluids;
3. non-hazardous liquid and solid wastes and yard wastes;
4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations and floatables;
5. pesticides, herbicides, and fertilizers;
6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. dissolved and particulate metals;
8. animal wastes;
9. rock, sand, salt, soils;
10. construction wastes and residues; and
11. noxious or offensive matter of any kind.

## PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

## RECHARGE

The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

## STORMWATER

Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

## SURFACE WATER DISCHARGE PERMIT

A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

## TOXIC OR HAZARDOUS MATERIAL or WASTE

Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

## WATERCOURSE

A natural or man-made channel through which water flows or a stream of water, including, without limitation, a river, brook or underground stream.

## WATERS OF THE COMMONWEALTH

All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

## WASTEWATER



Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

### **§ 301-3. Applicability**

This chapter shall apply to flows entering the municipally owned storm drainage system.

### **§ 301-4. Responsibility for Administration**

The Department shall administer, implement and enforce this chapter. Any powers granted to or duties imposed upon the Department may be delegated in writing by the Director of the Department to employees or agents of the Department.

### **§ 301-5. Regulations**

The Department may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this chapter.

### **§ 301-6. Prohibited Activities**

- A. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.
- B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Department.

### **§ 301-7. Exemptions**

- A. Discharge or flow resulting from fire fighting activities.
- B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
  - i. Waterline flushing;

- ii. Flow from potable water sources;
- iii. Springs;
- iv. Natural flow from riparian habitats and wetlands;
- v. Diverted stream flow;
- vi. Rising groundwater;
- vii. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- viii. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- ix. Discharge from landscape irrigation or lawn watering;
- x. Water from individual residential car washing, or temporary fund-raising car wash events;
- xi. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining or tested for chlorine levels with a pool test kit prior to draining, and the pool is drained in such a way as not to cause a nuisance;
- xii. Discharge from street sweeping;
- xiii. Dye testing, provided verbal notification is given to the Department prior to the time of the test;
- xiv. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- xv. Discharge for which advanced written approval is received from the Department.

**§ 301-8. Suspension of Storm Drainage System Access**

- A. The Department may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- B. Any person discharging to a municipal storm drain system in violation of this chapter may have their municipal storm drain system access terminated if such termination would abate or reduce an illicit discharge. The department will notify a violator of the proposed termination of municipal storm drain system access. The violator may petition the Department for reconsideration and hearing. A person commits an offense if the person reinstates municipal storm drain system access to premises terminated pursuant to this section, without prior approval from the Department.

#### **§ 301-9. Notification of Spills**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal storm drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, Department of Public Works, and the Board of Health. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

#### **§ 301-10. Enforcement**

- A. The Department or an authorized agent of the Department shall enforce this chapter, and any regulations, orders, violation notices, and enforcement orders issued thereunder, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief. If a person violates the provisions of this chapter, or any regulation, permit, notice, or order issued thereunder, the Department may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or to compel the person to abate or remediate the violation.

- C. Orders. The Department or an authorized agent of the Department may issue a written order to enforce the provisions of this chapter or the regulations thereunder, which may include:
- i. elimination of illicit connections or discharges to the MS4;
  - ii. termination of access to the MS4;
  - iii. performance of monitoring, analyses, and reporting;
  - iv. that unlawful discharges, practices, or operations shall cease and desist; and
  - v. remediation of contamination in connection therewith.
- D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.
- E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the city, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.
- F. Criminal Penalty. Any person who violates any provision of this chapter, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ [\_\_\_\_\_]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the city may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, 21D. The Director of the Department, or the Director's designee shall be the enforcing person. The penalty for the 1st violation shall be \$[\_\_\_\_\_]. The penalty for the 2nd violation shall be

§[\_\_\_\_]. The penalty for the 3rd and subsequent violations shall be §[\_\_\_\_]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

- H. Entry to Perform Duties Under this Chapter. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this chapter and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.
- I. Appeals. The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction.
- J. Remedies Not Exclusive The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law.

**§ 301-11. Severability**

The provisions of this chapter are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

**§ 301-12. Transitional Provisions**

Residential property owners shall have sixty (60) days from the effective date of this chapter to comply with its provisions provided good cause is shown for the failure to comply with the chapter during that period.

**Chapter 302 - Stormwater Management**

**§ 302-1**

The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of the City of Springfield by establishing minimum requirements and procedures to control adverse impacts associated with stormwater runoff from new development and redevelopment.

**§ 302-2.**

The objectives of this chapter are:

- A. Establish regulations for land development activities that preserve the health of water resources by reducing the adverse impacts to water quality from stormwater discharge to rivers, lakes, reservoirs and streams in order to attain federal water quality standards;

- B. Require that new development, redevelopment and all land conversion activities maintain the natural hydrologic characteristics of the land in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage and to protect the integrity of aquatic habitats and stream channels;
- C. Prevent the discharge of pollutants, including hazardous chemicals, into stormwater runoff;
- D. Minimize the volume and rate of stormwater which is discharged to rivers, streams, reservoirs, lakes and combined sewers that flow from any site during construction and following development;
- E. Prevent erosion and sedimentation from land development, and reduce stream channel erosion caused by increased runoff;
- F. Require post-development runoff volume and quality to be equivalent to or an improvement on pre-development runoff conditions by reducing runoff volumes, increasing infiltration, and improving runoff water quality;
- G. Provide for the recharge of groundwater aquifers and maintain the base flow of streams;
- H. Encourage the use of Low Impact Development (LID) practices such as reducing impervious cover, treating and infiltrating stormwater at the source, utilizing environmentally sensitive site design and, the preservation of open space and natural areas, to the maximum extent practicable;
- I. Provide stormwater facilities that are functional, attractive, maintain the natural integrity of the environment, and are designed to protect public safety;
- J. Minimize damage to public and private property from flooding;
- K. Require maintenance provisions to ensure the stormwater treatment devices and facilities will continue to function as designed;
- L. Establish procedures for the City's review of stormwater management plans, and for the City's inspection of approved stormwater controls; and
- M. Comply with state and federal statutes and regulations relating to stormwater discharges.

**§ 302-3. Compatibility with other permit and ordinance requirements**

This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

#### **§ 302-4. Definitions**

The following definitions shall apply in the interpretation and implementation of this chapter. Additional definitions may be adopted by separate regulation:

##### **CLEAN WATER ACT**

the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereinafter amended.

##### **CONSTRUCTION ACTIVITY**

disturbance of a site by removal or moving of vegetative surface cover or topsoil, grading, excavation, clearing or filling.

##### **IMPERVIOUS SURFACES**

Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, paved parking lots, sidewalk, and rooftops.

##### **LAND DEVELOPMENT**

any construction activity or land disturbance of a site that is currently in a natural vegetated state or does not contain alteration by man-made activities.

##### **LAND DISTURBANCE**

any land clearing, grading, bulldozing, digging or similar activities.

##### **LOW IMPACT DEVELOPMENT (LID)**

a set of approaches that seeks to mimic a site's pre-development hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. Instead of conveying, managing and/or treating stormwater in large, end-of-pipe facilities, LID utilizes small-scale, decentralized practices that infiltrate, treat,

evaporate, and transpire rain water and snow melt including bioretention areas, grassed swales, reducing impervious areas, preservation of open space, development density, lot size and configuration, street design, parking design, and other structural stormwater treatment methods.

#### MASSACHUSETTS STORMWATER MANAGEMENT POLICY

the Policy issued by the Massachusetts Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act [M.G.L. c. 131 § 40] and Massachusetts Clean Waters Act [M.G.L. c. 21 § 23-56]. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

#### OWNER

every person who alone, jointly or severally with others: (a) has legal title to any building, structure or parcel of land; or (b) has care, charge or control of any building, structure, or parcel of land in any capacity including but not limited to, an agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) a lessee under a written lease agreement; or, (d) a mortgagee in possession; or, (e) an agent, trustee or other person appointed by the courts.

#### PERSON

any individual, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public corporation or body, the Commonwealth or political subdivision thereof, the federal government, and any other legal entity, its legal representatives, agents, or assigns, to the extent permitted by law.

#### POST-DEVELOPMENT

the conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.



#### PRE-DEVELOPMENT

the conditions that exist at the time that plans for the land development of a site are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

#### REDEVELOPMENT

any construction, alteration, or improvement exceeding land disturbance of [5,000] square feet, where the existing land use is commercial, industrial, institutional, or multi-family residential.

#### SITE

the parcel of land being developed, or a designated planning area in which the land development or redevelopment project is located.

#### STORMWATER AUTHORITY

the Stormwater Authority shall be the Department of Public Works of the City of Springfield. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this chapter. Other boards and/or departments participate in the review process as defined in the Stormwater Regulations adopted in accordance with this chapter.

#### STORMWATER MANAGEMENT

the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater management includes the use of LID management practices.

#### STORMWATER MANAGEMENT PERMIT (SMP)

a permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the City from the deleterious affects of uncontrolled and untreated stormwater runoff.

#### **§ 302-5. Administration**

- A. Stormwater Authority. The Department of Public Works of the City of Springfield is hereby designated as the Stormwater Authority. The Stormwater Authority shall administer,

implement and enforce this chapter. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees and agents.

- B. Stormwater Regulations. The Stormwater Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this chapter after conducting a public hearing to receive comments on any proposed regulations or revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Stormwater Authority to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this chapter.
- C. Stormwater Management Manual: The Stormwater Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Handbook, for execution of the provisions of this chapter. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D. Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of the Stormwater Regulations promulgated as a result of this chapter: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- E. Appeals of Action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this chapter shall be to a court of competent jurisdiction.

#### **§ 302-6. Applicability**

##### **A. Permit or Waiver Required**

Prior to the commencement of construction for any proposed development listed below, a Stormwater Management Permit, or a waiver of the requirement for a Stormwater

Management Permit, must be issued by the Stormwater Authority. No person shall, on or after the effective date of this chapter, initiate any land clearing and grubbing, land grading, earth moving or development activities without first complying with this chapter.

- i. Multi-family residential developments involving [four] or more units;
- ii. Any new commercial, industrial, institutional structures under the same ownership, with at least [5,000] square feet of gross floor area, [10,000] square feet of impervious surface, or that require [ten] or more parking spaces;
- iii. Redevelopment or additions to existing commercial, industrial, and institutional uses which result in an additional impervious surface area or gross floor area of greater than [5,000] square feet, or which results in an increase of [ten] or more parking spaces;
- iv. Construction activities and subdivisions disturbing greater than or equal to [one acre];
- v. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development or redevelopment that together disturbs [one or more acres].

#### B. Exemptions

The following uses and activities are exempt from the requirements for Stormwater Management Permit:

- i. Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the Natural Resources Conservation Service;
- ii. Any logging which is consistent with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Environmental Management;
- iii. Developments that do not disturb more than [one acre] of land, provided that they are not part of a larger common development plan;
- iv. Repairs to any stormwater or sewage treatment or collection systems and/or drinking water transmission or distribution systems deemed necessary by the Springfield Department of Public Works or the Springfield Water and Sewer Commission;
- v. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Springfield Department of Public Works; and
- vi. Any other uses and activities not specified in Section A.

**§ 302-7. Permit Procedures and Performance Standards**

- A. Procedures, requirements and fee schedules for Stormwater Management Permits, and stormwater and LID performance standards shall be defined and included as part of any rules and regulations promulgated as permitted under this chapter.
- B. Issuance of a Stormwater Management Permit shall not be construed as a guarantee by the City of Springfield, the Stormwater Authority or its employees or agents, of the design or efficiency of the approved stormwater management system.

**§ 302-8. Enforcement**

The Stormwater Authority, or an authorized agent of the Stormwater Authority shall enforce this chapter, regulations adopted hereunder, orders, and violation notices and enforcement orders issued hereunder, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any rules and regulations promulgated as permitted under this chapter.

**§ 302-9. Severability**

The invalidity of any section, provision, paragraph, sentence or clause of this chapter shall not invalidate any section, provision, paragraph, sentence or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

**Chapter 304 - SEX OFFENDERS**

**§ 304-1. Findings and purpose.**

- A. The City of Springfield recognizes that it has a compelling interest in protecting children from the threat of sexual abuse; and
- B. Due to a child's vulnerability, the City Council is compelled to take a protective role by adopting laws that are designed to protect the City's children from registered sex offenders; and
- C. Registered sex offenders continue to reside in direct proximity to public and private schools; and
- D. Without adequate protective ordinances at the local level, registered sex offenders will continue to move to buildings, domiciles or residences in proximity to schools; and
- E. The City Council wishes to protect children in the education environment.

**§ 304-2. Intent and scope.**

- A. The City Council finds that sex offenders pose a significant threat to the health and safety of the community and especially to children, whose age and inexperience make them particularly vulnerable to the heinous and reprehensible acts of these offenders.
- B. The rate of recidivism among sex offenders is high. Limiting the frequency of contact between registered sex offenders and areas where children are likely to congregate reduces the opportunity and temptation, and can reduce the risk of repeated acts against children.
- C. After careful consideration, the City Council finds that this legislation is the most narrowly tailored means of limiting, to the fullest extent possible, the opportunity for registered sex offenders to approach or otherwise come in contact with children in places where children would naturally congregate, and that the protection of the health and safety of our children is a compelling governmental interest.
- D. It is the intent of this chapter to serve and to protect the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain registered sex offenders are prohibited from loitering and establishing temporary or permanent residence.
- E. By the enactment of this or any other legislation, the City Council understands that it cannot remove the threat posed to or guarantee the safety of children, or assure the public that registered sex offenders will comply with the mandates of this chapter. This chapter is intended to create a civil, nonpunitive regulatory scheme in order to protect children to the extent possible under the circumstances and not as a punitive measure of any kind.
- F. Registered sex offenders pose a clear threat to the children residing or visiting in the community. Because registered sex offenders are more likely than any other type of offender to re-offend for another sexual offense, the City Council of the City of Springfield desires to impose safety precautions in furtherance of the goal of protecting the children. The purpose of this chapter is to reduce the potential risk of harm to children of the community by impacting the ability for registered sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by or are primarily used by children, namely, the grounds of a public or private school for children, a park, or other private or public recreational facility. The City of Springfield desires to add location restrictions to such offenders where the state law is silent.

**§ 304-3. Definitions.**

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

**CHILD or CHILDREN**

Persons under 18 years of age.

**ESTABLISHING A RESIDENCE**

To set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

**PARK**

Includes active and passive public land designated for recreational or athletic use by the City of Springfield, the Commonwealth of Massachusetts or other governmental subdivision, and located within the City of Springfield.

**PERMANENT RESIDENCE**

A place where a person lives, abides, lodges, or resides for 14 or more consecutive days.

**RECREATIONAL FACILITY**

Includes, but is not limited to, a playground, a forest preserve, conservation area, jogging trail or running track, hiking trail, beach, water park, wading pool, soccer field, baseball field, football field, basketball court or hockey rink.

**REGISTERED SEX OFFENDER**

Any person required to register as a sex offender pursuant to MGL c. 6, § 178C, who is finally classified as a Level 2 or Level 3 offender pursuant to the guidelines of the Sex Offender Registry Board and who has committed a sex offense against a child.

**SCHOOL**

Any public or private educational facility that provides educational instruction to children in grades Kindergarten through 12.

**SEX OFFENDER and SEX OFFENSE**

Shall have the same meaning as provided for in MGL c. 6, § 178C.

#### TEMPORARY RESIDENCE

A place where a person lives, abides, lodges, or resides for a period of less than 14 consecutive days or 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence; but "temporary residence" shall not include residence at a hospital or other health-care or medical facility for fewer than 14 consecutive days or 14 days in the aggregate during any calendar year.

#### **§ 304-4. Residency restrictions.**

- A. Prohibition. A registered sex offender is prohibited from establishing a permanent residence or temporary residence within 500 feet of any school.
- B. Evidentiary matters; measurements. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of any school.
- C. Exceptions. A registered sex offender residing within 500 feet of any school does not commit a violation of this section if any of the following apply:
  - 1. The registered sex offender established the permanent residence prior to the effective date of this chapter, and:
    - a. Permanent residence was established by purchasing the real property where the residence is established; or
    - b. Permanent residence was established through a valid, fixed-term, written lease or rental agreement, executed prior to the effective date of this chapter, the term of which has not yet expired.
  - 2. The registered sex offender is a minor.
  - 3. The school within 500 feet of the registered sex offender's permanent residence was opened after the registered sex offender established the permanent residence.
- D. Notice to move. A registered sex offender who resides on a permanent or temporary basis within 500 feet of any school shall be in violation of this section and shall, within 30 days of receipt of written notice of the registered sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within 500 feet of

any school. It shall constitute a separate violation for each day beyond the 30 days the registered sex offender continues to reside within 500 feet of any school. Furthermore, it shall be a violation each day that a registered sex offender shall move from one location in the City to another that is within 500 feet of any school.

**§ 304-5. Child safety zones.**

A. Prohibitions.

1. A registered sex offender is prohibited from entering upon the premises of a school unless previously authorized specifically in writing by the school administration.
2. A registered sex offender shall not enter a park or any other private or public recreational facility when children are present and approach, contact, or communicate with any child present, unless the registered sex offender is a parent or guardian of a child present in such park or any other private or public recreational facility.
3. A registered sex offender shall not loiter on or within 500 feet of any property on which there is a school, park or any other private or public recreational facility. Under this subsection, "loiter" means to enter or remain on property while having no legitimate purpose therefor or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose. See also Springfield City Ordinance. No person shall be in violation of this subsection unless he or she has first been asked to leave a prohibited location by a person authorized to exclude the registered sex offender from the premises. An authorized person includes, but is not limited to, any law enforcement officer, any owner or manager of the premises, or principal or teacher, if the premises are a school.

B. Exceptions.

1. The prohibitions defined in this section shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in any federal, state or municipal election, or from attending any religious service.
2. The prohibitions defined in this section do not apply to a registered sex offender's place of residence when such residence is excepted under this chapter.

**§ 304-6. Exemptions.**

The provisions of this chapter shall not be applicable to registered sex offenders incarcerated in any facilities owned, maintained and/or operated by the City of Springfield.

**§ 304-7. Enforcement; map of prohibited areas.**



- A. The Springfield Police Department shall be charged with the enforcement of this chapter.
- B. A map depicting the prohibited areas shall be created by the City and maintained by the Springfield Police Department. The City shall review the map annually for changes. The map and a copy of this chapter will be available to the public at the Springfield Police Department and on the City of Springfield's website.

**§ 304-8. Violations and penalties.**

- A. Any violation of § 304-5 shall result in: (1) a noncriminal fine not exceeding \$300 for a first violation; (2) a noncriminal fine not exceeding \$300 for each additional violation of this provision. A registered sex offender commits a separate offense for each and every day or violation of this chapter.
- B. First offense of any violation of this chapter by registered sex offender: noncriminal fine of \$300 and notification to offender that he/she has 30 days to move.
- C. Any subsequent offense of this chapter by a registered sex offender: noncriminal fine of \$300 and notification to offender's landlord, parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the sex offender has violated a municipal ordinance.

**Chapter 311 - SKATEBOARDS AND SCOOTERS**

ARTICLE I	Skateboards (§ 311-1 — § 311-5)
ARTICLE II	Motorized Scooters (§ 311-6 — § 311-9)

Article I. Skateboards

**§ 311-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

SKATEBOARD

A single platform mounted on wheels, which is propelled solely by human power.

**§ 311-2. Restrictions on operation.**

- 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 article, and the skateboard he or she was riding may be seized as evidence until final disposition by a hearing before the Parking Clerk and/or held until the fine is paid.

**§ 311-3. Interference with pedestrians prohibited.**

Skateboard operators in nonprohibited 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.

**§ 311-4. Installation of traffic control devices.**

The Department of Public Works of this City is authorized to erect official traffic control devices on those areas where skateboarding is prohibited.

**§ 311-5. Violations and penalties.**

There shall be no fine for the first violation of this article; the fine for the second violation and each subsequent violation shall be \$15 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 article. If the fine is not paid within 21 days or if the violator has not requested a hearing before the Parking Clerk within said 21 days, the fine shall increase to \$30 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.

Article II. Motorized Scooters

**§ 311-6. Findings.**

The City Council finds and declares the following:

- A. That because of the severely congested streets, roadways and alleys of the City, these regulations banning motorized scooters would serve the public interest and safety.
- B. That motorized scooters adversely affect traffic flow and the response time of emergency vehicles in the City.
- C. That motorized scooters lead to motor vehicle accidents for the operator and other motor vehicles and pedestrians in the City.

**§ 311-7. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

MOTORIZED SCOOTER

Any two-wheeled device, including, but not limited to, the so-called mini-bikes, pocket bikes, mini choppers, gas scooters, electric scooters or motorized skateboards, that has handlebars, and which is designed to be stood upon or seated upon by the operator, and is powered by a gas or electric motor that is capable of propelling the device with or without human propulsion at any speed on any street, roadway or alley in the City that is not defined as a motor vehicle under the laws of the Commonwealth of Massachusetts.

**§ 311-8. Prohibitions; exceptions; grant of written permission.**

A. Prohibited absent express written permission. No person shall operate a motorized scooter, motorized skateboard, or other similar motorized vehicle (hereinafter referred to as "personal motorized vehicles") on any City-owned or -controlled public way, sidewalk, park, playground, recreational area, public school property or any other property owned or controlled by the City, without the express written permission to do so from the City official(s) or officer having jurisdiction over the use of said City property or his/her respective designee (hereinafter referred to as the "authorizing official"). The following vehicles shall be exempt from the provisions of this article:

1. Vehicles licensed by the Commonwealth of Massachusetts as motor vehicles;
2. Vehicles licensed or used by the federal government or any federal agency, instrumentality or entity, including the United States Postal Service, performing service to the public;
3. Personal motorized vehicles used by disabled persons;
4. Personal motorized vehicles used by governmental law enforcement personnel, including police officers; and
5. Landscaping equipment.

B. Conditions on the grant of written permission. Any grant of written permission to use a personal motorized vehicle issued by the authorizing official pursuant to Subsection A shall include the following conditions/restrictions.

1. No personal motorized vehicle shall be operated:
  - a. Without being equipped with a braking system;
  - b. Without the rider wearing a helmet;
  - c. In a careless or reckless manner so as to endanger the safety of any person or the property of any person; and
  - d. Without complying with applicable federal and state laws and regulations.

2. No person under the age of 16 shall operate a motorized scooter without a valid learner's permit or driver's license.
- C. The authorizing official is further authorized to impose such other restrictions and limitations as deemed appropriate or necessary to protect the public safety, interest and welfare. All persons using City property pursuant to a grant of permission shall comply with the restrictions and limitations referenced herein or imposed pursuant hereto.

**§ 311-9. Enforcement; violations and penalties.**

- A. Enforcement. The provisions of this article may be enforced by any police officer or any special police officer designated by the Board of Police Commissioner to do so.
- B. Violations and penalties. The following penalties shall be applicable for violations of this article:
1. Any person who violates the provisions of this article shall be subject to a fine in the amount of \$100 for the first offense, \$200 for a second offense, and \$300 of a third or any subsequent offense.
  2. As an alternative to initiating criminal proceedings, violations of this article may be enforced in a manner provided in Chapter 1, Article V, § 1-25, of the City Code and MGL c. 40, § 21D, which procedures are incorporated herein by reference. The penalty for each violation shall be as set forth in Subsection B(1) above for each day or part of a day during which the violation is committed, continued, or permitted; provided, however, that if a violator fails to follow the procedures and requirement of said MGL c. 40, § 21D, the fine or fines shall be recovered by indictment or an complaint pursuant to MGL c. 40, § 21.
  3. Upon the violation of any provision of the article, any police officer or any special police officer designated by the Board of Police Commissioners may impound the motorized scooter until the operator appears in court. If an operator is an adult and is convicted of violating any provision of this article, the motorized scooter may be subjected to a forfeiture proceeding under the General Laws; if the operator is a minor, the motorized scooter may be subjected to a forfeiture proceeding under the General Laws, if the minor is adjudicated delinquent, or have the case continued without a finding.

**Chapter 316 - SMOKING**

**§ 316-1. Findings 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 53,000 Americans each year. Therefore, it is the policy of the City Council of the City of Springfield to guarantee the right of nonsmokers to breathe smoke-free air, and the need to breathe smoke-free air will have priority over the desire to smoke; and the City Council establishes this chapter to protect and improve the public health and welfare by limiting smoking in restaurants.

#### **§ 316-2. 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:

##### **BAR**

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 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 of this chapter shall continue in existence notwithstanding any subsequent change or changes in the definition of "bar" under this chapter.

##### **BAR AREA OF A RESTAURANT**

The area of a restaurant where alcoholic beverages are served for consumption by guests on the premises and the service of food is incidental.

##### **CIGAR SHOP/EMPORIUM**

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 chapter. An establishment which serves appetizers and snacks may be considered a "smoking bar" for the purposes of this chapter.

##### **CITY**

The City of Springfield.

#### DIRECTOR

The Director of the Department of Health and Human Services of the City of Springfield.

#### FOOD SERVICE ESTABLISHMENT

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 50 people.

#### FOOD SERVICE PERMIT

The document issued by the Director of the Department of Health and Human Services of the City of Springfield which authorizes a person to operate a food service establishment.

#### FOOD SERVICE PERMIT HOLDER

A person to whom the Director of the Department of Health and Human Services of the City of Springfield issued a food service permit.

#### PERSON

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.

#### POURING LICENSE

A license approved by the Massachusetts Alcoholic Beverages Control Commission, as defined in MGL c. 138, § 12, that permits the sale of alcoholic beverages for consumption on the premises.

#### PRIVATE ASSEMBLY ROOM

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.

## PUBLIC PLACE

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 rest rooms, lobbies, staircases, halls, exits, entrances, elevators accessible to the public, and licensed child-care locations.

## RESTAURANT

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.

## RESTAURANT NIGHTCLUB

A restaurant with a valid pouring license that suspends its food service after 10:00 p.m. and then whose business is the serving of alcoholic beverages for consumption by guests on the premises.

## RETAIL FOOD ESTABLISHMENT

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.

## RETAIL STORE

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.

## SEATING CAPACITY

The capacity designated on the occupancy permit of the food service establishment.

## SINGLE-ROOM RESTAURANT

A restaurant which gives or offers food for sale to the public which is physically limited to one room, not subdivided by floor-to-ceiling physical barriers, and not including rest rooms or separate rooms for areas not open to the public such as kitchens.

## SMOKING

Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any form.

### **§ 316-3. Posting notice of prohibition.**

Every person having control of premises upon which smoking is prohibited by and under the authority of this chapter shall conspicuously display upon the premises "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

### **§ 316-4. Prohibited locations.**

- 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 chapter, 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 § 316-5 of this chapter.
- B. No person shall smoke in any place in which a sign conforming to the requirements of § 316-3 of this chapter is posted. No person shall remove a sign posted under the authority of § 316-3 of this chapter.

### **§ 316-5. Exceptions.**

Notwithstanding the provisions of § 316-4 of this chapter, 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 § 316-2 of this chapter;
  - 3. The bar area of a restaurant as defined in § 316-2, provided that the restaurant owner holds a valid pouring license, 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 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 secondhand smoke, and no person under the age of 21 years of age shall be seated or served.
  - d. The bar area of the restaurant shall not exceed:
    - 1. Twenty-five percent 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 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 chapter, 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 30 cubic feet per minute, from the nonsmoking 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-foot buffer space between the smoking and nonsmoking sections.
- 1. The smoking section of the room shall be marked with signs that warn patrons of the dangers of exposure to secondhand smoke; and
  - 2. The smoking section of the room shall not exceed:
    - a. Twenty-five percent of the total seating capacity of the dining area of the restaurant; or
    - b. Twenty-five percent of the total combined square footage of the dining area of the restaurant.
- C. A restaurant/nightclub that suspends its food service after 10:00 p.m., at which time the business is then devoted to the serving of alcoholic beverages for consumption by guests on the premises and the serving of food is incidental, and such establishment prohibits the entry of all persons under the age of 21 years old at all times.

- D. Cigar shop/emporium, provided such establishment prohibits the entry of all persons under the age of 18 years old at all times, and that such establishment posts signs that warn 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.

**§ 316-6. Conflict with other laws or ordinances.**

Notwithstanding the provisions of the foregoing § 316-5 of this chapter, nothing in this chapter 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.

**§ 316-7. Waivers; fee.**

Any owner or manager of a restaurant subject to this chapter may apply to the Director of Health and Human Services for a waiver of any provision of this chapter for a period not to exceed 90 days.

- A. All waivers shall be submitted to the Director or her designee on an application form provided by the Director, along with a nonrefundable filing fee of \$100.
- B. 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:
  - 1. The efforts the restaurant has made toward compliance with this chapter;
  - 2. Whether or not the restaurant will be in compliance with all terms of this chapter within the 90 days; and
  - 3. Whether the granting of the waiver will result in an appreciable danger to the health of the public.
- C. No restaurant shall be granted more than one waiver.

**§ 316-8. Violations and penalties.**

- A. Any establishment that violates this chapter shall be subject to a fine in an amount of \$100.
- B. Any person found to have violated this chapter by smoking shall be fined \$100.

**§ 316-9. Enforcement; noncriminal disposition.**

- A. As an alternative to initiating criminal proceedings, violations of this chapter may be enforced in the manner provided in MGL c. 40, § 21D, by the Springfield Department of Health and Human Services Director or its agents. The penalty for a violation of this chapter shall be a fine in an amount of \$100.
- B. Any citizen who desires to register a complaint under this chapter may request that the Director of Health and Human Services or its designee initiate an enforcement action.

**§ 316-10. Appeals.**

Any appeal of any violation or a fine levied pursuant to § 316-8 or 316-9 shall be heard and decided by the City Clerk and/or his designee. The person said to have violated this chapter shall have the opportunity to be heard at such hearing and shall be notified of the decision of the City Clerk and the reasons therefor, in writing.

**Chapter 322 - SNOW AND ICE**

**§ 322-1. Removal of snow from sidewalks, hydrants and curb cuts.**

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 any snow or ice ceases to fall thereon, within 24 hours cause the same to be removed therefrom.

**§ 322-2. Removal of snow fallen from buildings or drifted.**

Whenever any snow is collected or deposited upon any sidewalk mentioned in § 322-1, either by falling from some adjoining building or by drifting upon such sidewalk, the tenant or occupant and, in case there is no tenant or occupant, the owner or person having charge of the estate abutting upon such sidewalk shall, within 24 hours after it is so collected or deposited, cause the same to be removed therefrom.

**§ 322-3. Removal of or sanding ice on sidewalks.**

Whenever any sidewalk mentioned in § 322-1 is encumbered with ice, it shall be the duty of the tenant or occupant and, in case there is no tenant or occupant, the owner or person having the care of the estate abutting thereon, to cause such sidewalk to be made safe and convenient for travel by removing the ice therefrom, or by covering the same with sand or some other suitable substance, within 24 hours after such sidewalk has become so encumbered.

**§ 322-4. Removal of snow from roofs.**

- A. Every owner, occupant or agent having care of a building standing upon or so near the line of a street that snow slides from the roof and may endanger public travel shall, within a reasonable time after the termination or abatement of a snowstorm, cause the snow to be removed from the roof thereof, in such manner as will not endanger travelers.
- B. Whenever the roof of any building so situated is, for the space of 24 hours after the termination or abatement of a snowstorm, encumbered with snow, which, in the judgment of the Building Commissioners, endangers public safety, such Building Commissioners may cause it to be removed at the expense of such owner, agent or occupant.

**§ 322-5. Throwing snow and ice into streets.**

- A. No person shall throw or put, or cause to be thrown or put, any snow or ice into any street in the City, which street has been cleared of snow.
- B. No owner or tenant of an estate abutting upon a public way nor any other person shall remove any snow or ice that has in any manner accumulated in areas on private estates and deposit, throw or put such snow or ice within the limits of the public ways; provided, however, that snow or ice accumulated by nature on sidewalks of public ways, or on sidewalks set apart as such, or on private sidewalks, commonly used for pedestrian travel, along the public ways contiguous to sidewalks in the public ways may be removed into any public way subject to the provisions of this chapter; and provided, further, that if, upon order of the Building Commissioner, snow or ice is ordered removed from any structure adjacent to the public way, snow or ice so ordered removed may be removed if the permits therefor are obtained under the provisions of the Acts of 1911, Chapter 369.

**§ 322-6. Balustrades on roofs.**

- A. Power of Building Commissioner to require. The Building Commissioner is authorized and empowered to cause to be erected such balustrades or other protections, for security against snow slides, upon the roofs of all buildings now standing or that may hereafter be erected within the City as in his judgment the public safety requires.
- B. Orders for erection.
  - 1. Notice to owner.
    - a. Whenever, in the judgment of the Building Commissioner, the public safety requires the erection of such balustrades or other protection upon the roof of any building then standing or in the process of erection in the City, the Building Commissioner shall prepare an order calling for such an erection as he may deem sufficient and proper; and if such order is adopted by the City Council, he shall then give notice thereof to the owner of such building.

b. Such notice shall contain a copy of such order and shall be served in the manner provided for the service of notice in § 338-21, and the officer serving the same shall make a return of his doings thereon on the original notice and deliver the same to the Building Commissioner. The owner of such building shall immediately cause such erection to be made as is called for by the order and to the acceptance of the Building Commissioner.

2. Noncompliance with order; construction at owner's expense. If the order is not complied with to the satisfaction of the Building Commissioner within the time that is therein limited, the Building Commissioner shall proceed immediately to cause such erections to be constructed or completed as are called for by the order at the expense of such owner.

**§ 322-7. Building Commissioner to keep account of expenses; collection.**

It shall be the duty of the Building Commissioner to keep an accurate account of all the expenses incurred in carrying into effect any of the provisions of this chapter and report the same without delay to the City Auditor with the names of the persons from whom the same are due and the amount due from each person, and the same shall be collected in the same manner as other claims due the City.

**Chapter 327 - SOLID WASTE**

ARTICLE I	General Provisions (§ 327-1 — § 327-15)
ARTICLE II	Mandatory Recycling (§ 327-16 — § 327-22)
ARTICLE III	Licensing and Registration of Garbage Transporters (§ 327-23 — § 327-25)
ARTICLE IV	Weeds (§ 327-26 — § 327-29)
ARTICLE V	Enforcement (§ 327-30)

Article I. General Provisions

**§ 327-1. Definitions.**

- A. For the purpose of this chapter, the following definitions shall be applicable:

**ABANDONED VEHICLES**

A class of waste which includes passenger automobiles, trucks and trailers which are useless, unwanted and/or discarded by their owners and have been left on City streets, other public places and on private premises.

**ANIMAL WASTE**

All wastes from stables, kennels, pet pens, chicken coops, veterinary establishments and the like.

#### BULKY WASTE STICKER

One sticker as required for each bulk item as scheduled for collection for bulk pick up by advance phone request in accordance with DPW procedures.

#### BULKY WASTES

All large items of refuse such as appliances, furniture, large auto parts, boilers or furnaces. Other examples of bulk items include refrigerators, air conditioners, dehumidifiers, chairs, tables, cribs, couches, bed frames, sofas, fans, filing cabinets, TVs, plumbing fixtures, doors, windows, bicycles, barbecue grills, mattresses, box springs, large toys, tires, lawn mowers, snow blowers, stoves, washers, dryers, rugs, etc. Rugs must be cut up into four-foot to five-foot lengths, rolled and tied.

#### CONSTRUCTION AND DEMOLITION WASTES

All wastes that are the result of construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures.

#### CONTAINER

See "standard legal container" as defined in this section.

#### DEAD ANIMALS

Those that die naturally or from diseases or are accidentally killed or are intentionally killed. Condemned animals or parts of animals from slaughterhouses, dog hospitals or similar places are not included in this term, but are regarded as industrial refuse. It is the intent of this section to describe only small animals such as dogs, cats, rabbits, squirrels, chickens and rats that find their homes within the wooded areas of the City or often serve as household pets.

#### EXTRA BAG STICKER

Any extra trash which does not fit in the trash cart with the lid fully closed is not allowed to be stacked, but must be placed outside of a trash cart in a closed plastic trash bag (See Subsection B of the definition of "standard legal container" in this section.) no larger than 32 gallons and labeled with one extra bag sticker. It will be collected on the regular refuse collection day for the cart. There shall be a limit of 10 extra bags on any given collection day. Approved trash bag stickers shall be made available at the Office of the City Treasurer and

the Department of Public Works office during regular business hours. Approved trash bag stickers shall also be made available for resale to the public at retail and commercial establishments as determined by the Director of Public Works, provided that no retail or commercial establishment shall charge more than \$2 for each approved trash bag. Subject to annual funding, the Mayor shall work with local antipoverty agencies to provide approved extra bag stickers to qualified residents for the disposal of residential solid waste as outlined in this definition, provided that said resident is not receiving assistance towards such costs from any other source.

#### GARBAGE

All animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

#### HANDBILL

Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

#### HAZARDOUS WASTE

All waste of a pathological, explosive, radioactive or toxic nature.

#### INDUSTRIAL WASTE

Consists of the solid waste materials from factories, processing plants and other manufacturing enterprises.

#### LITTER

"Garbage," "refuse" and "rubbish" as defined in this chapter 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.

#### LITTER RECEPTACLE

A litter storage and collection receptacle as required and authorized by regulations and ordinance of the Waste Disposal Division of the Department of Public Works.

#### MARKET WASTE

That waste which generates from the wholesale and retail markets as a result of handling, storage, and selling of poultry, fish, meat, vegetables, and fruit.

Included are large quantities of putrescible garbage along with some rubbish such as wooden crates and cardboard boxes.

#### NEWSPAPER

Any newspaper of general circulation as defined by general law; any newspaper duly entered with the Postal Service Department of the United States, in accordance with federal statute or regulation; any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not fewer than four issues per year, and sold to the public.

#### OVERGROWTH

Any grass, grass clippings, weeds, pruning, leaves, tree branches, general yard or garden waste in excess of six inches high located on any parcel of land whether occupied or vacant, including a vacant lot.

#### PAPER

All combustible material, excluding newsprint but including books, magazines, wrapping paper, cardboard boxes, cartons, rags and cast-off clothing.

#### PARK

A park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

#### PERSON

Any person or his servant, agent, employee or representative, as well as a firm, partnership, association, corporation, company or organization of any kind.

#### PRIVATE PREMISES

Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continually uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

#### PUBLIC PLACE

Any and all streets, sidewalks, boulevards, alleys or public ways and any and all grounds and buildings.



## REFUSE

The total solid waste of the community.

## RUBBISH

All waste consisting of a variety of both combustible and noncombustible solid waste materials of households, stores and institutions. Combustible rubbish consists of miscellaneous burnable materials; and, in general, it is the organic component of rubbish such as paper, rags, cartons, boxes, wood, excelsior, bedding, rubber, leather, grass, leaves and other yard trimmings, as well as combustible inorganic materials such as plastics. Noncombustible rubbish, for the most part, consists of the organic components of rubbish such as tin cans, metals, dirt, ceramics, glass and similar or like substances.

## SINGLE-STREAM RECYCLING

A system that takes the multiple recycling "streams" collected through the Springfield curbside program, mixed paper and commingled containers, and allows residents to put them together in one container. The sorting of the recyclables will be done by machines at a processing facility. Residents shall use a single-stream recycling cart provided by DPW and collected in accordance with the provisions of this chapter (see § 327-17, recycling definitions) and DPW procedures.

## STANDARD LEGAL CONTAINER

Standard legal containers acceptable for use in the City shall substantially adhere to the following specifications:

1. A rubbish container issued by DPW as a cart in accordance with this chapter.
2. A paper refuse sack (also known as a "leaf bag" or "yard waste bag"), which shall be a sanitary paper sack or equal of thirty-gallon capacity, two-ply fifty-pound wet strength with reinforced self-supporting square bottom closure.
3. A plastic trash bag, which shall be a sanitary polyethylene (plastic) bag having a dart impact strength at folds and seals of not less than 60 grams, and a film thickness strength of two mils, a maximum capacity of 30 gallons and capable of supporting material having a total weight of 30 pounds with a density of 15 pounds per cubic foot and having openings closed by means of wire ties, string or rope.

## VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

#### YARD RUBBISH

Consists of prunings, grass clippings, weeds, leaves, tree branches up to and including three inches in diameter, and general yard and garden wastes.

- B. This section and the various parts, sentences, and clauses thereof are hereby declared to be severable. If any part, sentence, or clause is adjudicated as invalid, it is hereby provided that the remainder of this section shall not be affected thereby.
- C. Any violation of this section or any part thereof shall be punishable by a fine not to exceed \$50.

#### **§ 327-2. Rubbish to be drained of liquids and placed in containers.**

No rubbish shall be collected by the Waste Disposal Division of the Department of Public Works, or its authorized agent, unless the rubbish is drained of all water and liquids and placed in one or more carts in accordance with the provisions of this chapter placed at the curb on the tree belt (not in the road), to better facilitate both street sweeping and snow plowing operations.

#### **§ 327-3. (Reserved)**

#### **§ 327-4. Mandatory yard and leaf 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 section, the following definitions apply:

##### LEAF AND YARD WASTE COLLECTION SEASON

The leaf season beginning the first full week in April through the first full week of December.

##### LEAVES

Deciduous and coniferous seasonal deposition.

##### PAPER LEAF BAG

A sanitary paper sack or equal of thirty-gallon capacity, two-ply, fifty-pound wet strength with decomposing glue and reinforced self-supporting square bottom closure. Bags shall not weigh more than 40 pounds.

#### YARD WASTE

Grass clippings, weeds, hedge clippings, garden waste, as well as twigs and brush (not longer than two feet in length and 1/2 inch in diameter which is loosely bundled together).

- 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 Subsection B or DPW-issued carts. These paper bags or DPW-issued carts shall be placed on the curbside or tree belt in accordance with § 327-7 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 Subsection B shall be placed in these paper bags or barrels.
- D. Compostable leaf and yard waste material shall not be placed in plastic trash bags at any time. 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 at any time. Any violation of this section or any part thereof shall be punishable by a fine not to exceed \$50. When the owner has failed to comply with the requirements of this section, the Director of the Department of Public Works, in his discretion, may refuse to collect the leaf and yard waste material and all rubbish, recycling and yard waste of the owner until the next regular pick-up, and the owner shall remove from the curb such rubbish, recycling, leaf and yard waste material.
- E. 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 tree belt in accordance with the special collection day, pursuant to this section, such materials shall become the property of the City. It shall be a violation of this section 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 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 composting site. Any violation of this Subsection E or any part thereof shall be punishable by a fine not to exceed \$100.
- F. All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this section are hereby repealed to the extent of the inconsistency.

- G. This section shall take effect for the leaf and yard waste collection season commencing July 1, 2011.

**§ 327-5. Automated refuse collection.**

- A. Purpose. The purpose of this section 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 section subject to the direction and control of the Mayor.
- C. For the purpose of this section, the following definitions shall apply:

**AUTOMATED COLLECTION**

The method of collecting rubbish through the use of mechanical collection equipment and special containers to accommodate the collection.

**AUTOMATED CONTAINER**

A specially designed container, distributed 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.

**CITY**

The City of Springfield, Massachusetts.

**COMMERCIAL CUSTOMER**

Any business premises, industry premises or organization, either private or public, profit or nonprofit, currently receiving service from the City. This definition shall include customers operating businesses out of their residential units such as day-care centers, offices, etc.

**CURBLINE**

The area directly behind the curb. In the absence of a curb the area directly behind the edge of pavement or curb.

**CUSTOMER**

Any person or entity receiving service from the City.

**DESIGNATED COLLECTION POINT**

The place where the Director has determined an automated container will be placed for service.

#### DIRECTOR

The Director of the Department of Public Works or his/her duly authorized representative.

#### DWELLING UNIT

Any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household.

#### EXTRA REFUSE

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.

#### INFECTIOUS WASTE

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.

#### OVERLOADED

That the automated container is so full of rubbish that its lid is not completely closed, thereby exceeding the automated container's rated capacity.

#### NONRESIDENTIAL UNIT

Any establishment except those defined under residential units.

#### RECYCLABLES

Material as defined in § 327-17 of the City Ordinances.

#### RESIDENTIAL UNIT

A single- or multiple-family dwelling unit up to and including apartment complexes of three units or less.

#### RUBBISH

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.

#### YARD WASTE

Material as defined in § 327-4B 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 6:30 a.m. Such location shall be easily accessible to the container, 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 curblineline 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 in accordance with the provisions of this section, provided that the material is contained in a standard legal container with an extra bag sticker attached. If additional rubbish is 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 DPW Director, to request an additional automated container(s) at the cost as provided in this section. A request for additional automated container(s) may be disallowed if, in the opinion of the Director, a customer is not recycling as mandated by City ordinance. Any request for a container(s) will not be supplied until payment has been received by the City for all past due and current fiscal year payments under this section.
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 reserves 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 automated container to each occupied residential unit and commercial customer currently serviced by the City in accordance with the payment of an annual trash fee as authorized by this section. 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. Any additional barrels that are needed by the resident after the issuance of the first automated barrel will be provided to the resident at a cost that is determined to cover the appropriate expenses of securing such a barrel by the Director.
2. The automated container provided by the City shall not be filled to exceed 100 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 and multifamily units and current commercial customers are limited to a maximum of three automated containers. Requests for additional automated containers must be submitted on a form approved by the Director. If commercial customers require more than three automated containers, or do not have the room to properly place three automated containers for collection, the Director may decline to provide service from the City.
4. Any customer in possession of a City-owned automated container shall pay the cost of repair or replacement of any damaged container. The charge shall be the actual cost of repair or replacement as determined by the City.

5. 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 section.
6. 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 curbside, streetside or roadside overnight after the day of collection.

F. Rubbish collection service.

1. If a customer does not pay his/her trash fee in its entirety after 30 days, then a demand letter will be issued by the Treasurer/Collector, and a fine consistent with the tax demand fee plus interest will be assessed. If the customer fails to pay his/her trash fee after the issuance of the demand letter, the Director will continue to provide trash collection if requested by the customer, and the Treasurer/Collector will attach a lien to the customer's property as soon as state law allows.
2. Standard collection service shall include once-a-week collection of acceptable rubbish in properly placed automated containers in accordance with the provisions of this section.

G. Points of collection. Automated containers shall be placed:

1. Within two feet of the curbline or where directed by the City.
2. At least three 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 feet from recycling and yard waste containers.
5. At least 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 wastes 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, construction or demolition debris are to be placed in automated containers.
  5. Yard waste and recyclables shall be separated from rubbish and placed in separate City-issued or -approved 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.
  8. 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.
  9. The City may inspect residential, multifamily units and commercial premises for the purpose of evaluating waste generated and disposal practices for the purpose of determining compliance with this section. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the any business activities. Failure 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 Director of Public Works, Police Department of the City, the Commissioner of Health and Human Services and the Commissioner of Housing or their duly authorized agents.
  - J. Violation. Stricken by City Council on July 3, 2012.
  - K. Fees.

1. Findings.

- a. Solid waste collection and disposal services is in accordance with the government's police power to protect the public health, the State Sanitary Code, 105 CMR 410, 410.601, 410.602 and 410.603, and City ordinances that require proper disposal of solid waste; and
- b. The City of Springfield provides services which include the curbside collection and disposal of non-bulky-item solid waste, recyclables, and yard waste (City Services); and
- c. MGL c. 44, § 28C, authorizes the City to charge a fee to cover the costs of said City services; and
- d. The cost of providing the City services in Fiscal Year 2011 are estimated to exceed \$8.5 million, and the costs in Fiscal Year 2012 are expected to increase; and
- e. The City has determined that it should charge a fee to property owners who voluntarily elect to use the City services to defray, in part, the costs of providing the City services; and
- f. The City has determined that as of July 1, 2012, and continuing thereafter until amended, the amount of the fee for services shall be \$90 per each fiscal year.
- g. The City has determined that it will reevaluate this fee and trash disposal system on an annual basis between January 1 and April 30 through a public RFP process to compare similar or alternative methods of trash removal, but specifically a "pay as you throw" program, in hopes of more secure financial times when a fee is not needed and in hopes of limiting our trash disposal costs; and
- h. The potential annual revenue from said trash fee based on expected usage has been estimated at approximately \$3.3 million annually for fiscal year 2012; and
- i. On November 27, 2006, the Finance Control Board approved the creation of a Solid Waste Enterprise Fund pursuant to MGL c. 44, § 53F 1/2.

2. Pursuant to the authority granted under MGL c. 44, § 28C, and in order to defray a portion of the costs of providing solid waste collection and disposal services in the City of Springfield, effective July 1, 2012, the City establishes a solid waste collection and disposal fee (trash fee) of \$90, payable for each fiscal year, to be charged to the owner

of each dwelling unit and commercial unit who voluntarily elects to receive such City services from the City of Springfield (hereinafter referred to as the "customer").

3. The Mayor is authorized to adopt rules and regulations for the implementation and administration of the fee.
4. The fee will be subject to the following terms and conditions:
  - a. The trash fee shall be charged to customers of DPW solid waste collection and disposal services who own property that is particularized as a recipient or user of the City services, and will not be charged to property owners who do not elect to use the City services for their properties.
  - b. The City will issue bills to all individuals or entities that own property and currently receive the City services. Such owners may choose to use the City's services by paying the trash fee, or may choose not to use the services and avoid the trash fee.
  - c. Individuals or entities who do not use the City's services may utilize any other method of disposal which does not endanger any person and complies with the State Sanitary Code and City ordinances.
  - d. Owners who choose not to use the City services shall be responsible for returning the City-provided container to the Department of Public Works. Persons who are unable to return the City-provided container may request the DPW pick up the container.
  - e. Trash fees collected pursuant to this section shall be deposited in the Solid Waste Enterprise Fund, to be used to defray a portion of the City's costs of providing the services.
  - f. Effective July 1, 2012, and in each fiscal year thereafter, the trash fee shall be charged for each conforming container used by a customer, and for each condominium unit where the condominium association utilizes a dumpster which is collected by the City or its contractors. If a customer requests one or more additional containers per dwelling or commercial unit, the customer will be charged a trash fee for each additional container in an amount to be established by regulations pursuant to this section.
  - g. The trash fee will be payable to the City in one installment, due and payable 30 days from the billing date.

- h. The City shall grant an annual forty dollar (\$40.00) Trash Fee discount for the household of the owner of a single family home, condominium, mobile home or owner occupied multifamily home who is: (a) veteran with a war-service connected disability; (b) a legally blind person; (c) an indigent individual; or (d) an individual over 65 years of age; as defined in rules and regulations established by the Mayor. Such discount will only apply to the owner-occupied primary residence, to the fee for one (1) trash container and will not apply to other trash services; such as bulky item stickers. Decisions on applications for discounts will be made by the Finance Department.
- i. Property units owned by any government agency shall be exempt from the trash fee with the exception of property units owned by a housing authority.
- j. The City reserves the right to refuse to provide refuse collection services to any commercial unit, government property, condominium unit or multifamily buildings with more than three dwelling units.
- k. Property owners aggrieved by the denial of a discount or any other decision concerning the trash fee may appeal such determination to the Executive Director of DPW.

**§ 327-6. Collection of bulk waste.**

- A. Yard rubbish and bulk items (which is not yard waste) and all odd pieces of lumber, completely free of nails, shall be securely tied in bundles, the greatest dimension of which shall not exceed three feet in length and the weight of which shall not exceed 50 pounds. The bundle shall be stacked near the rubbish container on the regular collection day.
- B. The gross weight of a piece or bundle of bulky rubbish shall not exceed 100 pounds.
- C. The collection of bulky wastes from residences which purchase a bulk waste sticker in accordance with the provisions of this article (see § 327-1) may be arranged by calling the Waste Disposal Division of the Department of Public Works for an appointment. No bulky items are to be placed on the tree belt unless a previous appointment has been made with the Department. This service shall apply to resident-owned items only.
- D. Animal wastes created in large quantities shall not be collected by the Department, but the City may accept them at the disposal facility if, in the opinion of the DPW Director, or his agent or employee, such acceptance would not adversely affect the operation of the disposal facilities.

**§ 327-7. Placement of containers for rubbish, recycling and yard waste.**

- A. Rubbish containers shall be placed on the tree belt, so as to be readily accessible to collection crews, no later than 6:30 a.m. on the day of collection, except that no such container shall be placed upon said tree belt sooner than sunset on the day prior to collection nor shall said containers be caused to remain on said tree belt later than 12:00 midnight on the day of said collection. On streets and ways not possessing an area readily determinable as a tree belt, the containers shall be placed at or near the boundary of the traveled portion of such streets or ways, in such a manner so as not to interfere with the full use for travel of such streets or ways. No such containers, when presented for collection, shall be filled beyond their water level capacity, nor placed in such a manner as to interfere with the collection of mail from any mailbox located on the street and way.
- B. No person, except employees of the Department of Public Works or its authorized agent, shall remove, molest, handle or otherwise disturb the container or containers or other material which have been placed on the City tree belt for servicing by the refuse collectors; provided, however, that this subsection shall not prohibit the owner, agent, occupant, lessor or tenant of a residence, dwelling, or business establishment from removing the contents of a container or other material placed on the tree belt thereof for servicing by said refuse collectors.
- C. Any violation of this section or any part thereof shall be punishable by a fine not to exceed \$50.

**§ 327-8. Sidewalks and passageways to be kept free from obstructions, snow and ice.**

Unless sidewalks and passageways are kept free from obstructions and kept clear of snow and ice for a reasonable width from the curblin to the location of the standard garbage container, the Division of Waste Disposal need not collect garbage.

**§ 327-9. No extra service when collection refused for noncompliance.**

When the collection of rubbish, recycling and yard waste is refused because of failure to comply with any of the provisions of this article, the Division of Waste Disposal of the Department of Public Works shall not furnish collection service again until the next regular period and the owner shall remove from the curb such rubbish, recycling and yard waste.

**§ 327-10. Notification of possible fire or health hazards.**

When the collection of rubbish, recycling and yard waste is refused because of failure to comply with any of the provisions of this chapter, the Director of Public Works or the Deputy Superintendent of Waste Disposal shall notify the Commissioner of Public Health, the Housing Commissioner or the Chief of the Fire Department, if, in the opinion of such Superintendent or Deputy Superintendent, a health or fire nuisance may result from the failure of an owner, agent, occupant, lessor or tenant of a premises to comply with such provisions.

**§ 327-11. Applicability to industrial plants.**

The service rendered by the Department of Public Works in collecting rubbish, recycling and yard waste shall not extend to manufacturing industrial plants or generators of hazardous waste nor shall it include the removal of any material which has accumulated as a result of construction, building or market operations.

**§ 327-12. City not liable for damages.**

Nothing in this article shall be construed as holding the City liable in any manner for any loss or damage resulting from the entrance of collection crews on private property in performance of their duties.

**§ 327-13. Litter and overgrowth.**

- A. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles for that purpose, authorized private receptacles for collection, or in an official City disposal area.
- B. Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles shall do so in such a manner as to prevent such litter from being carried or deposited by the elements on any streets, sidewalks, or other public place or upon private property.
- C. Sweeping litter into gutters prohibited. No person shall sweep into or deposit into any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk, driveway or property. Persons owning or occupying property shall keep the sidewalk and/or tree belt abutting their premises free of litter.
- D. Merchants duty to keep sidewalks free of litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk, driveway or property. Persons owning or occupying a place of business within the City shall keep the sidewalk and/or tree belt abutting their business free of litter.
- E. Litter thrown by persons in vehicle. No person shall throw or deposit litter upon any street or any other public place within the City or upon private premises while a driver or passenger in a vehicle.
- F. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded so as to prevent any such load, contents or litter thereof from being blown or deposited upon any street, alley or other

public place or upon any private premises; nor shall any person drive or move any vehicle or truck within said City, the wheels or tires of which carry onto or deposit in any street, alley, or other public place any mud, dirt, sticky substances, litter or foreign matter of any kind.

- G. Litter in parks and property under control of Parks Department or Conservation Commission.
  - 1. No person shall throw or deposit or cause to have thrown or deposited litter of any kind within any park or on a terrace, triangle, traffic island, circle or dingle under control of the Park Department of the City except in public receptacles provided for the purpose therefor and it shall be deposited in such manner that the litter will be prevented from being carried and/or deposited by the elements upon any part of said parks or the aforementioned public properties. (Fine: \$300.)
  - 2. No leaves, tree branches, grass or evergreen clippings, winter sand and/or sand and salt mixture, rocks, litter, rubbish, garbage or any other material shall be brought to and deposited in any manner on any park property. (Fine: \$300.)
  - 3. No person, herein designated as a firm, individual, corporation, organization, employee, agent or servant of any kind, shall deposit or cause to have deposited on public property or in public receptacles within the confines of any parks or public property by any such person any litter, other than that obtained as a result of use in said park or said public property. (Fine: \$300.)
  
- H. Litter in lakes, rivers, streams and fountains. No person shall throw or deposit, abandon or leave, or cause to have thrown or deposited, abandoned or left, along the shoreline or abutting property of any lake, river, stream or like body of water situated within or bounding on the limits of the City, or in any fountain or like structure situated within said City, any automobiles, or parts thereof, building materials, litter, garbage, rubbish or material of any kind.
  
- I. Handbills, posters and political signs.
  - 1. No handbills, posters, political signs, or articles of any kind promoting businesses or organizations shall be affixed to any building, tree, fences, or any other structures in any park or property controlled by the Park Department of the City or affixed to any trees, shrubs or structures owned or maintained by the City on a public tree belt or other public property within the confines of the City, nor shall any such handbills, posters, political signs or other articles as described in this chapter be erected or placed in or upon any public property within the confines of said City.

2. Throwing or distributing handbills in public places. No person shall throw, deposit, or discard any handbills in or upon any sidewalk, street, alley or other place to which the public has a right of access within the City or cause to have thrown, deposited or discarded any handbill in or upon any sidewalk, street, alley or other place to which the public has a right of access within the City. This subsection shall not be construed to prohibit the right guaranteed by the First Amendment of the Constitution of the United States.
3. Placing handbills on vehicles. No person shall throw or deposit any handbill or cause to have thrown or deposited any handbill in or upon any unoccupied vehicle in or upon any public property to which the public has a right of access.
4. Prohibiting distribution of handbills where posted. No person shall throw, deposit or distribute or cause to have thrown, deposited or distributed any handbill upon any private premises if requested by anyone thereon not to do so, or if there is a sign, placed in a conspicuous position near the entrance of said private premises, bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice which indicates in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon said premises.
5. Depositing handbills on uninhabited or vacant premises. No person shall throw, deposit or dispose or cause to be thrown, deposited or disposed any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant; nor shall any person post or cause to have posted any handbills except with the permission of the owner on any such private premises.
6. Distributing handbills at inhabited private premises. No person shall throw, deposit or distribute or cause to have thrown, deposited or distributed any handbill in or upon private premises which are inhabited except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, however, that in the case of any prohibition as set forth in Subsection I(4) of this section, a person may place or deposit any such handbill in or upon such inhabited private premises, provided such handbill is placed or deposited so as to assure or prevent the handbill from causing littering of the premises or sidewalks, streets, alleys or other public places, except that mailboxes may not be so used when prohibited by federal postal laws or regulations.
7. Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail in the United States, nor to newspapers, as defined in § 327-1, except that newspapers shall be placed on private property in such a manner as to



prevent their being carried or deposited by the elements upon any sidewalk, street, alley, or other public place or upon any private property.

- J. Dropping litter from aircraft. No person in any aircraft shall throw out, drop or deposit or cause to have thrown out, dropped or deposited within the City any litter, handbills or any other materials.
- K. Posting notices prohibited. No person shall post or affix any notices, poster, handbill or other paper or device calculated to attract the attention of the public to any traffic or lamppost, public utility pole or public shade tree or upon any public structure or building except as may be authorized or required by law.
- L. Litter and overgrowth.
  - 1. Litter and overgrowth on occupied private property.
    - a. No person shall throw or deposit or cause to have thrown or deposited any litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley or other public place, or upon any private property. The owner or person in control of any private property shall at all times maintain the premises free from litter and overgrowth.
    - b. 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 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.
  - 2. Litter and overgrowth on vacant lots. No person shall throw or deposit or cause to have thrown or deposited any litter on any open or vacant property within the City, whether owned by such person or not. The owner or person in control of any such vacant property shall at all times maintain the premises free from litter and overgrowth.
  - 3. Clearing of litter and overgrowth from private property by City.

- a. Notice to remove. The City, through its Housing Department, shall have, as provided by Chapter 139 and Chapter 111 of the Massachusetts General Laws, the power to abate a nuisance or health hazard caused by any such litter or overgrowth; and shall have the powers by virtue of said General Laws and any ordinance relative thereto or in amendment hereof as heretofore or hereinafter ordained. Further, nothing contained in this section shall be construed to be in conflict with any provisions of said laws or ordinances but shall be in addition to and in compliance with the provisions therein set forth. The Commissioner of Housing is authorized to notify the owner, his agent or any person in control of said property within the City, vacant or otherwise, to remove and dispose of litter or overgrowth located on the property. Such notice shall be by registered or certified mail, return receipt requested, addressed to the owner, agent, or person in control of the property by any person authorized to serve civil process, or posted on said property for a period of not less than seven days. Such notice shall include a statement that upon the failure, neglect or refusal of any owner, agent, or person in control of said property, so notified, to dispose of litter or overgrowth, the City may request to enter upon the property, with the voluntary consent of the owner, agent or person in control of said property or by court order, to remove and dispose of said litter and overgrowth.
- b. Action upon noncompliance. Upon the failure, neglect or refusal of any owner, agent, or person in control of said property, so notified, to properly dispose of said litter or overgrowth within five days after receipt of written notice as provided in this section, or within seven days after the date of such notice in the event the same is returned to the Post Office Department because of the inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, agent or person in control of said property, or within seven days after the end of the period for posting said property, the Commissioner of Housing is authorized and empowered to make any necessary request or to initiate the necessary court proceedings and pay any and all costs incidental to the removal and disposition of the litter or overgrowth.
- c. Charge for removal. When the City has effected by itself or its duly authorized agent the removal of the litter or overgrowth or has paid for the removal of the litter or overgrowth, a bill for the actual cost thereof, if not paid by such owner prior thereto, shall be forwarded to such owner by the City and such charge shall be due and payable within 30 days.
- d. Charge included in tax bill; recordation constitutes lien.

1. In the event that the full amount due the City is not paid by such owner within said 30 days from the date of billing, as provided in this section, the Commissioner of Housing shall cause to be recorded in the office of the City Clerk a sworn statement showing the cost and the expense incurred for the work, the date the work was done, and the date of the billing as provided in this chapter in Subsection L(3)(c). The City Clerk shall forthwith cause said statement to be recorded in the Hampden County Registry of Deeds in the manner required.
2. Upon such recordation of the statement by the City Clerk in the Hampden County Registry of Deeds, the actual cost for the removal of the litter or overgrowth shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the City, and the charge shall be due and payable by said owner at the time of payment of such bill.
3. The recordation of said statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of the court, if any, for collection, until final payment has been made. Said cost and expense shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as that on unpaid tax bills in the event the same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions as set forth in this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be sufficient notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

M. Violations and penalties. This section may be enforced through noncriminal disposition pursuant to MGL c. 40, § 21D, or through the criminal process. A person violating any provision of Subsections A through L of this section shall be fined \$100 for the first offense, \$200 for the second offense, and \$300 for the third or subsequent offenses. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under the provisions set forth in this chapter. In the event a motor vehicle is used in the violation of any of the provisions of this section, it shall, upon conviction, be reported by the court to the Registrar of Motor Vehicles and action requested on suspension of the license of the operator of such vehicle, and if it appears from the records of the Registrar of Motor Vehicles that the person so convicted is the owner of the

motor vehicle, a request to suspend for a period of time specified by the Registrar of Motor Vehicles the certificate of registration of said vehicle shall be made. The provisions of this section shall not be applicable to any dumping ground approved by the Director of Public Works.

**§ 327-14. Unregistered motor vehicles.**

- A. 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 12 days shall be punished by a fine of not less than \$10 nor more than \$50; 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 12 days constitutes a separate offense.
- B. This section shall not apply to an unregistered motor vehicle or part thereof which is stored within a garage or other closed structure nor shall it apply to an unregistered motor vehicle or part thereof upon the premises of the following persons:
  - 1. One who is duly licensed to deal in motor vehicles under MGL c. 140, § 58.
  - 2. One whose principal business is the towing and storage of motor vehicles.

**§ 327-15. Shopping carts.**

- 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 which 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 to and exit from the store or business.
  - 3. A store or business utilizing such carts shall be responsible for taking proper action to ensure that carts are not removed from its property in violation of this section.
- 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 may be assessed against said business for its failure to comply with the requirement of Subsection A(3) of this section.

## Article II. Mandatory Recycling

### **§ 327-16. 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. The following policies are hereby adopted by the City of Springfield with respect to efficient management of solid waste, for the promotion of the 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. This article 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.

### **§ 327-17. Definitions.**

For the purposes of this article, 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:

ACCESS

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.

#### CART

A barrel of approximately 30 gallons to 100 gallons, with wheels and a lid, used for storage of recyclables and designed for mechanical loading into a recyclables collection vehicle.

#### CITY

The City of Springfield, Massachusetts.

#### COMMERCIAL RECYCLING PLAN FORM

The form required by the Department of Public Works to be submitted by each property owner or manager of a City business or nonprofit establishment with 100 or more employees or buildings with an aggregate of at least 100 employees that identify their compliance with the requirement to offer access to a recycling program.

#### DESIGNATED HAULER

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 the hauler is entitled to bring recyclables to the MRF.

#### DIRECTOR

The Director of the Department of Public Works or his/her duly authorized representative.

#### DROP-OFF

The transport and deposit of recyclable materials at a City-approved location.

#### DWELLING UNIT

Any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household.

#### HAULER'S REPORTING FORM

The form required by the Department of Public Works to be submitted by each hauler working in the City that allows it to report on the status of the recycling program for each of its multiple-family building customers.

#### HAZARDOUS WASTE

All waste of an ignitable, corrosive, reactive or toxic nature.

#### MULTIFAMILY BUILDING

Any residential building with four or more dwelling units and fewer than 40, including apartments, cooperatives, condominiums, group houses, rooming houses or boardinghouses.

#### MULTIFAMILY COMPLEX

A building parcel located in the City that contains 40 or more dwelling units.

#### MULTIPLE COMMUNITY LOADS

Paper or containers that have been collected from two or more communities.

#### MULTIPLE-FAMILY RECYCLING PLAN FORM

The form required by the Department of Public Works to be submitted by each property owner or manager of a multifamily complex that identifies how it is complying with the requirement to offer tenants access to a recycling program.

#### PROPERTY OWNERS AND MANAGERS

Those individuals or businesses responsible for providing waste management services for a building located in the City.

#### RECYCLABLES or RECYCLABLE MATERIALS

The discarded nonhazardous 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 through #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.

### **§ 327-18. 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 the 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.

**§ 327-19. Mandatory separation of recyclable materials.**

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:

- A. 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.
- B. 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.

**§ 327-20. Collection of recyclable materials.**

- A. Single-family dwellings up to three-family dwellings and grandfathered small businesses. For each household and small business for which 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 household recycling cart issued by DPW to each dwelling unit where rubbish collection services are also offered. The City shall retain ownership of all its household recycling carts, and the occupant of each dwelling unit shall take proper care to protect such receptacle from loss or damage. Carts 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 his/her cart 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 his/her cart is broken, the broken cart must be exchanged for the new cart when delivered. Residents with broken carts may receive one free replacement.

2. The City shall determine the number of household recycling carts to be provided for each individual building. The City shall retain ownership of its household recycling carts, and the owner or owners of the building shall take proper care to protect such containers from loss or damage.
  3. All recycling carts shall be placed at the curbside every other week for collection by 6:30 a.m. on the designated day of collection. The cart 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 or more units and fewer than 40 units.
1. Property owners and managers of multiple-family dwellings of four or more dwelling units and fewer than 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.

2. 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 to property owners and managers to serve as proof of delivery.
  3. 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 hauler's reporting form that will be submitted to the Director of Public Works on a semi-annual basis: January 1, July 1.
- C. Multiple-family complexes with 40 or more dwelling units.
1. Property owners and managers of multiple-family buildings or complexes which contain 40 or more dwelling units and which contract for private refuse collection services will provide occupants with access to a recycling program through contractual arrangements with their haulers.
  2. 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 is 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 multifamily properties of 40 or more dwelling units with a multifamily recycling plan form. Recycling plans are to be implemented within 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 multifamily 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:

1. Reasons to reduce and recycle solid waste;
2. Which materials are collected;
3. How to prepare the materials in order to meet the processing requirements;
4. Collection methods and location of collection sites; and
5. A contact person or company, including a name, address, and telephone number.

D. Businesses and nonprofit establishments. All businesses and nonprofit 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. The business or nonprofit 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 nonprofits shall recycle materials listed below or other nonlisted 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 catalogs;
- 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 subsection 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 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 multitenant building, the building owner or manager must distribute general recycling information and current program recycling guidelines to every tenant housed in the building within 30 days of occupancy and to all tenants housed in the building annually.
5. Businesses and nonprofits with 100 or more employees, or buildings with an aggregate of at least 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 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.

**§ 327-21. Private haulers.**

- A. It will be the responsibility of property owners and managers of multifamily buildings, businesses, and nonprofit 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, nonprofit 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 multifamily 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 haulers reporting form to the DPW on multifamily buildings with four or more dwelling units and fewer than 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: multifamily 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 haulers 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.

**§ 327-22. 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 10% by weight of nonrecyclable 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 nonrecyclable 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 an 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 to 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 noncompliance 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.

### Article III. Licensing and Registration of Garbage Transporters

#### **§ 327-23. Registration required; fee.**

No person, except City employees in the prosecution of their employment, shall remove or transport through any street or passageway in the City any garbage, offal or other offensive substance, unless he shall have registered with the Commissioner of Health and paid the sum of \$2 for such registration, and unless he removes and transports such substances in accordance with rules and regulations of the Public Health Council. The Commissioner of Health shall issue to each person so registering a certificate of such registration and payment.

#### **§ 327-24. License contents; recording.**

- A. Every license and every certificate issued under the provisions of § 327-23 of this chapter shall state that it is issued subject to the provisions of the City ordinances and all rules of the Public Health Council now existing, or which shall hereafter be made, and subject to forfeiture for any violation thereof.
- B. All such licenses and certificates shall be recorded by the Commissioner of Health in a book to be kept for the purpose.
- C. A book shall also be kept in the office of such Commissioner wherein application for the services of the parties licensed in this chapter shall be entered, and such applications shall receive attention in the order in which they are made.

#### **§ 327-25. Violations and penalties; revocation of license.**

Any person violating any of the provisions of §§ 327-23 and 327-24 of this chapter shall be punished as provided in § 1-25 and by a forfeiture of his license hereof.

### Article IV. Weeds

#### **§ 327-26. Declaration of nuisance; order of abatement.**

- A. Whenever there shall be growing on any property ragweed or other species of weed, plant or growth which is noxious or detrimental to the public health, or the seed, pollen or other emanation whereof, when carried through the air or otherwise dispersed, is noxious or detrimental to the public health, the Commissioner of Public Health may take and file upon his records what he shall regard as sufficient proof to authorize a declaration that the existence of any such growth is a nuisance or is dangerous to the public health, and may thereupon enter the same upon his records as a nuisance and order the same to be removed, destroyed or otherwise abated on any property wherever found.
- B. The Commissioner of Public Health shall notify, in writing, the owner, lessee, occupant of, or principal person or persons interested in such property of the nuisance created by such



weeds, plants or growth, and order them, in writing, to remove, destroy or otherwise abate such nuisance.

**§ 327-27. Declaration of danger from pollination.**

The Commissioner of Public Health may also take and file among his records what he shall regard as sufficient proof to authorize a declaration that at any season or period of the year there exists a particular and imminent danger to the public health by reason of the approaching period of pollination of any such growth and may enter such determination upon his records.

**§ 327-28. Failure to comply with order.**

If any order issued under this article is not complied with within five days after receipt of the same, or within such shorter time as the Commissioner of Public Health may specify, the Commissioner may enter upon any such property and remove and destroy any weeds, plants and growth noxious or detrimental to the public health.

**§ 327-29. Removal by Park Department.**

- A. In removing and destroying such weeds, plants or growth, the Park Department is authorized and shall act as agent and a means of the Commissioner of Public Health in effecting such removal, destruction or abatement.
- B. In the event that the Park Department is so employed, it shall certify and transmit to the Commissioner of Public Health its expense in the execution of the order of the Commissioner of Public Health separately in respect of each separately owned parcel of property on which such nuisance was abated.

Article V. Enforcement

**§ 327-30. Responsibility for enforcement.**

This chapter shall be enforced by the Police Department of the City and especially by the Commissioner of Health and by the Commissioner of Housing or their duly authorized agents.

**Chapter 338 - STREETS AND SIDEWALKS**

ARTICLE I	Construction and Maintenance (§ 338-1 — § 338-22)
ARTICLE II	Poles and Wires (§ 338-23 — § 338-32)
ARTICLE III	Use Regulations (§ 338-33 — § 338-58)

Article I. Construction and Maintenance

**§ 338-1. Petition for change required.**

Whenever a new street, or an alteration, widening, change of grade, discontinuance or location anew of an existing street is wanted in the City, application therefor shall be made by petition in writing to the City Council signed by not less than six inhabitants of the City or by the City Planning Director or the City Engineer.

**§ 338-2. Temporary repairs of private ways.**

Upon petition in writing to the City Council signed by more than 50% of the abutters, determined by lineal footage, on a private way, for certain repairs delineated in this article, the Mayor and City Council shall act first on the petition, and if they deem it best that a view or hearing shall be had thereon, they shall refer it immediately to the Board of Public Works.

- A. The type and extent of repairs shall be limited to, in whole or in part, filling of holes in the subsurface of such ways and/or repairs to the surface; said repairs shall be with construction materials as per the current accepted maintenance standards of the City Department of Public Works and as approved by the Director of the Department of Public Works. Minor repairs of an expedient nature may be made at the discretion of the Director of the Department of Public Works, notwithstanding any provisions of this section.
- B. Drainage may be included at the discretion of the Director of the Department of Public Works, and any City ordinance regarding betterment assessments for same shall remain in force if applicable.
- C. There is no limitation on the length or shortness of time a private way may have been open to public use to qualify under this section.
- D. The City shall not be liable on account of damages caused by such repairs to any greater extent than the City would be liable for such damages in the case of a public way.
- E. As soon as may be after any such petition has been so referred to the Board of Public Works, such Board shall view the premises, and hear all the parties interested therein, having first given notice of the view and hearing to all abutting owners in the manner prescribed in § 338-4.
- F. The Board of Public Works shall thereafter report to the City Council whether in its opinion the repairs are required by public necessity. The Board shall include in said report a statement as to whether, in the opinion of the Board, betterments should be assessed for such repairs upon property legally subject to such assessment, and thereafter to notify the City Council of the completion of any such work upon which the assessments of betterments have been recommended.
- G. The City Council shall take such action upon the report, and the subject matter therein contained, as it shall deem best.

- H. Such repairs shall not be undertaken until the City Council shall declare that the repairs are required by public necessity.
- I. The City Council shall assess betterments upon the owners of estates which derive particular benefit or advantage from the making of such repairs on any such private way. Such assessment, if any, shall be, in the aggregate, 1/2 of the total cost of such repairs and, in the case of each such estate, in proportion to the frontage thereof on such way. Except as otherwise provided, the provisions of Chapter 80 relating to public, improvements and assessments therefor shall apply to repairs to private ways ordered to be made under this section; provided that no assessment amounting to less than \$25 shall be apportioned and no assessment may be apportioned into more than five portions. Cash deposits shall not be required for such repairs.

**§ 338-3. Referral to Board of Public Works.**

The City Council shall first act on the petition by referring it to the Board of Public Works for hearing and sending a copy to the Planning Board.

**§ 338-4. Board to view premises and hear parties after notice.**

- A. As soon as may be after any petition mentioned in §§ 338-1 and 338-3 has been referred to the Board of Public Works by the City Council, such Board shall view the premises and hear all the parties interested therein, having first given notice of the view and hearing by mailing notices to all known interested parties, postage prepaid, to their respective addresses of record, as well as posting notices in two public places and publishing in a newspaper of general circulation, all at least seven days prior to such hearing.
- B. If an interested party does not have an address known to the Board, then such notice may be left with his tenant or agent, or shall be posted on or near the premises which would be affected by the petition.
- C. All notices mentioned in this section shall contain a copy of the petition, or the substance thereof, and the order of the Board thereon, and such view and hearing may be adjourned from time to time, and from place to place, at the discretion of such Board.
- D. For the purposes of this section, "interested party" means the owner or owners of land abutting upon such existing or proposed street or improvement and the owner or owners of land upon which such new street or improvement is proposed to be laid.

**§ 338-5. Report to Council after viewing and hearing.**

After viewing the premises and hearing all parties who may desire to be heard, as provided for in § 338-4, the Board of Public Works shall report to the City Council as to whether,

in its opinion, common convenience and necessity require the street to be laid out, altered, widened, discontinued, located anew or the grade thereof changed.

**§ 338-6. Plan and description of proposed changes.**

If the Board of Public Works decides in favor, in whole or in part, of such laying out, altering, widening, changing of grade, locating anew or discontinuing of a street or way as hereinbefore provided in this article, it shall, as soon as may be, cause to be prepared a plan and description of such proposed laying out, altering, widening, changing grade, locating anew or discontinuance.

**§ 338-7. Preparation of plans.**

Any plan for the laying out, altering, widening, changing of grade, locating anew or discontinuing of a street, sidewalk, or way, properly before the Board of Public Works under §§ 338-3 and 338-4, shall be prepared at the written direction of the Board of Public Works.

**§ 338-8. Estimate of damages, costs and betterments.**

- A. Except in case of discontinuance, if the Board of Public Works is in favor of the proposal, it shall estimate the probable expense of fitting the way for travel, and at the same time, if, in the opinion of the Board, damages would be sustained by or benefit conferred on any person in his property by reason of such laying out, altering, widening, changing of grade, locating anew or discontinuing of any street, it shall estimate the amount of damage or benefit to each owner.
- B. Damages for all land and buildings are to be estimated with reference to their value before the laying out, altering, widening, locating anew or discontinuing of the way, and such estimate shall not include any increased value occasioned merely by such laying out, altering, widening, changing of grade, locating anew or discontinuing.
- C. All such estimates shall be submitted with the Board's report to the City Council.
- D. If the Board's report contains a recommendation that betterments be assessed, a schedule of the estimated assessments shall be included in the report.

**§ 338-9. Hearing on damages.**

Before proceeding to estimate the damages as aforesaid, the Board of Public Works shall give all interested parties an opportunity to be heard thereon. If a separate hearing on damages is to be held, then notice shall be given to all interested parties in the manner provided in § 338-4. The notice of the hearing on damages need not contain a copy of the petition or abstract thereof.

**§ 338-10. Hearing before City Council on contents of report.**

- A. At any time after notice of a hearing has been given by the Board of Public Works under § 338-4, and before final action by the City Council upon the Board's report, any party interested may apply in writing to the City Council, requesting a hearing before the City Council upon anything contained in the report.
- B. The City Council shall hear the applicant upon giving the Board of Public Works, the Director of the Department of Public Works and the applicant due notice of the time and place of said hearing.
- C. Any hearing conducted under this section shall be open to all interested parties who appear and desire to be heard.

**§ 338-11. Attendance of Board members at hearing on report.**

Any member of the Board of Public Works may attend any meeting of the Mayor or City Council while a report of the Board is under discussion, and may make any statements regarding the report as the Board member thinks fit.

**§ 338-12. Notification of Board; action on assessments.**

The Director of the Department of Public Works shall notify the Board of Public Works that the way has been laid out and constructed. The Board of Public Works shall then act upon the assessment of betterment and report thereon to the City Council.

**§ 338-13. Action by Mayor and City Council on report.**

The City Council shall take such action as it shall deem best upon the report and the subject matter therein contained.

**§ 338-14. Determination as to whether assessments should be made; notice as to completion of work.**

It shall be the duty of the Board of Public Works in reporting on all matters relating to the laying out, altering, widening, discontinuing, change of grade or repairing of the streets of the City, in accordance with the provisions of Section 4, Chapter 334, Acts of 1872, establishing such Board, to state in such report whether, in the opinion of such Board, betterments should be assessed upon property legally subject to such assessment, and thereafter to notify the City Council of the completion of any such work upon which the assessments of betterments have been recommended.

**§ 338-15. Lists of assessments.**

The Board of Public Works shall, in submitting reports recommending assessments of betterments, submit with such recommendation lists of such assessments as in its opinion

should be made, together with information as to what agreements may be made by the City Council for the assumption of betterments under the laws of the commonwealth.

**§ 338-16. Width of streets; exceptions.**

All private streets or ways hereafter proposed for public acceptance shall have a width of 50 feet or more, except, however, any such private street or way where, in the opinion of the Board of Public Works, common convenience and necessity will be as well served by a public way less than 50 feet in width.

**§ 338-17. Report to be made prior to construction.**

No way shall be laid out, established or accepted as a public way in the City unless the location, direction and grade of such way shall have been included in the report of the Board of Public Works.

**§ 338-18. Construction of sewers and drains before establishment of way.**

- A. No way shall hereafter be laid out, established or accepted as a public way in the City until any sewer and drain required therein are constructed in accordance with the provisions of Chapter 300, Sewers, Part 1, Sewer Installation and Use.
- B. A copy of the Council order laying out a new way shall be sent to the Board of Water Commissioners by the City Clerk.

**§ 338-19. Street designations.**

- A. The name "avenue" shall be given only to the longer and more important streets of the City.
- B. All narrow passageways less than 25 feet in width shall be called "lanes" or "alleys" according to fitness; the longer and more important of them shall be called "lanes," and the shorter and less dignified ones shall be called "alleys."
- C. All blind or dead-end streets or passageways shall be known as "places" or "courts."

**§ 338-20. Sidewalks.**

- A. Construction of sidewalks. No sidewalk, with or without curbing, shall be laid out, established or altered unless the question of laying out, establishing or altering shall have been first referred to the Board of Public Works by the City Council.
- B. Notice of hearing on sidewalks.
  - 1. The Board of Public Works shall, as soon as may be, cause a notice of the time and place of the hearing of all parties interested therein to be given to the several owners of land

in front of which such sidewalk is proposed to be laid out, established or altered as provided in § 338-4.

2. Such notice shall be served at least seven days before the time of such hearing upon each owner either by delivering to him or to his authorized agent an attested copy thereof or by leaving such copy at his last and usual place of abode in the City; provided, however, that if any owner is not found by such officer in the City or is known to such officer to have any last and usual place of abode or authorized agent therein, then and in such case such officer shall post such copy on or near the land in front of which such sidewalk is proposed to be laid out, established or altered and shall also notify such owner by registered mail sent to his last known business address at least seven days before the time of such hearing, and such notification shall be a sufficient service upon such last-described owner; and such officer shall, before the time appointed for the hearing, make a return on the original notice of his doings thereon, and deliver the same to the Board of Public Works, which shall transmit the same to the City Council with its report.
- C. Determination of necessity of sidewalk. At the time and place appointed as mentioned in this article, the Board of Public Works shall meet and hear all persons and parties interested claiming to be heard, and, if deemed necessary or requested thereto, shall proceed to view the premises, and it shall thereafter report to the City Council whether common convenience and necessity require that a sidewalk be laid out, established or altered.
  - D. Sidewalk plans and profiles. If the Board of Public Works reports in favor thereof, in whole or in part, it shall cause all necessary surveys, plans and profiles to be made, indicating the height, width and grade of the proposed sidewalk, and the materials of which it shall be constructed.
  - E. Time frame for completion of sidewalk. If the Board of Public Works deems it proper that the construction, as well as the laying out, of the proposed sidewalk should be ordered, its report shall also state the time within which the same shall be completed, which time shall be at least 30 days.
  - F. Notice of sidewalk construction. When the City Council has ordered a sidewalk to be constructed and completed within a certain time, notice thereof shall be given by the City Clerk to the owners of estates abutting land on which such sidewalk is proposed to be constructed, and such notice shall be served, returned, filed and preserved in the office of the City Clerk for future reference. 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.

- G. Construction of sidewalks by City. Whenever any sidewalk, or any portion thereof, which has been laid out, established and ordered by the City Council to be constructed, after notice to the owners of real estate as is provided in Subsection F, is not completed within the time fixed in the order mentioned in this article, the Director of Public Works shall, within six years from the date of the order, cause such sidewalk to be constructed according to the original order.
- H. Assessment for sidewalks; lien.
  - 1. A reasonable amount, not exceeding 1/2 the cost of construction, shall be assessed by the City Council upon the abutting estate; and the sum so assessed shall be a lien upon said land for the period prescribed by General Laws Chapter 80, as amended.
  - 2. The City Clerk shall certify the assessment to the City Collector, who shall forthwith demand payment thereof, and proceed to collect the same as provided for the collection of taxes or other claims due the City.

**§ 338-21. Trees.**

- A. Removing public shade trees to widen highway. No public shade tree shall be removed for the purpose of widening a highway until notice of said removal has first been given as prescribed by General Laws Chapter 82 and a hearing held thereon by the Board of Public Works.
- B. Altering or abolishing tree belts.
  - 1. No tree belt shall be altered or abolished unless the question of altering or abolishing has first been referred to the Board of Public Works by the Mayor or City Council.
  - 2. The Board shall, as soon as may be, cause a notice of the time and place of hearing all interested persons to be given as prescribed by General Laws Chapter 82.
  - 3. A copy of said notice shall also be sent to the Conservation Commissioner and to the City Forester.
  - 4. After hearing all interested parties, the Board shall report thereon to the Mayor or City Council.
- C. Maintenance of tree belts. 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 on any public or private way within the City



where there is a tree belt shall keep the tree belt free and clear of all litter, debris, noxious weeds as defined in § 327-26, and brush, and shall maintain the tree belt in a clean and sanitary manner.

**§ 338-22. Referrals to Board of Public Works.**

The City Council may refer to the Board of Public Works any matter relating to streets, bridges, sidewalks, sewers, drains, or other public works, parks, squares, and public places, including the estimate of damages and betterments, and thereupon it shall become the duty of such Board to consider the matter so referred and report thereon.

Article II. Poles and Wires

**§ 338-23. Authority to construct and maintain conduits, cables and wires; erection of poles.**

- A. The City Council may authorize any utility company to construct and maintain underground conduits, cables and wires for the conduct of its business in such of the streets of the City or in such of the public properties of the City as the City Council may deem advisable, and to construct therein and maintain the necessary manholes and house connections; also to erect and maintain distributing poles at the termini of such conduits and at suitable distributing points.
- B. Upon authorization of any such construction on vegetated public properties, the City Council shall notify, by copy of such authorization, the City Forester, who shall advise and give supervision to such construction and who shall cause to have the disturbed public properties restored by the utility company causing such disturbance.
- C. All of the above shall be done in accordance with the regulations provided in this article and subject to such ordinances in addition to or in amendment of this article as may hereafter be passed.

**§ 338-24. Approval of conduits and poles.**

- A. The conduits shall be of suitable kind and construction such as the City Council shall approve, and the work shall be done in a thorough manner, and to the approval of the Director of Public Works and the City Forester as provided in § 338-23.
- B. The distributing and other poles shall be of such height and other dimensions, and of such form and material, and so located as to be satisfactory to the City Council and shall be subject to its approval or the approval of any person whom it may select.

**§ 338-25. Restoration of opened street.**

When an opening is made in a street for the purpose of laying, repairing or removing wires or conduits or erecting or removing distributing or other poles, the portion of the street so

opened shall be restored by such company to a condition satisfactory to the Director of Public Works, and shall be kept by such company in such condition for one year thereafter; and if it is not so restored and maintained by such company, such Director may cause the same to be done at the expense of such company.

**§ 338-26. Interference with other work prohibited.**

In laying, repairing or removing its wires or conduits, no such company shall disturb or in any way interfere with the wires of any other utility company or any gas or water pipes or sewers or pipes connected therewith.

**§ 338-27. Change of location.**

In case the City finds it necessary to construct or enlarge sewers or other public works in streets or areas where conduits are laid, which shall require changing the location of such conduits, such changing shall be at the expense of the company owning the conduits, which shall forthwith carry out the same.

**§ 338-28. Duration of permit; continuance of work.**

Such company shall commence the work contemplated by any authority granted to it within six months from the granting of the authority, unless restrained by process of law, and shall continue the work with reasonable diligence until suitable conduits have been laid in the location designated in its application for authority, and duly granted by the Mayor and City Council.

**§ 338-29. Permission to remove conduits.**

No such company shall remove its conduits unless permitted to do so by the City Council.

**§ 338-30. Order to remove conduits.**

Such company shall remove its conduits to other suitable locations whenever ordered to do so by the City Council.

**§ 338-31. Conditions of permit to disturb street surface.**

No permit shall be granted, or if granted shall be valid, to disturb the surface of a street for any of the purposes mentioned in this article until such company has executed an agreement in a form satisfactory to and approved by the Mayor, provided:

- A. Space for City wires; access for handling. In every underground conduit constructed by such company, sufficient and necessary space shall be reserved and maintained, free of charge, for the use of the fire, police and other signal wires belonging to the City and used exclusively for municipal purposes, and the Fire and Police Departments, by their electrical superintendents, shall be allowed access to such conduits at all times. Such departments

shall be allowed facilities and privileges in putting in or taking out wires equal in all respects to those of such telephone company.

- B. Indemnity against damages. Such company will indemnify and save harmless the City against all damages, costs and expenses whatsoever to which the City may be subject in consequence of the acts or neglect of such company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
- C. Bond. In addition to the agreement mentioned in this article, such company shall, before a street is disturbed for the laying of its wires or conduits, execute a bond with surety or sureties, to be approved in writing by the Mayor, or in a penal sum of not less than \$10,000, conditioned to fulfill all its agreements with the City and its duties under this article, and a new bond of like import may at any time be required by the Mayor and Council, which new bond shall be a strengthening bond unless the surety or sureties on former bonds are expressly released from further liability by vote of the City Council.
- D. Installation and removal of wires. The company will, as soon as a conduit is constructed, remove thereto such wires as it is intended to accommodate, and remove all wires from any conduit for which the license to use has been revoked by the Mayor and Council.
- E. Compliance with orders. The company will at once comply with any changes in its conduits, manholes or poles that the Mayor and Council may, after hearing duly appointed, order.

**§ 338-32. Revocation of authority; substitute location.**

Any authority granted by the Mayor and City Council may, after notice and hearing, be revoked and altered at any time without liability on the part of the City therefor; but in case any location in any street is revoked, a substitute location in some other street that will, in the opinion of the Mayor and City Council, accommodate the service shall be granted.

Article III. Use Regulations

**§ 338-33. Obstructions prohibited.**

No person shall place or cause to be placed in any public street, or on any sidewalk, footwalk or crosswalk in the City, any article or thing whatsoever so as to interfere with the convenient use of the same by any person traveling thereon.

**§ 338-34. Sidewalk sales.**

- A. No person or business shall conduct a "sidewalk sale" of merchandise on any public sidewalk or public land extending from his or its property line to a public street unless he or it first obtains from the Director of Public Works a written license stating the area of public space that may be occupied, and the time of such occupancy, and such other reasonable

provisions as may be warranted, in accordance with the restrictions defined in Subsection B of this section and factors relative to the residential or commercial nature of the area. The license applicant further must file 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 the City may suffer by reason of such occupancy.

- B. Such sidewalk occupancy permits for the sale of merchandise shall be subject to the following restrictions:
  - 1. The applicant must demonstrate to the satisfaction of the Director of Public Works that there is enough land between his property line and the public way so as to permit the display of merchandise while maintaining an open unobstructed sidewalk passage of at least 48 inches in width for the use of the general public, so as not to interfere with the convenient use of the sidewalk by any person traveling thereon. This forty-eight-inch-wide clearance must be maintained continuously while the sidewalk sale is in progress.
  - 2. Licenses for such sales shall be granted no more than twice for any merchant in any calendar year. Each license shall be granted for a period of time up to, but not to exceed, seven consecutive days.
  - 3. No merchandise or other material shall be outside for exhibition or sale unless the seller or a representative of the seller is present.
  
- C. The fee for the issuance of a license granted under the provision of this section shall be \$20.

**§ 338-35. Digging up streets and sidewalks; repairing defects; indemnification of City; occupancy permits required; license required to do work; fees.**

- A. Any person, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate who or which occupies or excavates the public or private ways of the City of Springfield with proper permit from the Director of Public Works or otherwise, as a condition of such occupation, shall be responsible and liable for the maintenance and permanent restoration of all pavement within 30 inches of any and all of the appurtenant structures where they intersect the surface of the public way, private way, roadway or sidewalk, and shall maintain said areas and repair any defect in its entirety which lies wholly or in part in said area. Defects shall include, but not be limited to, potholes, chuckholes, frost heaves, cracking, spalling, settling, delaminating or patch repair. Repairs and restorations made by the above-mentioned parties shall be made in accordance with the specifications of and under permit from the Director of Public Works, and at no cost to the City.

- B. Each person, corporation, trust, partnership, governmental board, commission, authority, agency or body politic and corporate occupying the public or private way, as a condition of such occupation, shall forever indemnify and save harmless the City of Springfield against all claims and demands of all persons for damages, costs, expenses or compensation for, on account of, or in any way growing out of or the result of any surface defect occurring wholly or in part within the area described in Subsection A.
  
- C. No person, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate, 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 placed any materials or rubbish thereon, without first obtaining from the Director of Public Works a written permit 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 permit and indemnify the City from all loss, cost or expense that it may suffer by reason of such occupancy.
  
- D. Consistent with Chapter 300, Sewers, §§ 300-11, 300-12, 300-18 and 300-56, no person, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate, except the Director of Public Works and the Springfield Water and Sewer Commission, shall work or operate as a contractor to excavate for any utility and restore said pavement without first obtaining from the Director of Public Works a license to do so. Application for such license shall be made upon a proper and appropriate form furnished by the Director of Public Works, setting forth such information and data therein as may be necessary to identify the applicant, to set forth his background of technical qualifications and training, and to set forth the equipment to be used by him. Said application shall first be submitted to the Director of Public Works, with a nonrefundable application fee of \$100, who shall cause his recommendation of approval or disapproval to be placed thereon. Upon recording his recommendation, the Director of Public Works shall issue said license only if he determines that there exists a necessity for said license and the applicant is found competent as a contractor for water, sewer, drain and other utilities, and pavement restoration. Upon issuance of said license, it shall remain in force until the last day of December each year, unless sooner revoked by the Director of Public Works, and shall require an annual renewal fee of \$100. The Director of Public Works shall not deliver any permit required by this section and § 300-11 to any person, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate, except the Director of Public Works and the Springfield Water and Sewer Commission, until the Director of Public Works approves the license and the contractor

provides a one-year performance bond with one or more sureties and liability insurance satisfactory to the Director of Public Works.

E. Fees.

1. The following is a schedule of permit fees which shall be charged by the City, by and through its Department of Public Works for the excavation and/or for the obstruction of public ways:

a. Permit application: \$50.

b. Inspection fees.

1. General roadway excavation: \$35/day.
2. General street excavation prior to City resurfacing program [See Notes E(2)(a) and (b) below.]: \$100.

c. Nonexcavation: \$15/day.

d. Blanket manhole (public utility): \$750/year.

e. Contractor license application fee: \$100.

2. Notes.

a. For contractors hired by the Director of Public Works, the inspection fee is waived.

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 charged pursuant to 2(D)(1) and 2(D)(3).

F. The Director of Public Works shall determine all rules, policies, and specifications as they pertain to any and all excavations and repairs to public and private ways. These regulations shall be provided to contractors seeking to acquire street permits to occupy any public or private way. Specifications shall be reviewed and revised yearly when necessary. All rules, regulations, specifications and policies will be contained in the Department of Public Works' Street Occupancy Manual.

G. Any person, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate who or which opens an excavation without a permit shall be subject to cancellation of existing permits, refusal of future permits, license

revocation in accordance with Chapter 229, Licenses and Permits, of the Code of the City of Springfield, as amended, and shall be fined in accordance with Subsection H below and/or Chapter 300, Sewers, Part 1, Sewer Installation and Use, § 300-56.

- H. Any regulated industry company (formerly known as a "public utility company") that shall break or dig up the ground or pavement of any street or public way shall restore the same to the proper condition to the satisfaction of the Director of Public Works in accordance with MGL c. 164, § 70. Further, any regulated industry company which excavates streets in the City shall put all such streets, lanes and highways in as good repair as they were in when opened; and upon failure so to do within a reasonable time, shall be guilty of a nuisance in accordance with MGL c. 164, § 70.
- I. Any person, or regulated industry company, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate shall have up to 90 days to restore any street, lane or highway in as good repair as it was when opened (permanent repair). If any person, or regulated industry company, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate fails to restore any street, lane or highway to the condition it was in prior to the excavation within 90 days, then said person or any person, or regulated industry company, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate shall be subject to a maintenance fee of \$100 per day for the life of the road in addition to the daily inspection fee.

**§ 338-36. Life cycle pavement fees.**

- A. Subject to the provisions of § 338-35, all excavators are responsible for repairs to pavement for one 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":

Age of Pavement (years)	Fee (per square foot)
Less than 1	\$100
Less than 5	\$50
5 to 10	\$20
Over 10	\$10

- B. Waiver of the life cycle pavement fees. If a contractor seeks a waiver of the life cycle pavement fee, the following must be complied with:
  - 1. A roadway reconstruction plan must be submitted and approved by the Engineering Division.

2. The roadway area affected by the excavation, curb to curb, must be removed and properly discarded.
3. The gravel base must be brought to grade and properly compacted.
4. Bituminous concrete shall be placed by machine and properly rolled according to Massachusetts Department of Public Works standards (depth to be determined by the City Engineer).

**§ 338-37. Protection of excavations and obstructions; repairing streets.**

- A. Whenever any street or sidewalk or other public place in the City shall, under any license granted as provided in § 338-35, be dug up, obstructed, encumbered or otherwise thereby rendered unsafe or inconvenient for travel, the person so licensed shall put and at all times keep up a suitable railing or fence around the section of the street or other public place so obstructed, so long as the same shall be or remain unsafe or inconvenient as mentioned in this article, and shall also keep one or more lighted lanterns fixed to such fence or fixed in some other proper manner, every night from 1/2 an hour after sunset to 1/2 hour before sunrise, so long as such railing or fence is kept standing or obstruction remains.
- B. He shall also, within such reasonable time as the Director of Public Works directs, amend and repair such street, sidewalk or public place, to the acceptance of the Director of Public Works.

**§ 338-38. Scattering nails, tacks or glass.**

- A. No person shall put, place, throw or scatter, or cause to be put, placed, thrown or scattered in any public or private way, parkway or park road, lane or alley, or other public place in the City, or adjacent thereto, any nails, tacks, broken glass, glass containers, tin cans or other articles or substances which may in any way be liable to puncture the tire of any vehicle, or which may in any way impede or obstruct the passage of any vehicle over such public or private way, parkway or park road, lane or alley, or other public place in the City, or adjacent thereto.
- B. If, as a result of the operation of a motor vehicle on any public or private way, parkway or park road, lane or alley, or other public place in the City, or adjacent thereto, broken glass is thrown on the surface of the way, road, alley or other public place in the City, or adjacent thereto, the person operating such motor vehicle causing the same shall immediately remove such glass from the surface of such way, road, alley or place.

**§ 338-39. Wood on sidewalk.**

No person shall saw any wood or pile the same on the sidewalk of any street in the City.



**§ 338-40. Fuel or coal on sidewalks.**

No person shall suffer his firewood, coal or other fuel to remain unnecessarily on any sidewalk, or in any street in the principally inhabited parts of the City, overnight or after twilight in the evening, and in case it must if necessity so remain after twilight or through the night, the owner shall place and keep a sufficient light over or near the same through the night to prevent injury therefrom.

**§ 338-41. Obstructing streets and vehicles.**

No person shall stand with or permit any vehicle under his care or control to stand across any public street in such a manner as to obstruct the travel over the same, and no person shall stop with any vehicle in any public street at the side of or so near to another vehicle as to obstruct public travel, and no person shall stop with any vehicle upon or across any crosswalk in any street in the City.

**§ 338-42. Vehicles on sidewalks.**

No person shall drive, wheel, draw or push any cart, wheelbarrow or other vehicle of burden or of pleasure upon or along any sidewalk in the City, except for the purpose of crossing such sidewalk to go to or out of some adjoining enclosure, and except vehicles not exceeding 2,500 pounds in weight used thereon for snow removal purposes only; provided that this section shall not apply to baby carriages and go-carts, or to any of the small carts, kiddy cars, tricycles, so-called "Irish Mails," scooters, roller skates or other similar means of amusement or exercise operated by hand or foot and in common use by young children; and provided, further, that the use of such things for play purposes upon the sidewalks shall be limited to children under 12 years of age; and provided, further, that none of such things shall be used for the purpose of coasting down inclined sidewalks in thickly populated parts of the City.

**§ 338-43. Motor vehicle repairs 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, tree belt, terrace or publicly owned and/or operated parking lot or parking facility in the City.

**§ 338-44. Vehicles prohibited from driving over curbing.**

No person shall intentionally drive, wheel, draw or push any motor vehicle upon or over the curbing of any public way in the City without having first obtained a permit from the Director of Public Works, unless the curbing at that point is designed to permit the passage of vehicles over it.

**§ 338-45. Use of certain wheeled vehicles restricted.**

- A. No persons, except invalids or lame or otherwise disabled persons, shall put in motion, or use in motion, any wheeled vehicle in, along or upon any of the streets or portions of streets of the City unless such vehicle shall be propelled by some beast attached thereto, or drawn or pushed by some person on foot.
- B. This section shall not apply to the use of bicycles, tricycles, motorcycles or automobiles.

**§ 338-46. Parades and motorcades.**

- A. Definitions. For purposes of this section, the following words shall have the following meanings:

CHIEF OF POLICE

The Chief of Police of the City or the board or officers having control of the police or persons authorized by them.

MOTORCADE

An organized procession containing 25 or more vehicles, except funeral processions, upon any public street, sidewalk, or alley.

PARADE

Any march or procession consisting of people, animals or vehicles, or combinations thereof, except funeral processions, upon any public street, sidewalk, or alley, which does not comply with normal and usual traffic regulations or controls.

- B. Permits. It is unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk, or alley in the City or to knowingly participate in any parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the Chief of Police.
- C. Application for permit.
  - 1. Any person who wants to conduct a parade or motorcade shall apply to the Chief of Police for a permit at least 96 hours in advance of the date of the proposed parade or motorcade. The ninety-six-hour notice period shall be waived unless the Chief of Police finds that, because of the size or nature of the parade, it will be prohibitively difficult in the time remaining to make the arrangements necessary to prevent serious disruption to public safety or to the flow of traffic, in which case, the Chief shall state in writing his finding and the reason therefor, and communicate the same promptly to the applicant, by personal service if time allows, otherwise by telephone or other means. The

application for such permit shall be made in writing on a form approved by the Chief of Police.

2. In order that adequate arrangements may be made for the proper policing of the parade or motorcade, the application shall contain the following information:
    - a. The name of the applicant, the sponsoring organization, the motorcade chairman, and the addresses and telephone numbers of each.
    - b. The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, the route to be traveled and approximate time when the parade or motorcade will assemble, start, and terminate.
    - c. A description of the individual floats, marching units, vehicle bands, including a description of any sound amplification equipment to be used.
    - d. Such other information as the Chief of Police may deem reasonably necessary.
- D. Contents of permit.

1. In each permit, the Chief of Police shall specify:
  - a. The assembly area and time thereof;
  - b. The starting time;
  - c. The minimum and maximum speeds;
  - d. The route of the parade or motorcade;
  - e. What portions of streets to be traveled may be occupied by such parade or motorcade;
  - f. The maximum number of platoons, or units, and the maximum and minimum intervals of space to be maintained between the units of such parade or motorcade;
  - g. The maximum length of such parade or motorcade in miles or fractions thereof;
  - h. The disbanding area and disbanding time;

- i. The number of persons required to monitor the parade or motorcade;
    - j. The materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief;
    - k. That permittee advise all participants in the parade or motorcade, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of such parade or motorcade;
    - l. That the amplification of sound permitted to be emitted from sound trucks or bull horns be fixed and not variable;
    - m. That the parade or motorcade continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade or motorcade, except when reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of their permit; and
    - n. Such other requirements as are found by the Chief of Police to be reasonably necessary for the protection of persons or property.
  2. All conditions of the permit shall be complied with so far as reasonably practicable and shall be the same as presented in the application, except as set forth in Subsection F of this section.
- E. Officials to be notified. Immediately upon the granting of a permit for a parade or motorcade, the Chief of Police shall send a copy thereof to the following:
  1. The Mayor.
  2. The Fire Chief.
  3. The Public Works Director.
- F. Grant, denial or revocation of permit.
  1. A permit, if timely sought, shall be granted unless:
    - a. The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic.
    - b. The parade or motorcade is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the line of

movement and the area contiguous thereto that allowing the parade or motorcade would deny reasonable police protection to the City.

c. Such parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

d. By reason of disaster, public calamity, riot, or other emergency, the Chief of Police determines that the safety of the public or property required such denial.

2. A permit, once granted, may be revoked for any of the above-stated reasons. Notice of denial or revocation shall be delivered in writing to the permittee by personal service or by certified mail.

**§ 338-47. Obstructions by groups of people.**

Three or more persons shall not stand together or near each other in any street, or on any footwalk or sidewalk in the City, so as to obstruct the free passage for foot passengers, and any persons so standing shall move on immediately after a request to do so, made by the Mayor, Chief of Police or any police officer.

**§ 338-48. Sales on streets.**

No person shall, except in accordance with a written permit from the Chief of Police and except as provided in MGL c. 101, § 17, in any street or from any point immediately adjacent to a sidewalk, sell or offer for sale any goods or articles to any person on any sidewalk of the City.

**§ 338-49. Sales from moving vehicles.**

Every motor vehicle used for the retail sale of frozen desserts and soft drinks in, upon or along any street or from any point immediately adjacent to a sidewalk or for sale to any person on any sidewalk of the City shall be equipped with front and rear amber blinker lights plainly visible from a distance of at least 500 feet, and said lights shall be left flashing when the motor vehicle is stopped for the purpose of selling or soliciting any sale.

**§ 338-50. Stands for draymen.**

- A. No owner, driver or other person having charge or control of any vehicle used for the purpose of conveying from place to place within the City, for hire, any wood, coal, lumber, stone, brick, sand, gravel, clay, dirt, rubbish, goods, wares, furniture or merchandise, shall stand or wait with any such vehicle, for orders or employment, or permit any such vehicle, so under his charge or control, to stand for orders in any street, square, lane, court or public way or public place within the City, other than such stands as may be assigned by the Chief of Police.

- B. The City Council may from time to time grant licenses to such persons and upon such terms as it may deem proper, to employ or use any such vehicle, for the purpose mentioned in this article. Whoever, being so licensed, violates the provisions of this section may have his license forthwith revoked by the City Council.

**§ 338-51. Moving buildings through streets.**

No person shall move or cause to be moved any building through any public street in the City without first obtaining from the Director of Public Works a written permit therefor, stating the streets through which, and the time within which, the building may be moved, and any other provisions he 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 with the terms of the permit and indemnify the City for all loss, cost or expense it may suffer by reason of the moving of such building.

**§ 338-52. Draining water into street.**

- A. No person shall allow any sink water or other impure water to run from any house, barn or lot occupied by him or under his control into any street in the City.
- B. From eaves of buildings. No person shall permit water from the eaves or leader pipes of any building owned or cared for by him to be discharged or to flow upon any public street or sidewalk in the City.
- C. Washing windows or walls. No person, between the hours of 7:30 a.m. and 11:30 p.m., shall wash or allow to be washed any windows or walls of a building owned or cared for by him in such a manner as to cause the discharge of water upon any public sidewalk or walk devoted to the public use.

**§ 338-53. Gates or doors.**

No person shall allow any gate or door belonging to premises owned or occupied by him or under his control to swing on, over or into any street or sidewalk in the City.

**§ 338-54. Auctions on streets.**

No auctioneer shall hold his sale upon any sidewalk or other thoroughfare in the City so as to obstruct or prevent the free and convenient use of the same by foot passengers traveling thereon.

**§ 338-55. Playing in streets.**

No person shall, within the limits of any street in the City, play at any game of ball, or fly any kite or balloon, or throw any stone or other missile, or engage in any other game,

amusement or exercise interfering with free, safe and convenient use of such street by any person traveling or passing along the same.

**§ 338-56. Coasting, sliding and skiing.**

- A. No person shall course, coast or slide upon any sled, ski, board or other thing upon any sidewalk or footwalk in the City, except as provided in § 338-42.
- B. No person shall course, coast or slide upon any sleigh, ski, sled or other vehicle constructed specifically and expressly for motion by sliding in, along or upon any street or portion thereof within the prescribed limits of the City.
- C. This section shall not apply to any horse-drawn sleigh or sled.

**§ 338-57. Metal boxes, poles or signs; fees; flagpoles.**

- A. Gasoline pumps, oil boxes or pipes, barber poles, advertising signs and telephones. No person shall place or maintain in the sidewalk of any public street in the City any covering or surfacing made of metal or the combination of metal and any other material, nor place or maintain in, on or over any sidewalk or tree belt of any such public street in the City, any gasoline pump, oil container, oil or gasoline fill box or pipe, parking sign, barber pole, directing sign, advertising sign or device or any other sign or public telephones, telephone booths and other appurtenances thereto, without first having been authorized to do so by a written license from the Director of Public Works, which license shall not be valid until recorded by the Director of Public Works in a book to be kept for the purpose; and no such license shall be given until the licensee gives to the City a bond, to be approved by the Mayor, conditioned to indemnify, protect or save harmless the City from any and all loss by reason of any person sustaining bodily injury or damage in his property by reason of such placing or maintaining in, on or over the sidewalk or tree belt of any such public street of any such covering or surfacing or any gasoline pump, oil container, oil or gasoline fill box or pipe, parking sign, barber pole, directing sign, advertising sign or device, or any other sign or public telephones, telephone booths and other appurtenances thereto.
- B. Conditions of license.
  - 1. The Director of Public Works shall not authorize the placing or maintaining in the sidewalks of any such covering except upon the express condition, to be stated in the license, that the same shall be so constructed as not to present a smooth surface on which travelers may slip, or a surface so rough as to be an obstruction to public travel.
  - 2. Any license granted by the Director of Public Works may be revoked at any time by a written revocation to be filed with the Director, who shall note the filing thereof on the

recorded copy of the license, and each license shall state that it is subject to such revocation.

- C. The fee for a license granted under the provisions of Subsections A and B shall be \$5.
- D. Exception for flagpoles. Notwithstanding the provisions of Subsections A and B, the provisions that no such license shall be given except upon condition that the licensee gives to the City a bond conditioned as provided in Subsection A shall not apply to cases of licenses to place or maintain in the sidewalk of a public street in the City coverings of receptacles for flagpoles placed in the sidewalk for the display of flags for patriotic purposes, and for the placing or maintaining in such receptacles of flagpoles bearing flags; provided that such receptacle and covering shall not exceed 1 1/2 inches in diameter; and provided, further, that such covering, when in place, shall be flush with and on a plane with the sidewalk.

**§ 338-58. Applicability of state law.**

All the provisions of this article shall be subject to the provisions of Chapter 369 of the Acts of 1911 and the acts in amendment thereof and in addition thereto.

**Chapter 347 - SWIMMING POOLS**

**§ 347-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**SWIMMING POOL**

An artificial pool of water located below surrounding grade, and having a depth of at least 36 inches as measured from the lowest point in the pool a vertical distance to the grade level.

**§ 347-2. Compliance required.**

No swimming pool, as defined in this chapter, shall be located within any building zone unless it complies with this chapter.

**§ 347-3. Location.**

A pool shall not be nearer than eight feet to any lot line or 10 feet to any dwelling.

**§ 347-4. Fencing.**

- A. All swimming pools to be constructed or which are already constructed shall be enclosed by a fence at least four feet high and of a type not readily climbed by children.



B. No swimming pool fence shall be more than 30 feet distant from the pool.

**§ 347-5. Violations and penalties.**

Any person who violates this chapter shall be liable to a penalty of \$5 for each day of the violation.

**Chapter 351 - TAG/GARAGE SALES**

**§ 351-1. Permit required.**

It is unlawful for any person, group, unincorporated association, firm or corporation to conduct a tag sale, cellar sale, attic sale, garage sale, lawn sale, rummage sale or its equivalent without a permit issued by the City Clerk.

**§ 351-2. Application form.**

Application for a permit to conduct a tag sale, cellar sale, attic sale, garage sale, lawn sale, rummage sale or its equivalent shall be made to the City Clerk on forms furnished by the Clerk and shall set forth, under oath, such information as the City Clerk may require.

**§ 351-3. Permit contents; duration of sale.**

The permit shall contain the date, time, location of the sale and the person, group, unincorporated association, firm or corporation conducting the sale. Each such sale shall not be of a duration of more than three consecutive days.

**§ 351-4. Time frame for application.**

Application for a permit required by this chapter shall be made no later than 48 hours prior to the time the sale is to take place.

**§ 351-5. Restrictions on issuance of permit.**

No permit required by this chapter shall be granted to any person who has had within the City a tag sale, cellar sale, attic sale, garage sale, lawn sale, rummage sale or its equivalent on two occasions in the preceding calendar year.

**§ 351-6. Limit on number of sales per year.**

No permit required by this chapter shall be issued for the conduct of any such sales on more than eight (8) occasions in any calendar year at any one location.

**§ 351-7. Permit issuance.**

Permits required by this chapter shall be signed by the City Clerk and be affixed with the Seal of the City, shall be numbered in order as granted, and shall state the date and time of its expiration.

**§ 351-8. Permit fee.**

The fee for permit required by this chapter shall be ten dollars (\$10).

**§ 351-9. Display of permit.**

The person, group, unincorporated association, firm or corporation conducting a sale which requires a permit under this chapter shall at all times during said sale cause the permit to be visibly displayed upon the premises.

**Chapter 355 - TAXATION**

ARTICLE I	Brownfield Tax Abatements (§ 355-1 — § 355-3)
ARTICLE II	Tax Repayment Agreements (§ 355-4 — § 355-10)
ARTICLE III	Urban Pioneer Tax Repayment Agreements (§ 355-11 — § 355-14)

**Article I. Brownfield Tax Abatements**

**§ 355-1. Purpose and intent.**

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 MGL c. 21E, § 2. The Collector/Treasurer and the Board of Assessors are hereby authorized, pursuant to the provisions of MGL c. 59, § 59A, and this article 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.

**§ 355-2. Authority.**

The Collector/Treasurer and the Board of Assessors shall each have limited authority to accomplish the purposes of MGL c. 59, § 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 agreements 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 article.

**§ 355-3. Scope and details of agreements.**

- A. Abatement agreements may cover property contaminated with oil or other hazardous materials, and property 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 MGL c. 21E, § 2. An eligible person is a new "innocent" owner or operator who did not own the site at the time 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 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 are to be imposed; and
  - 6. Any and all other contractual obligations arranged between the parties.
- D. After negotiation by the appropriate parties, any abatement agreement shall be presented to the City Council for review and approval within a thirty-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.

## Article II. Tax Repayment Agreements

### **§ 355-4. Authority.**

This article is adopted pursuant to the authority of MGL c. 60, § 62A, as amended, which authorizes municipalities to enact ordinances to authorize payment agreements between the City Treasurer/Collector and persons entitled to redeem parcels in tax title.

### **§ 355-5. Purpose and intent; restrictions on action of Treasurer during term of agreement.**

The purpose and intent of this article is to foster the collection of unpaid taxes and assessments, promote residential stability and community reinvestment. The City finds and determines that such a program will mitigate the social cost and consequences of property seizures and will help delinquent taxpayers meet their obligations to the City while avoiding the legal expenses and time delays of taking the property to Land Court. During the term of any municipal tax repayment agreement, the Treasurer/Collector may not bring an action to foreclose the tax title account unless the taxpayer fails to comply with the terms and conditions of the municipal tax repayment agreement.

**§ 355-6. Definitions.**

For the purpose of this article, the following definitions shall be applicable:

**COMMERCIAL TAXPAYER**

The owner of record of a commercial use or rental property greater than three units.

**DOCUMENTATION**

Supporting documentation, including, but not limited to, the following:

- A. Federal and state income tax returns;
- B. Savings and checking account statements;
- C. Social security and pension fund statements;
- D. Records of public assistance;
- E. Schedules of assets; and
- F. Outstanding bills.

**FINANCIAL RESOURCES**

Income of the delinquent taxpayer, delinquent spouse, other adult household members, and any co-owners not members of the household.

**FIXED INCOME**

Total income that does not change over time or varies marginally over time; and for the purpose of this article, the fixed income shall be statutory amount as determined by the Massachusetts Department of Revenue pursuant to MGL c. 62, § 6(k)(4), on an annual basis.

#### IMMEDIATE HOUSEHOLD FAMILY

The delinquent taxpayer and his/her spouse, and their parents, children, brothers and sisters residing together.

#### INCOME

Receipts from all sources regardless of the income tax status under federal or state law, including wages, salaries, and bonuses, public and private pensions, retirement income, Social Security, alimony, child support, interest and dividends income, net income from business, public assistance, disability and unemployment insurance, regular contributions/support/gifts from children or other parties outside the household, military pay, savings and other investments.

#### RESIDENTIAL TAXPAYER

The owner of record of an owner-occupied property that is the owner's principal place of residence of fewer than four units.

#### **§ 355-7. Residential eligibility requirements.**

- A. All delinquent residential taxpayers may enter into a residential tax repayment agreement and upon execution of such agreement with the City Treasurer/Collector shall make a minimum payment of 25% of the total amount to redeem the parcel.
- B. The term of a residential tax repayment agreement cannot exceed three years for residential taxpayers. During the term of the residential tax repayment agreement, the taxpayer must make timely payments in accordance with a written payment schedule and must remain current on all other tax payments, fees and licenses issued by the City. Failure to stay current on all other tax payments, fees and licenses issued by the City shall be deemed a violation of the agreement.

#### **§ 355-8. Residential hardship agreements.**

- A. Any residential delinquent taxpayer or a member of his/her immediate household family who has demonstrated a financial hardship by providing supporting documentation as further described in the definition of "documentation" in § 355-6 above and Subsection D below.
- B. The maximum term of a financial hardship tax repayment agreement cannot exceed four years for residential delinquent taxpayers.
- C. In the case of a demonstrated financial hardship, the City Treasurer/Collector may waive 50% of the interest that has accrued on the amount of the tax title account.

D. The Treasurer/Collector is hereby authorized to enter into a financial hardship tax repayment agreement under the following criteria:

1. A senior citizen taxpayer over the age of 60 who documented that he or she or they are living on a fixed income.
2. A recently unemployed (in the past six months) or re-employed individual expressing a desire and willingness to pay.
3. A taxpayer with a recently (in the past 12 months) deceased spouse or partner.
4. A taxpayer with a permanent or short term disability or recent (in the past six months) loss of pay due to documented chronic illness or medical bills.
5. Any taxpayer on activated military status.

**§ 355-9. Community reinvestment agreement.**

- A. Any delinquent commercial, industrial or institutional taxpayer may enter into a community reinvestment tax repayment agreement and upon execution of such agreement with the City Treasurer/Collector shall make a minimum payment of 25% of the total amount to redeem the parcel. The maximum term of a community reinvestment agreement cannot exceed two years for a commercial, institutional, or industrial delinquent taxpayer.
- B. The Treasurer/Collector is authorized to grant and to waive 50% of the interest that has accrued on the amount of tax the tax title account in a community reinvestment agreement to commercial, institutional, or industrial taxpayer under the following criteria:
  1. A commercial/industrial delinquent taxpayer that is based in an area of Springfield documented to be located on an environmental contaminated site in accordance with state or federal environmental protection regulations, wherein the owner commits in writing to specific steps towards remediation and property improvements.
  2. In cases where the commercial, institutional or industrial user commits in writing to implement specific investments in the property during the term of the repayment agreement worth at least twice the amount of taxes, excluding interest and penalties, owed on the property, upon completion of such improvements.

**§ 355-10. Obligation to pay taxes; default.**

The taxpayer must pay all current taxes owned when due. Any failure to stay current on taxes, payments, fees, and licenses issued by or otherwise owed to the City when due would cause the municipal tax repayment agreement to be terminated immediately.

### Article III. Urban Pioneer Tax Repayment Agreements

#### **§ 355-11. Authority.**

This article is adopted pursuant to the authority of MGL c. 60, § 62A, as amended, which authorizes municipalities to enact ordinances to authorize payment agreements between the City Treasurer/Collector and persons entitled to redeem parcels in tax title.

#### **§ 355-12. Purpose and intent; restrictions on action of Treasurer during term of agreement.**

The purpose and intent of this article is to foster the collection of unpaid taxes and assessments, promote neighborhood stability and reinvestment and to reduce the large numbers of vacant and blighted conditions that contribute to the decline of neighborhoods. The City finds that certain neighborhoods have been adversely affected by the existence of substantial numbers of vacant and blighted properties, and the creation of this program would promote home ownership by owner-occupied residents as well as provide these neighborhoods with an economic stimulus and stability. Therefore, the City finds the blighted properties in the neighborhoods set out in § 355-14 of this chapter require significant rehabilitation, reconstruction or demolition to provide owner-occupied housing in decent, safe and sanitary conditions. The City further finds and determines that such a program will forestall the costs and consequences of property tax foreclosure actions and will assist delinquent taxpayers in meeting their obligations to the City while securing, expediting and expanding owner-occupied home ownership. During the term of any Urban Pioneer municipal tax repayment agreement, and provided that certain conditions listed below are met, the City Treasurer/Collector may not bring an action to foreclose the tax title account unless the taxpayer fails to comply with the terms and conditions of the agreement.

#### **§ 355-13. Eligibility requirements.**

- A. All purchasers may enter into an Urban Pioneer municipal tax repayment agreement, provided that, upon execution of such agreement with the City Treasurer/Collector, the purchaser shall make a minimum payment of 25% of the total amount required to redeem the parcel.
- B. The City Treasurer/Collector may enter into an Urban Pioneer municipal tax repayment agreement between the City, the seller, and the purchaser to waive for the seller 50% of the interest that has accrued to that date on the amount of the tax title account, and establish a payment plan for the purchaser in consideration of the purchaser maintaining residency in the property for five years as set forth in Subsection C, and such other conditions as the City Treasurer may deem appropriate.

- C. The term of an Urban Pioneer municipal tax repayment agreement may not exceed five years for an owner-occupied purchaser. During the five-year term of the agreement, the purchaser must occupy the parcel for the entire term, except as set forth in Subsection D below, and the purchaser must make timely payments of all taxes, fees, charges, licenses, or any other indebtedness, if any, and must remain current on all other taxes, fees, charges, licenses, or any other indebtedness owed to the City. Failure to stay current on all other taxes, fees, charges, licenses or any other indebtedness owed to the City shall be deemed a violation of the agreement and shall result in the termination of the agreement.
  
- D. The Urban Pioneer municipal tax repayment agreement shall be available to any purchaser of a residential property of fewer than four units, who agrees to occupy the residential property as his/her principal place of residence for the entire five years. No Urban Pioneer municipal tax repayment agreement shall be entered into with a prior owner or to an agent, representative, or straw of the prior owner or any other person connected with the prior owner of the property. In the event improvements are required on the property in order to secure a certificate of occupancy, a purchaser shall have 12 months from the date of the repayment agreement to obtain a certificate of occupancy and may, within 18 months of date of the repayment agreement and with the approval of the Treasurer/Collector, transfer the property to a subsequent owner-occupant for the duration of the five-year term.

**§ 355-14. Neighborhood boundaries.**

The neighborhood boundaries for this program are as follows: beginning along the Connecticut River at the City line between Springfield and Chicopee; thence running southerly along the Connecticut River; thence running northeasterly along Interstate 291; thence running southeasterly on Chestnut Street; thence running southwesterly on Stockbridge Street; thence running southwesterly on Bliss Street; thence running northwesterly along Interstate 91; thence running southwesterly on State Street; thence running southerly along the Connecticut River; thence running northeasterly on Union Street; thence running southeasterly along East Columbus Avenue; thence running northeasterly on Fremont Street; thence running southerly on Main Street; thence running northeasterly on Central Street; thence running southeasterly on Maple Street; thence running southerly on Pine Street; thence running westerly on Mill Street; thence running southerly on East Columbus Avenue; thence running easterly on Main Street; thence running southerly on Longhill Street; thence running easterly on Leete Street; thence running southerly on Fort Pleasant Avenue; thence running southeasterly on Forest Park Avenue; thence running northeasterly on Woodside Terrace; thence running southeasterly on Belmont Avenue; thence running easterly on Sumner Avenue; thence running northwesterly along the former Highland Division Rail Road; thence running northeasterly along Watershops Pond; thence running westerly on Wilbraham Road; thence running northwesterly on Roosevelt Avenue; thence running northeasterly on State Street; thence running northeasterly on Berkshire Avenue; thence running northerly on Marsden Street; thence running southeasterly



on Bay Street; thence running northeasterly on Boston Road; thence running easterly on Fargo Street; thence running southerly on Almira Road; thence running westerly on Joanne Street; thence running southerly on Spear Road; thence running easterly on Sunrise Terrace; thence running northeasterly along the north branch of the Mill River; thence running northerly on Parker Street; thence running easterly on Boston Road; thence running southeasterly on Fernbank Road; thence running northerly along the City line between Springfield and Wilbraham; thence running northwesterly along the Chicopee River; thence running southwestery along the City line between Springfield and Chicopee; thence running southwestery along Interstate 291; thence running southerly along St. James Avenue; thence running southwestery along the Boston/Maine Rail Road; thence running northwesterly on Armory Street; thence running southwestery on Prospect Street; thence running northerly on Chestnut Street; thence running northerly along Interstate 91; thence running southwestery along the City line between Springfield and Chicopee to the point of beginning.

### **Chapter 362 - TOBACCO PRODUCTS**

#### **§ 362-1. Purpose.**

Therefore, this chapter implements a strict and enforceable system to prevent access to and the illegal sale of tobacco products and nicotine delivery products to minors.

#### **§ 362-2. Definitions.**

For the purpose of this chapter, the following definitions shall be applicable:

##### **BUSINESS AGENT**

An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

##### **E-CIGARETTE:**

Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

##### **EMPLOYEE**

Any individual who performs services for an employer in return for wages or profit or performs services as a volunteer.

## EMPLOYER

Any individual, partnership, association, corporation, trust or other organized group of individuals, including the City of Springfield or any agency thereof, who or which uses the services of two or more employees.

## INDIVIDUAL

Any person who patronizes an area where tobacco products are sold.

## NICOTINE DELIVERY PRODUCT

Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

## PERMIT HOLDER

Any person engaged in the sale or distribution of tobacco products directly to consumers who applies for and receives a tobacco sales permit or any person who is required to apply for a tobacco sales permit pursuant to these regulations, or his or her business agent.

## PERSON

An individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.

## SELF-SERVICE DISPLAY (also known as "FREESTANDING DISPLAYS")

A display from which individual packs or cartons of tobacco products may be physically selected by a customer.

## TOBACCO PRODUCT

Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.

## VENDING MACHINES

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.

**§ 362-3. Sales to minors prohibited.**

- A. In conformance with MGL c. 270, § 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 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 18 shall be punished according to the provisions of § 362-11.
- B. No person or entity shall sell or permit cigarettes or other tobacco products to be sold to an individual without requesting and examining government-issued photographic identification establishing the purchaser's age as 18 years or greater, except that no such verification of age is required for any purchaser over the age of 26 or for mail-order sales.
- C. No person or entity shall sell or distribute nicotine delivery products to any person under the age of eighteen (18). Nicotine delivery products shall be subject to all sections of this Chapter 362, except §362-8. Violators shall be punished according to the provisions of §362-11.

**§ 362-4. Posting state law; enforcement; violations and penalties.**

- A. In conformance with MGL c. 270, § 7, a copy of MGL c. 270, § 7, 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 and made available from the Springfield Department of Health and Human Services. Such notice shall be at least 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 and shall be placed at a height of not less than four feet or greater than nine feet from the floor. For any other cash register that sell cigarettes, a notice shall be attached which is no smaller than nine 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 and shall be placed at a height of not less than four feet or more than nine 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 section.

- C. Whoever violates this provision shall be punished by a of \$50. Any person unlawfully removing a copy so posted while said premises are used for the sale of cigarettes shall be punished by a of \$10.

**§ 362-5. Self-service displays.**

Self-service displays (also known as "freestanding displays") of tobacco products, from which individual packages or cartons may be physically selected by the customer, are only permitted in facilities where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time and must be within 10 feet of the regular location and in plain view of the person designated to supervise the sale of tobacco products from self-service displays.

**§ 362-6. 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.

**§ 362-7. Lockout device required on vending machines.**

All tobacco vending machines are prohibited; except that tobacco vending machines are permitted if equipped with a lockout device, in an establishment with a valid pouring liquor license, and located in facilities where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time. A lockout device locks out sales from the vending machine unless a release mechanism is triggered by an employee. The release mechanism must not allow continuous operation of the vending machine and must be out of the reach of all consumers and in a location accessible only to employees.

**§ 362-8. Out-of-package sales prohibited.**

The sale and distribution of loose cigarettes, or in packages that contain fewer than 20 cigarettes, in any form other than an original factory-wrapped package is prohibited.

**§ 362-9. 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 its 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, and retailers who sell any 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. As part of the tobacco sales permit application process, the applicant will be provided with this chapter. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding both state laws regarding the sale of tobacco and this chapter.
- D. Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue, when required, before a tobacco sales permit can be issued.
- E. 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 18 is illegal, MGL Chapter 270, Sections 6 and 7." Any merchant not posting said signage will be in noncompliance with this chapter and subject to penalties per § 362-11 of this chapter. Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.
- F. Issuance of a tobacco sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.
- G. The term of the permit shall be one year if the licensee complies with the provisions of this chapter.
- H. The fee for a one-year tobacco retailer's permit for location and sales is one \$100.00 for each tobacco retail location.
- I. A permit for location and sales is nontransferable, except a new permit will be issued to a tobacco retailer who changes locations and has shown compliance pertaining to the provisions of this chapter. A new owner of an establishment that sells tobacco must apply for a new tobacco sales permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder and taxes owed to the City of Springfield are satisfied in full.
- J. Any person or entity selling any tobacco products without said permit shall be d \$50 per day until the Springfield Department of Health and Human Services receives an application and payment requesting issuance of a permit.

- K. After January 1, 2013, all “smoking bars” will be required to hold and maintain a valid “Smoking Bar Permit” from the city of Springfield for each location at which tobacco products are sold. A “smoking bar”, for the purposes of this regulation, shall mean “an establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by Mass. General Law Ch. 270, §22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars"." The Smoking Bar Permit replaces the Permit for Location and Sales. The fee for a one (1) year Smoking Bar Permit is two hundred and fifty dollars (\$250.00) for each location.
- L. After January 1, 2013, all theatrical performances upon a stage or in the course of a professional film production which includes smoking as part of the performance or production will be required to hold and maintain a valid “Performance Smoking Permit” from the city of Springfield. The fee for a one (1) year Performance Smoking Permit is two hundred and fifty dollars (\$250.00).

**§ 362-10. 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, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state laws. Any employee who sells or provides cigarettes/tobacco products to a minor shall be d \$100.

**§ 362-11. Violations and penalties; responsibility for compliance.**

- A. Any permit holder who fails to comply with §§362-4 through 362-9 of this chapter shall be punished by a fine of \$100.
- 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 chapter pertaining to his/her place of business.
- C. The permit holder in charge of the area permitted for tobacco sales involved in a violation of §362-3 or §362-8 of this chapter shall receive:
1. 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 chapter, shall receive a of \$100. 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, penalties and enforcement of the ordinance.

2. In the case of two violations within a fifteen-month period, the permit holder in charge of the area permitted for tobacco sales or persons (other than an employee) not in compliance with the provisions of §362-3 of this chapter shall receive a of \$200.
  3. In the case of three violations within a fifteen-month period, the permit holder in charge of the area permitted for tobacco sales or persons (other than an employee) not in compliance with the provisions of this chapter shall receive a of \$300 and the tobacco sales permit shall be suspended for seven consecutive business days.
  4. In the case of four violations within a fifteen-month period, the permit holder in charge of the area permitted for tobacco sales or persons (other than an employee) not in compliance with the provisions of this chapter shall receive a of \$300 and the tobacco sales permit shall be suspended for 30 consecutive business days.
  5. In the case of five violations within a fifteen-month period, the permit holder in charge of the area permitted for tobacco sales or person (other than an employee) not in compliance with the provisions of this chapter shall receive a of \$300 and the tobacco sales permit shall be revoked for the remainder of the current permit term or 12 months, whichever period is longer.
- D. For any suspension or revocation, Springfield Department of Health and Human Services shall provide notice to the permit holder of the intent to suspend or revoke its tobacco sales permit, which date shall be no earlier than seven days after the date of said notice. The permit holder shall have an opportunity to be heard at a 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, and the permit to sell tobacco is revoked or suspended by the Subcommittee, all tobacco products shall be removed from the premises for the duration of the revocation or suspension. Permit holders must reapply for a new permit each year.
- E. As an alternative to initiating criminal proceedings, violations of this chapter may be enforced in the manner provided in MGL c. 40, § 21D. Please note that currently the Housing Court Department, Western Division, processes and hears the so-called "21D noncriminal hearings."
- F. Each day any violation exists shall be deemed to be a separate offense.

- G. The Police Department and Health and Human Services officers shall enforce this chapter. Any citizen who desires to register a complaint pursuant to this chapter may do so by contacting the Springfield Department of Health and Human Services and the Department shall investigate the complaint.
- H. Any employee of the permit holder who sells or provides tobacco products to a minor in violation of this chapter shall be subject to a of \$100 for each occurrence.

### **Chapter 368 - TREES**

#### **§ 368-1. Significant trees.**

- A. Except as provided by Chapter 87 of the General Laws, it is unlawful for any person other than the City Forester, or his designees, to cut, trim or remove, in whole or in part, any significant tree, even if such person is the owner of the fee in the land on which such tree is situated, except upon a permit in writing from the City Forester, and only to the extent of the terms and conditions of such permit.
- B. The City Forester shall grant such permit only upon a showing by a preponderance of the evidence that the continued present state of such tree endangers persons or property or, in his discretion, if such tree is diseased or damaged.
- C. For purposes of this section, a "significant tree" is any tree which is 75 years old or older, or which is three feet in diameter or more.
- D. Each person is held responsible for ascertaining the age and diameter of any tree prior to such person cutting, trimming or removing same, in whole or in part.
- E. A person who is aggrieved by the provisions of this section and for cause shown may apply directly to the Board of Park Commissioners for a permit to cut, trim or remove, in whole or in part, any significant tree which is otherwise protected under this section so long as such Commission, in the exercise of its discretion, is satisfied that such applicant would sustain a hardship, financial or otherwise, which outweighs any detriment to the public interest that would result in the application of this section. For the purpose of this section, "hardship" is the loss of an advantage. It may include, but not be limited to, a monetary advantage or the advantage to put property to a particular use.

#### **§ 368-2. Shade trees in highways.**

The Board of Park Commissioners is charged with the care of all shade trees within the limits of the highways in the City and is designated to have charge of such shade trees under the provisions of Chapter 87 of the General Laws.

#### **§ 368-3. Wires in contact with trees.**



- A. No electric wires, cables, guys, poles, cross arms, brackets, insulators or other wires or fixtures shall be attached to or come in contact with any tree standing for use or ornament in any public street, court or other public place in the City, without the consent of the Board of Park Commissioners.
- B. All wires, cables, guys and wire fixtures now attached to or in contact with such trees without such consent shall be removed by the Inspector of Wires; the cost of such removal to be charged to the company owning such wires, cables or fixtures.

**§ 368-4. Cutting trees.**

No person, unless authorized by or according to statute or by some other provision of this Code, shall cut down, remove, injure or destroy any fruit, shade or other tree growing or being in any public street, common or other public ground in the City.

**Chapter 379 - VEHICLES, ABANDONED AND UNREGISTERED**

ARTICLE I	Abandoned Vehicles (§ 379-1 — § 379-3)
ARTICLE II	Unregistered Vehicles (§ 379-4 — § 379-5)

**Article I. Abandoned Vehicles**

**§ 379-1. Enforcement.**

Effective upon passage of this article, the Director of Public Works, acting through his designee, the Police Commissioner, acting through the watch captain on duty, a lieutenant designated by the Police Commissioner or parking control officers appointed by the Police Commissioner, shall be officers in charge of the public ways of the City for purposes of enforcement of MGL c. 90, §§ 22B and 22C, relative to the removal and disposal of abandoned motor vehicles.

**§ 379-2. Violations and penalties.**

Whoever abandons a motor vehicle, registered or unregistered, upon any public or private way or upon any property other than his own without the permission of the owner or lessee of said property shall be fined \$250 for the first such abandonment and \$500 for each such abandonment thereafter, pursuant to MGL c. 90, § 22B.

**§ 379-3. Authority to remove.**

If said officers reasonably deem that any motor vehicle has been apparently abandoned by its owner and standing for more than 72 hours upon a public or private way in the City or on any property within the City, they may cause said vehicle to be removed in a manner consistent with the provisions of MGL c. 90, § 22C.

Article II. Unregistered Vehicles

**§ 379-4. Parking prohibitions.**

No person shall park a vehicle upon the public way, whether or not such vehicle is in an otherwise permissible parking space, which is determined to be:

- A. Unregistered.
- B. Invalidly registered as required by MGL Chapter 90.
- C. Unregistered due to expired registration.
- D. Unregistered due to revoked registration.
- E. Unregistered due to canceled registration.

**§ 379-5. Violations and penalties.**

Any violation of this article shall be punishable by a fine of \$25. Each day that a violation continues shall be punishable as a separate offense.

**Chapter 385 - VEHICLES AND TRAFFIC**

ARTICLE I	Administration (§ 385-1 — § 385-2)
ARTICLE II	Restricted Use of Certain Streets (§ 385-3 — § 385-4)
ARTICLE III	Parking Lots (§ 385-5 — § 385-6)
ARTICLE IV	Emergency Snow and Ice Parking Ban (§ 385-7 — § 385-10)
ARTICLE V	Parking Meters (§ 385-11 — § 385-22)
ARTICLE VI	Off-Street Parking Areas (§ 385-23 — § 385-25)
ARTICLE VII	Permit Parking (§ 385-26 — § 385-39)
ARTICLE VIII	Miscellaneous Regulations (§ 385-40 — § 385-41)
ARTICLE IX	Automated Red Light Systems (§ 385-42 — § 385-49)
ARTICLE X	Engine Brakes (§ 385-50 — § 385-52)

Article I. Administration

**§ 385-1. Traffic Commission.**

- A. Established; composition; organization; terms.
  - 1. There is established a Traffic Commission consisting of the Executive Director of the Springfield Parking Authority or his duly authorized representative; the Chief of the Fire Department or his duly deputized representative; the Chief of Police or his duly deputized representative; the Director of Public Works or his duly deputized representative; the City Solicitor or one of his assistants; three residents of the City, to be appointed by the Mayor; and one member of the City Council, to be appointed by the Mayor, who shall serve for the duration of his term of office unless sooner removed by the Mayor in accordance with law or ordinance.

2. Each member of such Commission shall be entitled to one vote. The Traffic Commission shall annually elect a Chairman and Secretary from its own members, who shall serve in their respective offices until December 31 of the year in which they are elected and until their successors are elected and qualified. The Chairman shall preside at all meetings of the Commission and the Secretary shall keep an accurate record of all meetings of the Commission and the actions taken therein. Five members shall constitute a quorum for the transaction of business.
- B. Powers and duties.
1. The Traffic Commission shall have the powers vested by law in the City Council to grant and issue licenses, as provided in Chapter 149, Buses, § 149-1, subject to the approval of the Mayor.
  2. Such Commission shall advise the City Council on matters relating to the regulation of street traffic, parking, parking meters, traffic accident prevention and traffic lights. It shall have such other powers or duties as provided by law or ordinance.

**§ 385-2. Deputy Traffic Engineer.**

- A. There shall be a Deputy Traffic Engineer appointed by the Traffic Engineer, in accordance with General Laws Chapter 31.
- B. The Deputy Traffic Engineer shall have had, prior to his appointment, five years' experience in traffic engineering, one of which shall have been in a supervisory capacity.
- C. The Deputy Traffic Engineer shall aid and assist the Traffic Engineer in the performance of all his duties.
- D. His compensation shall be fixed by the City Council.

Article II. Restricted Use of Certain Streets

**§ 385-3. Regulation of vehicular traffic on Stearns Square East.**

- A. The public way known as "Stearns Square," located within the City, running north and south between Bridge Street and Worthington Street for a distance of about 260 feet in length and about 28 feet in width, situated on the easterly side of Stearns Square Park, shall be closed to vehicular traffic.
- B. The closure shall exclude all vehicular traffic except for emergency and necessary maintenance vehicles.

**§ 385-4. Commercial vehicle restrictions.**

- 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 streets specified, 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 the streets listed below:

Name of Street	Weight Limit	Location	Restrictions
Edgemont Street		Entire length	
Forest Park Avenue		Between Fort Pleasant Avenue and Sumner Avenue	
Holly Street, Indian Orchard		Entire length	
Pasco Road		Between Page Boulevard and Essex Street	
Pine Street	2 tons	Entire length	Between 6:00 p.m. and 6:00 a.m. of any day
South Branch Parkway		Entire length	
Thompson Street	2 tons	Between St. James Avenue and State Street	At any time

- 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 \$100.

Article III. Parking Lots

**§ 385-5. Report of vehicles left on premises more than 24 hours.**

Every person engaged in the business of parking motor vehicles on any lot within the City shall report to the Police Department of the City within six hours thereafter any motor vehicle left on the premises for more than 24 hours continuously, giving the registration number of such motor vehicle and any other information which the Police Department may require.

**§ 385-6. Removal of vehicles from open-air parking space.**

No person granted a license, pursuant to MGL c. 148, § 56, accepted by the City November 28, 1932, to conduct and maintain an open-air parking space for motor vehicles shall, while a motor vehicle is under the control and within the custody of the above-mentioned person for parking purposes, remove such motor vehicle from an open-air parking space and park it on a public way.

Article IV. Emergency Snow and Ice Parking Ban

**§ 385-7. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**DRIVER**

Includes any person having the guidance or control over any vehicle.

**VEHICLE**

Includes automobiles, semi-trailer units, motorcycles and bicycles.

**§ 385-8. Declaration of emergency.**

If, as a result of severe weather, the accumulation of snow and ice on the public ways of the City causes or results in the parking of vehicles in a position or manner that may impede or prevent the passage of emergency service vehicles, or Police Department vehicles, so as to interfere with the protection of the property, health and lives of people, a state of emergency shall exist, and the Mayor, by a declaration advertised in a daily newspaper published in the City or by a public declaration issued to all local radio and television stations, shall make known that the aforesaid conditions exist, and shall declare that a state of emergency exists.

**§ 385-9. Issuance of temporary emergency regulations.**

- A. Upon such declaration of a state of emergency, the Chief of Police shall issue temporary emergency regulations preventing and prohibiting, during the emergency, the parking or driving of any vehicle on the whole or any part of any or all public ways or, in the alternative, the parking of any vehicle on that side of all public ways where any building is designated with an odd number.
- B. The Chief of Police shall advertise such temporary emergency regulations in a daily newspaper published in the City.
- C. When the conditions creating the emergency no longer exist, the Chief of Police shall publish a notice terminating such temporary emergency regulations in a daily newspaper published in the City.

**§ 385-10. Obedience to regulations required.**

Upon the declaration of such an emergency, no owner or driver of a vehicle shall cause, permit, allow or suffer any vehicle owned by or driven by him to be parked or driven contrary to the regulations of the Chief of Police.

Article V. Parking Meters

**§ 385-11. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**PARKING METER**

Includes any mechanical device or meter not inconsistent with this article placed or erected for the regulation of parking by authority of this article. Each parking meter installed shall indicate by proper legend the legal parking time established by the City and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

**PARKING METER SPACE**

Any space within a parking meter zone, adjacent to a parking meter, and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the surface of the street adjacent to or adjoining the parking meters.

**PARKING METER ZONE**

Includes that part of any street upon which the parking of vehicles is permitted for limited periods of times subject to regulations established by the City and upon which parking meters are installed and in operation.

**PARK or PARKING**

The standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading, unloading and delivering merchandise, or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the vehicle operator.

**STREET**

The entire width between property lines of any public street, avenue, road, alley, highway, lane, path or other public place located in the City and established for the use of vehicles.

**VEHICLE**

Any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks, or motivated by human power.

**§ 385-12. Parking meter zones established.**

In accordance with this article, parking meter zones are established in the following streets or parts of streets. All frontages in such squares, streets or avenues defining such zones shall be included except those restricted to parking by specific order or as defined under § 385-19.

A. Both sides of the following streets for their entire length:

Alderman Street	Court Square Avenue	Grenada Terrace	Pomona Street
Auburn Street	Court Street	Hampden Street	Pynchon Street
Barnes Street	Crossett Street	Harrison Avenue	Railroad Street
Beaumont Street	Cross Street	Hillman Street	Salem Street
Beaumont Terrace	Cypress Street	Holyoke Street	Sanford Street
Berendo Street	East Court Street	Howard Street	Sargeant Street
Bliss Street	Edwards Street	Kaynor Street	Seventh Street
Bond Street	Elliot Street	Lenox Street	Sharon Street
Boylston Street	Elm Street	Lyman Street	Sorrento Street
Bradford Street	Emery Street	Market Street	Stearns Square
Bridge Street	Essex Street	Mattoon Street	Stockbridge Street
Broadway	Fairbanks Place	New Dwight Street	Temple Street
Burlington Street	Ferry Street	New Street	Tenth Street
Cliftwood Street	Fort Street	Ormond Street	Trenton Street
Clinton Street	Grays Avenue	Park Street	Ventura Street
Congress Street	Greenwood Street	Patton Street	Vernon Street
Continental Street		Pearl Street Court	Vine Street
			Walden Street
			Willow Street
			Winter Street

B. Both sides of the following streets for the areas indicated:

Name of Street	Location
Belmont Avenue	From Beaumont Street to Walden Street
Carew Street	From Main Street to Chestnut Street
Chestnut Street	From Carew Street to State Street
Columbus Avenue	From Cypress Street to Main Street
Commonwealth Avenue	From Belmont Avenue to Walden Street
Dickinson Street	From Beaumont Street to Walden Street
Dwight Street	From State Street to Jefferson Avenue
Franklin Street	From Main Street to Chestnut Street
High Street	From Maple Street to School Street
Liberty Street	From Main Street to Chestnut Street
Locust Street	From Main Street to Mill Street
Lyman Street	From Main Street to Chestnut Street
Main Street	From Bliss Street to Mill Street
Main Street	From Liberty Street to Chicopee Line
Maple Street	From State Street to Union Street

Pearl Street	From Chestnut Street to Spring Street
Plainfield Street	From Sargeant Street to Bradford Street
Rutland Street	From State Street to Wilbraham Road
School Street	From State Street to Union Street
Spring Street	From Taylor Street to State Street
State Street	From Columbus Avenue to Benton Street
Sumner Avenue	From Continental Street to Pomona Street
Sumner Avenue	From Converse Street to East Alvord Street
Taylor Street	From Main Street to Spring Street
Union Street	From Columbus Avenue to School Street
White Street	From Kimberly Avenue to Priscilla Street
Wilbraham Road	From Eastern Avenue to Rutland Street
Worthington Street	From Columbus Avenue to Spring Street

**§ 385-13. Installation, control and maintenance of meters.**

- A. In parking meter zones the traffic commission shall cause parking meters to be purchased and installed upon the curb or sidewalk immediately adjacent to the parking spaces provided in § 385-12.
- B. The Division of Traffic Engineering of the Department of Public Works shall be responsible for the control, operation, maintenance and use of such parking meters.
- C. Each meter shall be installed not less than 12 inches or more than 24 inches from the face of the curb. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by § 385-16.
- D. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired, and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties provided in § 385-22.

**§ 385-14. Designation of spaces; manner of parking.**

- A. The Division of Traffic Engineering of the Department of Public Works is directed and authorized to mark off individual parking spaces in the parking zones designated and described in § 385-12 when and where ordered by the Traffic Commission and in such other zones as may hereafter be established, such parking spaces to be designated by lines painted or durably marked on the surface of the street.



- B. At each space so marked off, it is unlawful to park any vehicle in such a way that such vehicle shall not be entirely within the limits of the space so designated, except such vehicles whose length, width or load overlap the length or width of such lines or marks.

**§ 385-15. Hours of operation.**

- A. Parking meters shall be operated in the parking meter zones established in § 385-12 every day between the hours of 8:00 a.m. and 6:00 p.m., unless otherwise specified by the City Council and indicated on such meters.
- B. Such parking meters shall not be operated on Sundays or during the hours of legal holidays during which certain retail stores are required by law to remain closed under the provisions of the general statutes regulating the observance of the Lord's Day.

**§ 385-16. Parking time limits and required deposits.**

- A. 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:
  - 1. In those zones restricted to a maximum of 30 minutes of parking: one nickel (\$0.05) each 15 minutes.
  - 2. In those zones restricted to a maximum of 60 minutes of parking: one nickel (\$0.05) for 30 minutes or two nickels (\$0.10) for 60 minutes of parking.
  - 3. In those zones restricted to a maximum of two hours of parking: four nickels (\$0.20) for two hours or two nickels (\$0.10) for one hour.
- B. The number of minutes for which parking will be permitted in any zone shall be set by order of the Council.

**§ 385-17. Exception for commercial vehicles.**

- A. Operators of commercial vehicles may park in a metered space without depositing a coin for a period not to exceed 30 minutes for the purpose of loading, unloading or delivering.
- B. All of the provisions of this article shall apply to the parking of such vehicles in excess of this time limit.

**§ 385-18. Operation of meters.**

- A. When any vehicle is parked in any parking space alongside or next to which a parking meter is located, the operator of such vehicle shall, upon entering such parking meter space, immediately deposit or cause to be deposited in such meter such proper coin of the United

States as is required for such parking meter and as is designated by proper directions on the meter; and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon.

- B. Except as otherwise provided in this article, it shall constitute a violation of this article to permit a vehicle to occupy a designated parking meter space during the period which has been prescribed for that part of the street in which such parking space is located unless forthwith after such parking the proper coin shall be deposited and the timing mechanism shall be set in operation.
- C. It is further provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the indicated unused parking time. If such vehicle remains parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this article.

**§ 385-19. Reservation of powers.**

Nothing in this article shall be construed as prohibiting the City from providing for bus stops, taxicab stands and other matters of similar nature, including the loading or unloading of trucks, vans, or other commercial vehicles.

**§ 385-20. Collection of deposits.**

The Police Department shall be responsible for the collection of moneys deposited in parking meters, which duty or function may be awarded by contract by the Chief Procurement Officer to an independent bonded contractor in accordance with General Laws Chapter 43, and with Chapter 82, Purchasing and Contracts, Articles I, II and III, if the Mayor, in his discretion, deems it to be for the best interest of the City.

**§ 385-21. Prohibited parking.**

No person shall park a vehicle contrary to the provisions of this article nor shall any person cause, allow, permit or suffer any vehicle registered in his name to violate any of the following provisions:

- A. To be parked overtime, or beyond the period of legal parking time established for any parking meter zone as described in this article, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.

- B. To permit any vehicle to remain in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- C. To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings, except such vehicles whose length, width or load overlaps the width or length of such lines or marks.
- D. To deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this article, except that a person may open such parking meter when authorized to do so by the Director of Public Works.
- E. To deposit or cause to be deposited in any parking meter any slugs, device or metal substance, or other substitute for lawful coin.

**§ 385-22. Violations and penalties.**

Any person who violates the noncriminal parking provisions of Subsections A, B and C of § 385-21, shall be punishable by a fine of \$2.

Article VI. Off-Street Parking Areas

**§ 385-23. Parking meters.**

- A. Applicability of §§ 385-15, 385-18 and §§ 385-20 through 385-22. The provisions of §§ 385-15, 385-18 and §§ 385-20 through 385-22 pertaining to parking meters in streets shall apply to the operation and maintenance of parking meters in off-street parking areas.
- B. Parking meter zones established. Parking meters in off-street parking areas are established in the following locations:
  - 1. Certain park land on the westerly side of Columbus Avenue, bounded on the north by the northerly line of Court Street extended westerly to the Connecticut River, westerly by the Connecticut River, southerly by the northerly boundary of the land of the Western Massachusetts Electric Company (formerly the United Electric Light Company) lying westerly of the land of the New York, New Haven and Hartford Railroad Company and by the northerly boundary of that portion of Elm Street lying easterly of the land of such railroad company and extending to its intersection with Columbus Avenue to its intersection with Court Street.

2. Certain areas 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.
- C. Installation, control and maintenance of meters.
1. The Traffic Commission may cause parking meters to be purchased and installed within the bounds of off-street parking areas which have been placed under the jurisdiction of the Traffic Commission by the City Council and designated by the City Council as off-street parking areas.
  2. The Traffic Commission shall designate the areas or portion thereof in which parking meters shall be installed.
  3. The Police Department shall be responsible for the control, operation and maintenance of all parking meters located in off-street parking areas.
- D. Designation of spaces; manner of parking.
1. The Director of Public Works is directed and authorized to mark off individual parking spaces in the location designated and described in Subsection A, with lines or marks in any off-street parking area under the jurisdiction of the Traffic Commission when so ordered by such Commission.
  2. At each space so marked off, it is unlawful to park any vehicle in such a way that such vehicle shall not be entirely within the limits of the space so designated, except such vehicles whose size or load overlap such lines or marks.
- E. Parking time limits and required deposits. The Traffic Commission, subject to the approval of the City Council, shall designate the parking time limits and the fees to be established in such off-street parking areas; provided, however, that the fees shall not exceed a rate of \$0.05 per thirty-minute period of parking.

**§ 385-24. Rules and regulations for control of traffic.**

- A. Except as otherwise provided in MGL c. 90, § 18, and subject so far as applicable to MGL c. 85, § 2, and MGL c. 89, §§ 8 and 9, the City Council, with the approval of the Mayor, may make rules and regulations for the regulation of vehicles in the City to promote public safety and convenience. Such rules and orders shall not take effect until they have been published at least once in a newspaper published within Springfield, and violations of such rules and regulations may be punished by a fine not exceeding \$20 for each offense.

- B. The Traffic Engineer is authorized and empowered to recommend that rules and regulations as aforesaid be enacted to control traffic on those private ways where in his judgment they are necessary to control the flow of motor vehicle and other traffic and reduce either a possible or existing danger to the safety and convenience of the public. The Traffic Engineer is authorized and empowered to install traffic-control devices in accordance with the requirements of any rules and regulations adopted as aforesaid. Such traffic-control devices may include, but are not limited to, direction signs, warning signs or lights, curb, street or other traffic markings, mechanical traffic signal systems, stop signs, stop lights or any other traffic-control devices which are necessary to carry out the rules and regulations enacted as aforesaid.
- C. The Traffic Engineer is authorized to notify owners of traffic-control devices which are located on private ways in violation of rules and regulations enacted as aforesaid to remove such traffic-control devices.
- D. The Traffic Engineer may, with the consent of the owner of such device, remove such device from the private way. If such owner fails to remove a traffic device which directs motorists to violate a rule and regulation enacted as aforesaid after notice from the Traffic Engineer, said owner shall be punished by a fine not exceeding \$20 for each offense.

**§ 385-25. Handicapped parking spaces.**

- A. Required; penalty.
  - 1. Any person who has lawful control of improved or enclosed private property used as off-street parking for businesses, auditoriums, sporting or recreational facilities, or cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for vehicles of handicapped persons if the number of parking spaces in any such area is 15 or more.
  - 2. The parking spaces reserved for vehicles of such handicapped persons shall be clearly marked as such by pavement markings and signs or other designation approved by the Director of Public Works of the City or his designee. The parking spaces reserved for vehicles of such handicapped persons shall be of such size as may be determined by the Director of Public Works or his designee but not to be less than 12 feet in width and shall be located on such property in close proximity to the main pedestrian exit from the parking area, which exit is safe and suitable for use by handicapped persons.
  - 3. Parking spaces reserved for the vehicles of handicapped persons required by this section shall be no less than the number specified by the following formula:

Number of Parking Spaces in Off-Street Parking Area	Required Handicapped Spaces
More than 15, but not more than 25	1
More than 25, but not more than 40	5% of such spaces but not fewer than 2
More than 40, but not more than 100	4% of such spaces but not fewer than 3
More than 100, but not more than 200	3% of such spaces but not fewer than 4
More than 200, but not more than 500	2% of such spaces but not fewer than 6
More than 500, but not more than 1,000	1 1/2% of such spaces but not fewer than 10
More than 1,000, but not more than 2,000	1% of such spaces but not fewer than 15
More than 2,000, but not more than 5,000	3/4 of 1% of such spaces but not fewer than 20
More than 5,000	1/2 of 1% of such spaces but not fewer than 30

4. Any person who does not reserve and mark as reserved such parking spaces as are required by this section by December 1, 1981, shall be punished by a fine of no more than \$25 per day of such violation. 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 \$25 per day of such violation.
5. This section shall not apply to off-street parking areas owned or controlled by the United States of America or the Commonwealth of Massachusetts.

B. Open-air parking businesses.

1. Any person applying for a license for an open-air parking business under the provisions of MGL c. 148, § 56, shall, if parking is to be done by customers of the licensed business, provide to the licensing authority with its application a plan showing the proposed flow of traffic within the parking area.
2. The licensing authority shall refer such plan to the Director of Public Works of the City, who shall report to the licensing authority whether such proposed flow of traffic presents a danger to the safety of the customers of the licensed business or to the general public.
3. If such danger exists, the Director of Public Works may recommend to the licensing authorities such conditions to the license as would tend to reduce the danger to customers of the licensed business or the general public resulting from the proposed traffic flow.
4. Any person licensed for an open-air parking business under the provisions of MGL c. 148, § 56, shall, if parking is to be done by customers of the licensed business, reserve

and mark parking spaces for the handicapped as provided in Subsection A and shall be subject to penalty thereunder for failure to do so.

5. Parking in such reserved spaces shall be subject to Subsection C; provided, however, that no penalty shall be imposed under the provisions of Subsection C if all spaces other than those reserved for handicapped parking are filled by motor vehicles at the time the violation of Subsection C first occurs.

C. Violations and penalties.

1. No person shall allow, permit or suffer any vehicle registered in his name to stand or park in the spaces designated as reserved for handicapped persons under Subsections A and B, unless the motor vehicle is owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by MGL c. 90, § 2, or is a motor vehicle transporting a handicapped person and displaying the special identification plate authorized by MGL c. 90, § 2, or is a vehicle bearing the official identification of a handicapped person issued by any other state.
2. Any police officer who takes cognizance of a violation of this section shall affix to the motor vehicle a notice of such violation in conformity with Chapter 90 of the General Laws.
3. Any person who allows, permits or suffers any vehicle registered in his name to stand or park in the spaces designated as reserved for handicapped persons in violation of this section shall be punished by a fine of \$15 if paid within 21 days and \$20 if paid thereafter.
4. This section shall not apply to off-street parking areas owned or controlled by the United States of America or the Commonwealth of Massachusetts.
5. This section shall not apply to vehicles owned by the Commonwealth of Massachusetts or a political subdivision thereof or by the United States or an instrumentality thereof or vehicles registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned.

Article VII. Permit Parking

**§ 385-26. Purpose.**

The City Council of the City of Springfield finds and declares that the provisions of this article are enacted for the following reasons:

- A. 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;
- B. To reduce hazardous traffic congestion, and the danger of obstruction of fire lanes, fire hydrants, and access required by emergency vehicles;
- C. To encourage the use of public transportation;
- D. To protect the residents of the designated residential streets or districts from unreasonable burdens in gaining access to their homes;
- E. To preserve the value of property in the designated residential streets or districts; and
- F. To promote the peace, comfort, convenience, and welfare of all inhabitants of the City.

**§ 385-27. Definitions.**

The following words, as used in this article shall, unless the context otherwise requires, have the following meanings:

**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 or which has a principal place of business within such street or district.

**HOLDER**

An applicant to whom a residential parking permit has been issued.

**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.

**RESIDENTIAL PARKING PERMIT FEE**

The residential parking permit fee shall be \$100. Any individual 65 years old or older shall be entitled to a permit parking fee reduction of 15% for each residential parking permit; provided, however, that the individual has a principal place of residence within a restricted parking street or district.



## 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.

### **§ 385-28. 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.

### **§ 385-29. 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 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 year after the date of issuance.
- B. Applicants who reside within a restricted residential parking street or district may apply and pay for one or more additional permits for vehicles owned or principally operated by them.

### **§ 385-30. 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 year following the expiration date of the existing permit.

### **§ 385-31. Transfer of residential parking permits.**

- A. Upon the holder's payment of a transfer fee of \$10, 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.

### **§ 385-32. Issuance of permits for visitors.**

- A. Each holder of a residential parking permit, other than a nonresidential owner, shall be issued two visitor parking permits, 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 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 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.

**§ 385-33. Exceptions.**

Notwithstanding § 385-28 above, the following motor vehicles may be parked within a restricted residential parking street or district without a residential parking permit:

- A. Emergency vehicles, including ambulances and Police and Fire Department vehicles.
- B. Delivery vehicles and service vehicles while the operator is actually engaged in business within the restricted residential parking street or district.
- C. Disabled veterans or handicapped persons whose vehicle bears the distinctive plates, or displays the special parking identification plate authorized by MGL c. 90, § 2, or bears the official identification of handicapped persons issued by other states or any Canadian province.
- D. 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.
- E. Such other vehicles as may be described in the order designating the residential parking street or district.

**§ 385-34. Effect on other traffic rules and regulations; availability of parking spaces.**

- 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.

**§ 385-35. Applications.**

- A. The Parking Clerk shall collect such information from applicants as will enable him to administer and enforce the provisions of this article.
- B. The Parking Clerk may require such evidence of residence, ownership or conduct of business as he deems reasonable and proper, including but not limited to motor vehicle operator's license, motor vehicle registration, rent receipt, utility bill, electric bill, gas bill, telephone bill, cable TV bill, monthly bank statement (except mortgage statement), or 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.

**§ 385-36. Designation of permit streets or districts.**

- 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 70% of the owners/occupants 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; and
  - 4. The Traffic Commission has submitted a report on the proposed street or district with recommendations to the City Council.
- B. Notice and hearing. The Traffic Commission hearing shall be held within 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.

1. 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 successive weeks, the first publication to be not less than 14 days before such hearing. This notice shall be prepared and published by the City Clerk at the expense of the petitioners.
  2. Notice of the hearing shall be sent by mail, postage prepaid, at least 10 days 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 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.

**§ 385-37. Revocation of permit.**

- A. The permit or permits of any holder who violates the provisions of this article on two 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.

**§ 385-38. 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.

**§ 385-39. Violations and penalties.**

- A. It shall be a violation of this article for any person:
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.
- B. Any violation of this article shall be punishable by a fine of \$15. Each day that a violation continues shall be punishable as a separate offense.

#### Article VIII. Miscellaneous Regulations

##### **§ 385-40. Riding, holding onto or hanging onto vehicles restricted.**

No unauthorized person shall ride on, hold onto or hang onto any moving vehicle or any portion of the load of such vehicle in any public street in the City so that his person or any part thereof is or protrudes beyond the limits of the vehicle.

##### **§ 385-41. Crossing to avoid traffic signals and signs prohibited; violations and penalties.**

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 200 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 MGL c. 90, § 18, and shall be subject, so far as applicable, to MGL c. 85, § 2, and MGL c. 89, §§ 8 and 9. The penalty for violation of this section shall be \$50.

#### Article IX. Automated Red Light Systems

**§ 385-42. Purpose.**

The purpose of this article is to create an automated enforcement system for red light violations. The City expects a decrease in accidents as a result of drivers modifying their operation of motor vehicles in response to these cameras. Civil penalties would inure to the municipality.

**§ 385-43. Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**AUTOMATED RED LIGHT SYSTEM**

The equivalent of "traffic control signal monitoring device" or "traffic control photographic system." Said system/device is an electronic system consisting of a photographic, video, or an electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.

**SYSTEM LOCATION**

The approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this article.

**VEHICLE OWNER**

The person(s) or entity identified by the Massachusetts Registry of Motor Vehicles as the registered owner or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, the persons or entity on record as the registered owner with such other state's or jurisdiction's vehicle registration office. Vehicle owners of unregistered vehicles shall be established by substantial evidence (i.e., such evidence as reasonable minds might accept as adequate to support a conclusion).

**§ 385-44. Civil enforcement; administration.**

- A. Notwithstanding any other provision of this chapter, the City of Springfield hereby adopts a civil enforcement system for automated red light system violations as outlined in this article. A fine shall be imposed on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in the City of Springfield in accordance with the provisions of this article.

- B. The Springfield Police Department shall be responsible for administering the automated red light system. Specifically, the Springfield Police Department (SPD), in conjunction with the Department of Public Works, shall be empowered to install and operate automated red light systems within the City. The SPD shall maintain a list of system locations where red light camera systems are installed. The SPD shall make the determination as to which locations will be utilized. The Department of Public Works shall ensure automated red light systems remain in good working order.

**§ 385-45. Offenses; determination of responsibility.**

- A. A penalty shall be imposed pursuant to this article if a vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.
- B. Prima facie responsibility. The vehicle owner is prima facie responsible for payment of the fines assessed in accordance with this article unless:
  - 1. Stolen vehicle. The vehicle owner has reported in a timely manner to a police agency that the violating vehicle has been stolen, and the violating vehicle remained stolen at the time of the violation; or
  - 2. Leased or rented vehicle. The vehicle owner is in the business of leasing or renting motor vehicles and provides a copy of a lease, rental, or similar contract document indicating that the violating vehicle was leased or rented at the time of the violation and the identity and address of the person entitled to possession is discernible from the document, in which case that person is prima facie responsible for the payment of the fines assessed in accordance with this article.

**§ 385-46. Notice of liability enforcement system.**

- A. Enforcement. The Springfield Police Department shall enforce the provisions of this chapter.
- B. Content of liability notice.
  - 1. Information regarding the specific offense. A notice of liability includes, but is not limited to, the following information: the registration number and state of issuance of the registration number of the vehicle involved; the name of the registered owner of the vehicle; the type and color of the vehicle; the date, time and place of the violation; the name of the authorizing officer; the applicable fine; and such other information as the Police Commissioner or his or her designee may deem appropriate.
  - 2. Notice of requirement to respond. A notice of liability shall state that the registered owner must pay the fine stated in the notice of liability or appeal the notice within 30

calendar days after the date of the issuance of the notice and shall describe the method for payment or appeal.

C. Issuance of notice of liability.

1. Delivery of notice of liability. An authorized officer issues and certifies the notice of liability and authorizes delivery of the notice as soon as practicable by first class mail to the registered owner of the vehicle at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable.
2. Prima facie evidence of notice. Delivery of a copy of the notice of liability by first class mail at the address of the registrant on record with the Massachusetts Registry of Motor Vehicles, or, in the case of a motor vehicle registered under the laws of another state or jurisdiction, at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle, or lessee of the vehicle as applicable, is sufficient notice of the liability. Certification of the notice by an officer is prima facie evidence of the facts contained therein and is admissible in any administrative or judicial proceeding to adjudicate the liability.

D. Payment or appeal of violation notice. Within 30 calendar days after the date of the issuance of the notice of liability, the vehicle owner to whom the notice of liability is issued must make one of the following responses: pay the fine as provided by this article or request a hearing as provided by this article.

1. Payment of civil penalty. The vehicle owner shall pay the civil penalty as specified in the notice of liability or within 30 days after the date of issuance of the appeal decision, as applicable.
2. Request for hearing. A person issued a notice of liability may make a written request for an appeal hearing before a notice of liability clerk designated by the Mayor or his designee. The clerk then notifies the registered owner in writing by first class mail of the date, time, and place of the hearing. The hearing is informal, the rules of evidence do not apply, and the decision of the clerk is final. Parties are notified in person or by mail of the decision following the hearing. Each written appeal decision shall state the reason(s) for the decision. Failure to appear at the date, time, and place specified on the hearing notice shall result in a determination based on any written documentation submitted with the request for hearing, including but not limited to signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner



determines to submit. Payment of the civil penalty is due within 30 calendar days after the date of the issuance of the appeal decision.

3. The failure to give notice of appeal or pay the civil penalty within 30 calendar days after the date of the issuance of the notice of liability shall constitute a waiver of the right to contest the notice of liability.

**§ 385-47. Violations and penalties.**

- A. Any violation of § 385-45A above shall be deemed a noncriminal violation for which a civil penalty of \$50 shall be assessed.
- B. Failure to pay the fine within the time periods required in this article shall result in an additional penalty of \$50, for a total penalty of \$100.

**§ 385-48. Collection of penalties.**

The City of Springfield may establish procedures for the collection of the civil penalties imposed herein, and may enforce the penalties by a civil action in the nature of a debt. If the penalties set forth in § 385-47 above remain unpaid for more than 30 days after the date on which the notice of liability or appeal decision was issued, the penalties shall be collected, together with any interest and costs thereon, by civil suit or other appropriate means of collection. Failure of the violator to pay such fine or penalty may also result in other enforcement methods allowed by law.

**§ 385-49. Scope of regulations and liability.**

- A. Co-owners of violating vehicles shall be jointly and severally liable under this article.
- B. The provisions of this article do not apply to uniform traffic citations issued by Springfield police officers or Massachusetts State Police officers pursuant to MGL c. 90C (Procedure for Motor Vehicle Offenses).
- C. The provisions of this article shall not affect drivers' "points" authorized by Massachusetts General Laws ("Point System for License Suspension").
- D. An imposition of liability under this article shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed.
- E. Nothing in this article shall be construed to limit the liability of an operator of a vehicle for any violation of § 385-45A above.

- F. An imposition of liability under this section shall not bar, estop, or preclude the violator from contesting the underlying facts in any other administrative or judicial proceeding.

Article X. Engine Brakes

**§ 385-50. Use prohibited.**

The use of engine brakes shall be prohibited throughout the City.

**§ 385-51. Violations and penalties.**

Any violation of this article shall be punishable by a fine of \$300, which fine shall be recovered by criminal complaint before a District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D.

**§ 385-52. Conflict with commonwealth laws or regulations.**

In the event of any conflict or inconsistency of this article with any law or regulation of the commonwealth, such law or regulation shall control. No provision of this article shall be construed so as to be inconsistent with state law.

**Chapter 390 - VEHICLES FOR HIRE**

ARTICLE I	Contracted School Transportation (§ 390-1 — § 390-5)
ARTICLE II	Taxicabs and Livery Vehicles (§ 390-6 — § 390-27)

Article I. Contracted School Transportation

**§ 390-1. Purpose.**

The purpose of this article is to provide uniform regulations for the number of owners of alternative transportation companies providing transportation to the Springfield school pupils and who may have direct and unmonitored contact with school pupils to ensure the safety of school pupils and to enhance the safety of motor vehicles and the general public on the streets of the City.

**§ 390-2. Definitions.**

For the purpose of this article, the following definitions shall be applicable:

**CERTIFICATE OF INSPECTION**

A serially numbered, adhesive sticker, device, or symbol, as may be prescribed by the Registrar, indicating that a motor vehicle has met the inspection requirements established by the Registrar for issuance of a certificate. The

Registrar may prescribe the use of one or more categories of certificates of inspection.

#### CERTIFICATE OF REJECTION

A serially numbered, adhesive sticker, device or symbol, as may be prescribed by the Registrar, indicating that a motor vehicle has failed to meet the inspection requirements as established by the Registrar.

#### INSPECTION STATION

A proprietorship, partnership, or corporation licensed by the Registrar to perform inspections on motor vehicles.

#### OPERATOR

Any person who operates a motor vehicle or trackless trolley.

#### OWNER

A person, other than a lien holder, having title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security and a bailee of any description; but the term shall include the commonwealth and its political subdivisions for the purpose of registering a vehicle that is on loan from the United States or from a motor vehicle manufacturer or distributor.

#### PERSONS

Wherever used in connection with the registration of a motor vehicle, all persons who own or control such vehicles as owners, or for the purpose of sale, or for renting, as agents, salesmen or otherwise.

#### REGISTER NUMBER

The letter or letters, mark or marks, Arabic numeral or numerals, or combinations thereof assigned by the Registrar to a motor vehicle or trailer.

#### REGISTRAR

The Registrar of Motor Vehicles.

#### SCHOOL BUS

Any motor vehicle used for the transportation of school pupils and school personnel to and from school or for the transportation of children enrolled in a

camp or recreational program, while so used, but not including any such motor vehicle used for not more than five days in case of emergency or a motor vehicle while also used for the common carriage of the public under a certificate and permit issued under MGL c. 159A, §§ 7 and 8, or a motor vehicle having permanent seating accommodations for and carrying not more than eight persons in addition to the operator, or a motor vehicle used to transport vocational students participating in a work project to and from a work site and having permanent seating accommodations for not more than 14 persons in addition to the operator.

#### SCHOOL PUPIL

Any person enrolled in any school, kindergarten through grade 12, or enrolled in any program for day-care services, or in any program for children with special needs as defined in MGL c. 71B, § 1, or in any organized day or summer camp program or any activity supported by said schools.

#### **§ 390-3. Requirements; fees.**

Any person doing business for hire and receiving payment for such transportation service of school-aged pupils (three to 21 years of age) to and/or from school, or any person enrolled in any school, kindergarten through grade 12, or enrolled in any program for day-care services, or in any program for children with special needs as defined in MGL c. 71B, § 1, or in any organized day or summer camp program or any activity supported by said schools shall adhere to the following:

- A. An owner of a transportation company doing business for profit in the City of Springfield shall be registered with the Springfield public schools and the City Clerk's office.
- B. No owner of a transportation company doing business for profit in the City of Springfield shall be registered to transport school pupils until it produces to the Springfield public schools and the City Clerk's office a certificate of insurance by a company licensed to do business in the Commonwealth of Massachusetts to ensure the safety of the public and the liability of students transported.
- C. Each operator transporting school-aged pupils, as defined above, shall have on his person a photo identification badge issued by the Springfield public schools at a cost of \$1 to the operator. Prior to the identification badge being issued, each operator must produce its 7D or CDL license.
- D. An owner of a transportation company doing business for profit in the City of Springfield shall maintain a CORI (Criminal Offender Record Information) log of all drivers employed by

said owner and present this log to a CORI authorized representative of the Springfield public schools upon request.

- E. An owner of a transportation company doing business for profit in the City of Springfield shall have each motor vehicle used to transport school-aged pupils inspected annually by the Springfield Police Department in conjunction with the Springfield public schools inspections. In addition, the owner of the transportation company shall have a certificate of inspection or rejection issued by the Registrar and an inspection sticker issued by the Springfield public schools, which shall be affixed to the right-side window of each vehicle. The City's inspection stickers shall be issued during the month of October by the Springfield Police Department in conjunction with the Springfield School Department at an inspection site to be determined. Any motor vehicles added to a fleet will be inspected upon written request to the Director of Transportation of the Springfield public schools. This inspection must be done within seven calendar days after the motor vehicle is in service.
- F. Each motor vehicle will have affixed clear markings of ownership. These markings will be affixed to both the left and right side of each motor vehicle in letters no smaller than three inches.
- G. Each school bus (Type A or B) dedicated to the transportation of school-aged pupils must be registered as a "school bus" and have school bus plates attached and meet all Massachusetts General Laws Chapter 90 standards. Furthermore, each motor vehicle must have a school bus sign affixed to the roof in accordance with Massachusetts General Laws Chapter 90 as related to 7D vehicles and have pupil plates.
- H. Fees related to certification for an owner of a transportation company doing business for profit in the City of Springfield are as follows:
  - 1. Registration of a bus company with the City Clerk's office \$10.
  - 2. Photo identification obtained from the Springfield School Department: \$1.

**§ 390-4. Effective date.**

These contracted school transportation regulations shall take effect on September 1, 2005.

**§ 390-5. Enforcement; violations and penalties.**

- A. Enforcement. The provisions of this article may be enforced by any police officer or any special police officer designated by the Board of Police Commissioners to do so.
- B. Any person who violates the provisions of this article shall be subject to a fine in the amount of \$100 for the first offense, \$200 for a second offense, and \$300 for a third or any

subsequent offense. The penalty for each violation set forth above shall apply for each day or part of a day during which the violation is committed, continued, or permitted.

## Article II. Taxicabs and Livery Vehicles

### **§ 390-6. Definitions.**

For the purpose of this article, the following definitions shall be applicable:

#### CHAUFFEUR LICENSE

A permit granted by the Taxi and Livery Commission to any person to drive a medallioned taxicab or livery vehicle within the limits of the City of Springfield.

#### CRUISE

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. This definition does not apply to livery vehicles.

#### HAIL

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 except where prohibited. This definition does not apply to livery vehicles.

#### LIVERY VEHICLE

A limousine or other vehicle, primarily garaged or primarily engaged for hire in the City of Springfield, which is designed to carry passengers under prearranged contract for an agreed-upon hourly fare, or a motor vehicle on a schedule along a regular route without the use of a taximeter. "For hire" shall mean a vehicle hired to carry passenger(s) by either a prearranged contract for an agreed-upon hourly fare, an oral agreement for an agreed-upon hourly fare, or a direct-pay agreement with a taximeter. "Livery vehicle" shall not mean a charter, business courtesy, employee shuttle, or customer shuttle of a business that is not primarily engaged in transportation services. "Livery vehicle" shall also not mean any van or wheelchair van vehicle used by any contracted or licensed provider, licensed hospital, or its affiliates, of the Executive Office of Health and Human Services (EOHHS), including but not limited to the Department of Public Health, Human Service Transportation, and the Disability Determination Services; provided, however, that any contracted or licensed provider, licensed hospital, and its affiliates shall share all relevant vehicle safety information on an annual basis, upon request of the Taxi and Livery Commission.

All livery vehicle owners and operators must obtain written approval from the City of Springfield Taxi and Livery Commission prior to operating a livery business within the City. All livery plated vehicles must have a livery license issued by the Registry of Motor Vehicles after obtaining written approval from the City of Springfield Taxi and Livery Commission. All livery vehicle owners and operators shall abide by the City of Springfield Taxi and Livery Commission's Ordinances and Rules and Regulations

#### MEDALLION

A permit granted by the Taxi and Livery Commission to operate one specific taxicab or livery vehicle within the City of Springfield.

#### OWNER

A person, firm, partnership or corporation in whose name a Massachusetts registration for a taxicab or livery vehicle is issued pursuant to the Registry of Motor Vehicles of the Commonwealth of Massachusetts.

#### TAXI AND LIVERY COMMISSION

The local permit-granting authority to license taxicabs and livery vehicles in the City of Springfield.

#### TAXICAB

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 article, 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.

#### TAXICAB STAND

Any place designed by the Taxi and Livery Commission along a curb or street or other public way as a place at which only taxicabs may park or stand.

#### TAXIMETER

A meter instrument or device attached to taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

#### WAITING TIME

All times during which the taxicab is not in motion, beginning three minutes after its arrival at the place to which it has been called after having been

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.

**§ 390-7. Taxi and Livery Commission.**

- 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 MGL c. 40, § 22, 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 Taxi and Livery Commission, hereinafter the "Commission," to be the local permit-granting authority for the regulation of taxicabs and livery vehicles doing business in the City of Springfield.
- B. The Commission shall consist of five members, all of whom shall be residents of the City of Springfield, and have the authority to issue regulations pursuant to this article and to hold hearings on violations of this article, 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 Police Commissioner or his/her designee;
  - 3. The City Solicitor or his/her designee; and
  - 4. Two other members appointed by the Mayor, one of whom should have some experience in the taxicab or livery industry.
- C. The Commission shall make determinations as to the issuance of medallions and the enforcement of this article, 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 by one of the following: City of Springfield Department of Public Works, Massachusetts State Police, Massachusetts Registry of Motor Vehicles or an officer of the Springfield Police Department.
- E. The Commission shall issue chauffeur licenses for all drivers of taxicabs and livery vehicles. The Commission shall from time to time review and set insurance coverage requirements for taxicabs and livery vehicles.



- 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 12 months from the date of the enactment of this article.

**§ 390-8. Rules, orders and regulations.**

All owners and drivers of taxicabs and livery vehicles 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 Commission relating to the licensing and regulation of taxicabs and livery vehicles.

**§ 390-9. 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 article, including the inspection of vehicles and the prosecution of violations of the provisions of this article, or of any rule, order or regulation adopted by the Commission relating to such business.

**§ 390-10. Smoking, firearms and scanners prohibited.**

- A. No person driving a taxicab or livery vehicle shall have in his possession a lighted cigarette, cigar or pipe at any time, with or without fares present.
- B. No person driving a taxicab or livery vehicle shall have in his possession a firearm, with or without fares present.
- C. No person driving a taxicab or livery vehicle shall have a scanner, either functional or nonfunctional, in said vehicle. If any taxicab or livery driver is found with a scanner in his possession, he shall be fined \$100 for the first offense and shall be fined \$300 and be suspended for six months for a second or subsequent offense.

**§ 390-11. Hailing, cruising, standing and waiting of taxicabs.**

- 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 taxicab shall be allowed to cruise, 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 Taxi and Livery Commission. Livery vehicles shall not at any time be permitted to be hailed by, or cruise, stand or wait for, passengers in any street, square or public place.
- B. The Commission may from time to time designate locations in streets, squares or public places where and the hours during which taxicabs may cruise, stand or wait for passengers,

and may cancel or change such locations or hours as and whenever the public interests seem to require such changes.

**§ 390-12. Rates.**

- A. No owner or driver of a taxicab shall charge any passenger any higher rate for any service than those that shall from time to time be fixed by ordinance or by rules or orders of the Commission.
- B. A schedule of such rates then in force shall be delivered to every owner and every driver of a taxicab at the time of the delivery to them of their licenses, and new schedules shall be so delivered by the Secretary of the Commission to all licensees whenever such rates may be changed.

**§ 390-13. Suspension of license for violations.**

The Commission may suspend or revoke any chauffeur's license or medallion/vehicle license issued under this article for the violation of such provisions or of any law or of any rule or order of the Commission relating to the licensing and regulation of taxicabs and livery vehicles.

**§ 390-14. Leasing of vehicles.**

No person shall be allowed to lease or operate a taxicab or livery vehicle without a valid chauffeur's license. The Commission shall fine any owner who leases a taxicab or livery vehicle to, or who allows operation of a taxicab or livery vehicle by, a person who does not possess a valid chauffeur's license. The fine shall be \$100 for the first offense and \$200 for the second or subsequent offenses.

**§ 390-15. Application for licenses and medallions.**

- A. Applications for chauffeur's licenses and medallion/vehicle licenses issued under this article shall be made to the Commission on forms furnished by it, and shall set forth, under oath, such information as such Commission may require.
- B. Chauffeur's license application requirements.
  - 1. All applicants must be 19 years old.
  - 2. All applicants must have two years' driving experience.
  - 3. All applicants must have a valid Massachusetts license. The license may not have been revoked, suspended, conditional, probationary, or restricted or have a nonrenewable status.

4. All applicants must present an original Social Security card.
  5. No applicant may have any outstanding obligations to the Department of Motor Vehicles, Commonwealth of Massachusetts, or City of Springfield.
  6. All applicants must complete a City of Springfield taxi and livery application.
  7. All applicants must present proof of U.S. citizenship or legal residency in the U.S.
  8. All applicants must present proof of a legal address.
  9. All applicants must have fingerprints and photos taken and on file.
  10. All applicants must have a completed medical certification form.
  11. All applicants must complete a criminal history background request form.
  12. No applicant may hold any prior convictions for driving under the influence.
  13. No applicant may possess any prior convictions for leaving the scene of property damage or personal injury accidents.
  14. No applicant may possess any prior convictions for drug distribution, any crimes of violence specifically, assault and battery by means of a dangerous weapon or sexual assault cases. (Consideration may be taken for applicants who have been offense-free, in combination with his/her driving record, for a period of at least five years.)
  15. All applicants must show a closed status for any prior cases/arraignments.
  16. No applicant may be serving any portion of a court-ordered probation.
  17. All applicants must pay a nonrefundable application fee of \$25 at the time of submitting the application, and an additional licensing fee of \$25 at the time of issue.
  18. All applicants that are approved and licensed will be responsible for a license replacement fee of \$20 for any duplicate license issued.
  19. All applicants must pay a nonrefundable application fee of \$50 to operate a livery vehicle in the City.
- C. All applicants must report any address changes within seven days to the licensing authority at the Springfield Police Department. All unreported changes will be subject to suspension.

- D. All applications, once approved, will be held for one month from the approval date and then will be discarded and applicant will have to reapply.
- E. A "complaint" sticker must be in each taxicab and livery vehicle. It is the responsibility of each operator to ensure that such sticker is in place in the taxicab and livery vehicle. "Complaint" stickers are part of the required equipment mandated by the Taxi and Livery Commission. A fine of \$25 will be assessed to the driver if he/she is found in violation of this requirement.

**§ 390-16. Power to issue licenses and medallions.**

The Commission shall have the power to grant and issue medallions/vehicle licenses and chauffeur's licenses referred to in this article, subject to the approval of the Mayor.

**§ 390-17. Numbering of licenses and taxicabs.**

Taxicab vehicle licenses shall be numbered in order as granted and shall be at least four inches in height. Numbering of taxicabs shall not apply to livery vehicles.

**§ 390-18. Signature and contents of license; duration.**

- A. Every taxicab and livery vehicle chauffeur's license and vehicle license shall be signed by the Secretary of the Commission.
- B. The license 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.

**§ 390-19. Medallions.**

- A. The Commission shall issue to the licensee a medallion for each taxicab and livery vehicle to be operated thereunder, bearing the words:

Taxi/Livery Vehicle License No. \_\_\_\_\_ Springfield, Mass

- B. Such medallion shall be attached to the exterior of each taxicab and livery vehicle. The numbering and exact location of such medallion will be determined by the Commission.
- C. Medallions shall be a permanent taxicab vehicle license number or a permanent livery vehicle license number and be assigned to each licensed taxicab and livery. Medallions shall

be issued in conjunction with the taxi license or livery license by the Commission. Under no condition is the medallion/license transferable or may it be sold from one taxi or livery company or operator to another. The numerical sequence, size, material and style shall be determined by the 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 Commission and for the fee of \$50 per transfer.

D. The fee for a two-year medallion shall be \$300.

**§ 390-20. Driver's license fee.**

The fee for a taxicab or livery driver's license shall be \$50 for a license that shall not exceed a period of two years.

**§ 390-21. Chauffeur's license identification card.**

- A. The licensing agent for the Commission shall deliver to the operator an identification card which serves as a license that consists of his/her photo, date of birth, place of birth, height, weight, eye color, race, issue date, expiration date, and last four digits of his/her social security number. This I.D. must be worn on the outer clothing in full view while operating a taxicab or livery vehicle.
- B. No such licensee shall at any time permit or suffer any other person to wear such badge, nor shall any person at any time wear such badge issued to another.
- C. The licensee shall at all times when driving or in charge of a taxicab or livery vehicle carry such card and the license under which such taxicab or livery vehicle is operated or a copy of such license and shall show the same whenever so requested by a member of the Commission or by any police officer.

**§ 390-22. Competency of driver.**

The Commission shall issue chauffeur's licenses upon such terms and conditions as it deems proper to ensure the safety of passenger only after a medical certification is signed by a medical practitioner such as a physician, nurse practitioner or a physician's assistant stating that the driver is fit or unfit to safely operate a taxicab or livery vehicle. This certification must include the name, address, signature, license number, and phone number. This certification must be submitted subsequently and in addition to an application with the proper nonrefundable fee.

**§ 390-23. Vehicle partitions.**

Two-thirds of a taxicab owner's fleet must have security partitions installed between the operator and fare.

**§ 390-24. Accidents.**

- A. Taxi and livery licenses will be permanently revoked after operator's liable involvement in two hit-and-run accidents.
- B. Operators involved in two accidents for which the operator is liable in a one-year time period will be subject to a six-month license suspension. (Liability will be determined by the Commission after providing the operator due notice and opportunity to be heard.) Any subsequent accident for which the operator is liable, after license reinstatement, will be subject to permanent license revocation. (Liability will be determined by the Commission after providing the operator due notice and opportunity to be heard.)
- C. Failure to report any accident (major/minor) to the owner, the Springfield Police Department, or the police department of the city or town having jurisdiction in which the accident occurred will be subject to permanent license revocation.

**§ 390-25. Use of horns.**

Horn use is not allowed for the purpose of announcing presence and/or to call upon a fare and is prohibited and subject to fines of \$25 per violation. Horns are to be used only in an emergency situation.

**§ 390-26. Fines for vehicle appearance violations.**

Fines for vehicle appearance violations shall be as follows:

- A. Unhygienic, unclean interior: \$15.
- B. Exterior soiled; unclean windows that hinder vision: \$15.

**§ 390-27. Violations and penalties.**

- A. The following violations will be punishable as follows: first violation, \$25; second violation, \$50; third and subsequent violation, twenty-one-day license suspension:
  - 1. Dress code, uniform shirt;
  - 2. No smoking allowed in cab with or without fare, at all times;
  - 3. Cell phone use with fare present and driving;
  - 4. Missing log; and
  - 5. Front seat occupied (except when all seats are occupied or if the passenger has a visible medical reason).

- B. If any taxi and/or livery vehicle has been conducting business within the City of Springfield without a valid license or medallion issued by the Taxi and Livery Commission, a fine of \$300 shall be imposed for each violation.
- C. If any taxi and/or livery vehicle has been suspended from operating in the City of Springfield by the Taxi and Livery Commission and is then found to be in violation of any order, ruling or decision of the Commission by unlawfully conducting business within the City, a fine of \$300 shall be imposed for each violation.

### **Chapter 401 - WASTE HAULING SERVICES**

#### **§ 401-1. Definitions.**

For the purpose of this chapter, the following definitions shall be applicable:

##### **APPROVED DISPOSAL SITE**

Any solid waste disposal facility licensed pursuant to MGL c. 111, § 150A, or by other appropriate public authority.

##### **BULK WASTE**

All large items of refuse such as appliances, furniture, large auto parts, boilers or furnaces, etc.

##### **BULK WASTE HAULER**

A person or company, licensed by the City, having ability and providing collection and proper disposition of bulky items, including household furniture, appliances and Freon-containing appliances.

##### **COMMERCIAL DISTRICT**

Any district in the City with sufficient concentration of commercial properties, as determined by the Director of Public Works, in accordance with the relevant planning and zoning rules and regulations.

##### **COMMERCIAL OR RESIDENTIAL WASTE HAULER**

A person or company, licensed by the City, having ability and providing disposal of commercial or residential waste at an approved disposal site; curbside collection and disposition of recyclable items from commercial or residential customers; and collection and proper disposition of yard waste from commercial or residential customers.

##### **DUMPING**

The discarding, dropping, placing, throwing, depositing or dispensing of waste.

#### GARBAGE

Any putrescible animal and vegetable material resulting from the handling, preparation, cooking and consumption of food.

#### HAULING PLAN

A plan describing the details of collecting, hauling or disposing of bulk and waste in the City, submitted by a licensee to the City.

#### HAZARDOUS WASTE

A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics 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 by-product material as defined by the Atomic Energy Acts of 1954.

#### HOMEOWNER

The legal owner, tenant, renter, or occupant of a house, apartment, building, structure or mobile home.

#### LICENSE

A permit granting the 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.

#### LICENSEE

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 by the licensee.

#### LITTER

"Garbage," "refuse" and "rubbish" as defined in Chapter 327, Solid Waste, § 327-1, 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.

#### PERSON

Any individual, firm, partnership, association, corporation, company, group of individuals acting for a common purpose or organization of any kind, except a governmental agency.

#### PREMISES

In the case of improved ground, any building or portion thereof, or in the case of unimproved ground, each separate parcel or lot thereof.

#### RECYCLABLES

Aluminum cans, glass, ferrous metal cans, newspaper, corrugated paper, etc., as defined by Chapter 327, Solid Waste, Article II, Mandatory Recycling.

#### REFUSE

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, demolition waste, 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.

#### RUBBISH

All nonputrescible solid material consisting of both combustible and noncombustible material, including, but not limited to, paper, wrappings, cigarettes, cardboard, tin and aluminum cans, wood, glass, concrete, dirt, plaster, plasterboard, roofing material, nails, bedding, crockery and similar material.

#### VEHICLE

Every device in, upon or by which any person or property may be transported or drawn upon a highway.

#### WASTE

All "garbage," "refuse" and "rubbish," as defined in this chapter, and in Chapter 327, Solid Waste, § 327-1, 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.

#### YARD WASTE

All grass clippings, weeds, hedge clippings, garden waste, leaves, and twigs and brush not longer than two feet in length and 1/2 inch in diameter.

#### **§ 401-2. Collection and removal of waste.**

All waste, recyclables and yard waste in the City on any premises shall be collected, removed, conveyed, and disposed of only by the City or a person licensed by the City as a commercial waste hauler or said licensee's employees at an approved disposal site; provided, however, that this section shall not be construed to prohibit the actual producers of waste, recyclables, and yard waste or the owners of premises upon which waste, recyclables and yard waste has accumulated, from personally collecting, conveying and disposing of such waste, recyclables, and yard waste in accordance with the applicable provisions of this chapter and any other applicable provision of the City ordinances.

#### **§ 401-3. License required; qualifications; application; issuance.**

- A. It shall be unlawful for any person, without a license from the Department of Public Works (DPW), to collect waste, recyclables or yard waste and to enter into a contractual relationship for bulk or waste collection services with the owner, lessee or occupant of the premises from which such waste originates. Any person desiring a license to collect waste, recyclables or yard waste shall make application for the same to DPW upon a form prescribed by DPW.
- B. The license year shall commence on July 1 and shall expire on the following June 30. A copy of such license shall be maintained in each vehicle used by the licensee to provide any services under such license from the City.
- C. Each applicant shall file with DPW a bond, the sum of which is to be determined by the City at the time of application, contingent upon the rules and regulation prescribed by DPW. 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 with this chapter and/or is 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. Before any license may be issued, the applicant shall, if the application is approved by DPW, deposit with DPW proof of insurance as follows:
  - 1. Workers' compensation insurance and employer's liability insurance as required by law.
  - 2. Comprehensive general and automobile liability insurance, including coverage for non-owned and hired vehicles, which names the City as an additional insured and which provides coverage in the amount of \$500,000 for any single claim and \$1,000,000 for multiple claims from any single occurrence.
- 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 waste or bulk waste in the licensee's employ possesses a valid operator's license.
  - 3. Ensure that each vehicle used in the business of hauling waste, recyclables, and/or bulk waste shall be maintained in compliance with any applicable local, state, or federal laws.

**§ 401-4. Annual fees.**

The annual fee for a residential bulk waste hauler's license shall be \$100. The annual fee for a commercial or residential waste hauler's license shall be \$500. No such license shall be issued until the required fee is paid. In addition to the annual fee for a commercial or residential waste hauler's license, the licensee will pay \$100 for each vehicle used by the licensee to provide any services under such license within the City limits, first vehicle on said license excepted. All license fees shall be deposited into the City's general fund account.

**§ 401-5. Operational requirements; recordkeeping.**

- A. A licensee must comply with the following operational requirements:

1. The licensee shall operate in a manner consistent with information provided on its license application submittal and shall provide a written notice to DPW within 10 days of any changes in the information, forms or certificates filed as a part of the license application process.
2. The licensee shall comply with all state, county and local laws and regulations.
3. The licensee shall cooperate with the City in case of complaints received by the City, or other investigations related to the services provided by the licensee. The licensee shall also cooperate with the City when managing natural or man-made disasters.
4. No individual residential collection of waste, recyclables or yard waste shall be made, except between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. Individual residential collection operations outside these hours may also be conducted to accommodate recognized national holidays or a special pick-up herein defined. Customers shall be reasonably notified of the specific day for the collection of their refuse, recyclables and yard waste, and the licensee shall collect the materials within those time periods.
5. Each licensed waste, recyclable and yard waste collector shall be prohibited from operating its vehicles in the private driveways of residential and multiple dwellings having individual residential collection service, with the exception of such dwellings with driveways in excess of 100 feet in length. No licensed collector who is exempt hereunder shall operate any vehicle in reverse unless reverse operation of the vehicle is necessary for safe egress from the driveway.
6. Each licensee shall ensure that the contents of all material storage containers shall be transferred to the collection vehicle without spillage, or, if any spilling occurs, it shall be forthwith cleaned up completely. Upon completion, the containers shall be completely emptied and returned to the area adjacent to the customer's premises, and the lids of the containers shall be replaced.
7. Each licensee shall only use vehicles and equipment so constructed that the contents will not leak or spill. The vehicles and equipment shall also be kept clean and as free from offensive odors as possible, and shall not stand in any street, alley or public place longer than is reasonably necessary to collect waste, recyclables and yard waste.
8. Each licensee shall provide its individual residential collection customers with an opportunity to recycle through the biweekly household collection of recyclables. The household collection of targeted recyclables shall be on the same day as the collection of the customers' refuse, but may occur at a different time within that day. The targeted recyclables collection shall be from a location consistent with City ordinance. The

licensee is deemed the owner of the recyclables and, upon collection, the licensee may market the recyclables. Nothing herein shall be construed to prevent a licensee from offering household recyclable collection for other recyclable materials, in addition to the defined recyclables.

9. Each licensee shall provide for a separate collection of yard waste for customers who receive individual residential collection service. This yard waste collection shall be offered on a biweekly basis from April 1 through December 31. The yard waste collection shall be provided in a location consistent with City ordinance. The yard waste containers on collection day shall be at the location as provided in the City ordinance. The licensee shall be required to collect yard waste on the same day as recyclables, but shall give reasonable notice and instructions to the customers, and shall ensure that refuse, recyclables and yard waste materials are not mixed at the time of collection and final disposal. The collected yard waste shall only be disposed of at a composting facility authorized or approved by DPW.
10. Each licensee shall submit an annual report to DPW, which identifies separately the weight, in tons, of waste, recyclables, yard waste and bulk pick-up materials that were collected by the licensee from City sources. The report must be provided at least 30 days before the expiration of the current license, and shall be on a form approved by DPW. The licensee shall also submit such report at any time DPW makes a request for an up-to-date report, within 10 days of such request. The report shall also identify the weight of each type of collected recyclable derived via actual weighing of each individual material or through the application of recyclable waste stream percentages acceptable to DPW. The report shall include a summary, including receipts, of all revenues derived by the collector for each targeted recyclable material market during the year. The report shall distinguish residential collection tonnage from commercial/industrial tonnage and shall also include a brief description of the methodology used in computing the reported weights. DPW may request additional relevant information from the licensee as deemed necessary in order to plan for and evaluate its waste disposal system.
11. Each licensee shall provide customers which receive individual residential collection with the option of paying volume-based fees for the collection.
12. Each licensee must provide its customers with collection containers that meet all of the requirements of City ordinance. Containers provided by the licensee shall differ in a substantially identifiable way from the City's containers, and must be approved by DPW.
13. Each licensee shall annually notify customers with whom it has a contractual relationship of the proper placement of waste, recyclables and yard waste for collection, as specified in City ordinance. The notice shall also be given to all new customers of the licensee upon establishing a contractual relationship with the customer. It shall be

unlawful for any licensee to direct, suggest or imply to any customer that containers may be placed for collection in any location in violation of City ordinances.

14. Occupants of residential dwellings managed by associations or other management entities shall have the same opportunity to recycle as do occupants of other residential dwellings. It shall be unlawful for the licensee to negotiate, execute or maintain a contract for residential waste or yard waste collection with any residential dwelling association or other residential dwelling management entity unless it includes, as a part of that contract or as a part of a separate contract, collection of recyclables on the same day as its refuse collection.
  15. Occupants of a multiple-dwelling complex managed by an association or other management entity shall have the same opportunity to recycle as do occupants of other residential dwellings. It shall be unlawful for the licensee to negotiate, execute or maintain a contract for collection of waste or yard waste with any multiple-dwelling association or management entity unless it includes, as a part of the contract or as a part of a separate contract, a minimum of biweekly collection of recyclables.
- B. Every licensed bulk and waste hauler shall retain all receipts from approved disposal sites for a period of six years. Such records shall be subject to inspection at all times by DPW or any other City department authorized to conduct inspection or investigation of records, as specified in rules and regulations.

**§ 401-6. Disposal of waste and bulk waste; liability for violations.**

- 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 that is registered to a hauler licensed by the City, which is found illegally dumping bulk or waste items as provided by this chapter, and further testimony that the record of the Department of Public Works or the Registry of Motor Vehicles shows that such license and registration were issued to the defendant, shall be prima facie evidence that the act of illegally dumping of bulk or waste was committed by the defendant.

**§ 401-7. Transferability of license; refunds.**

Licenses are not transferable. No license fee refunds shall be issued by the City for any period during which the licensee did not benefit financially from such licensure.

**§ 401-8. Revocation, suspension, and nonrenewal of licenses.**

The City reserves the right to revoke, suspend or not renew the license for violations of this chapter, or impose civil penalties. Written notice of the revocation, suspension, nonrenewal

or penalties shall be mailed to the licensee informing the licensee of the complaint(s) and violation(s) against them. Notice hereunder shall be deemed sufficient if it is sent to the address of the licensee shown on the most recent license application on file with the Department of Public Works (DPW). The notice shall provide the licensee the opportunity to be heard and to cure the violation before the action is taken. The licensee shall be afforded 10 days to cure the named violation, subject to verification and approval of any corrective action(s) by DPW.

**§ 401-9. Appeals.**

- A. Any applicant whose application for a bulk and/or 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 (DPW). Such applicant may appeal the denial to a board of appeals consisting of the Director of Code Enforcement/Buildings, who shall act as chair of the board of appeals, Director of the Health Department and the Director of Neighborhood and Housing Services, or their designees. A written request for an appeal hearing shall be submitted to DPW within 10 days after receipt of the application denial notice.
- B. The Director of Public Works or his designee, upon the recommendation of the Police Commissioner or his designee, or as a result of his own investigation, may revoke or suspend the license issued to any person for the reasons stated in this chapter. The Director of Public Works or his designee shall notify in writing any person whose license has been revoked or suspended. Such person may appeal the revocation or suspension 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 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 60 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 30 days after the hearing is concluded. The administrative ruling of the board of appeals is final.

**§ 401-10. Violations and penalties.**

Any violation of the provisions of this chapter shall be grounds for suspension, revocation, or the imposition of fines from \$30 to 300 per day, per each instance of violation, based on the severity, persistence or reoccurrence of the violation.

**§ 401-11. Additional regulations.**

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.

#### **Chapter 405 - WATER**

##### **§ 405-1. Water Department officers.**

The officers of the Water Department, under the direction of the Board of Water Commissioners, shall consist of the Chief Water Engineer and a Water Registrar, who shall be appointed by the Board of Water Commissioners in accordance with General Laws Chapter 31.

##### **§ 405-2. Compensation of Board of Water Commissioners.**

The members of the Board of Water Commissioners shall serve without compensation.

##### **§ 405-3. Abatement or change of bills.**

Whenever any bill that has been committed to the City Collector as provided in this chapter or Chapter 300, Sewers, is abated or changed, a memorandum of such abatement or change shall be sent to him and to the City Auditor by the Water Registrar, as a temporary voucher for the amount of the same; and at the close of each fiscal year, a certificate for the total amount as shown in detail on the books of the Department, of such abatements or changes made during the year on the monthly lists committed, shall be signed by the Chairman of the Board of Water Commissioners, or in his absence, by some other member thereof, and shall be sent to the Collector and become his permanent voucher for the amounts therein stated.

##### **§ 405-4. Collections.**

The Board of Water Commissioners shall not themselves, or by any officer or person connected with or in the employ of their department, collect any bill or money due the City on account of such department.

##### **§ 405-5. Rules and regulations; compliance required.**

- A. The Board of Water Commissioners may prescribe rules and regulations not conflicting with any ordinance of the City, for the introduction and use of City water and payment therefor and for the inspection, material, construction, alteration or use of all water pipes and of water fixtures of every kind through which water supplied by the City is used by any person, printed copies of which rules and regulations shall be furnished to all persons taking water of the City.
- B. Any person violating any of such rules and regulations shall be subject to a fine not exceeding \$20.



- C. Such Board may prohibit the use of water by any person neglecting or refusing to comply with such rules and regulations.

**§ 405-6. Assessments.**

The Board of Water Commissioners shall levy special assessments to meet the whole or part of the cost incurred in laying pipes in public and private ways for the conveyance or distribution of water to the public.

- A. Owner to pay proportionate share. An owner of land which receives benefit from the laying of water pipes in public and private ways upon which his land abuts or which by more remote means receives benefit through the supply of water to his land or buildings shall pay a proportionate part of the cost not already assessed of extending such water supply to his land.
- B. Costs included in assessments. The amount to be charged by the Board of Water Commissioners against each parcel receiving the benefits outlined in Subsection A shall include the cost of the pipes and other material and of the labor in laying them and other expenses incidental thereto and shall be ascertained and certified by the Board of Water Commissioners.
- C. Determination of individual assessment. The assessments to be levied by the Board of Water Commissioners under this section shall be made upon the several parcels of land receiving benefit from the laying of such pipes by a fixed uniform rate based upon the estimated average cost of all the water pipes therein and the laying thereof, according to the frontage of such land on any way in which a water pipe is laid, or according to the area of such land within a fixed depth from such a way, or according to valuation for purposes of taxation in the last annual assessment, or according to two or all of such measures.
- D. Time for payment. The Board of Water Commissioners shall, if the order for assessment is upon land not built upon, extend the time of payment of the assessment and interest thereon at the rate of 4% until it is built upon or for a fixed time; and the assessment and interest shall be collected by said Board within three months after said land is built upon or at the expiration of such fixed period.

**§ 405-7. Water used by contractors under City contract.**

All City water used by private contractors under City contracts shall be charged for and collected at the regular schedule of rates for the same, and payment therefor by such contractors shall be provided for in the specifications of each such contract.

**§ 405-8. Water used by City.**

Except as provided in § 405-7, no charge shall be collected for water furnished the City and used for municipal purposes, but the Board of Water Commissioners may in its annual report, and on the books of the department, credit annually the Water Department with the value of the water furnished the City for municipal purposes, to be estimated as follows:

- A. For fire protection: \$25 for each and every fire hydrant.
- B. For street watering: an average of \$0.015 for each and every linear foot of surface watered during the season.
- C. For flushing sewers and drains: \$10 for each and every flush gate or other fixture used for such purpose.
- D. For public drinking fountains for persons: \$20 for each and every such fountain.
- E. For all other uses of City water for municipal purposes: the regular rates for private takers.

#### **Chapter 412 - WEAPONS AND EXPLOSIVES**

##### **§ 412-1. Explosives on railroad tracks prohibited.**

No person shall willfully, intentionally and without right throw into, against or upon, or put or place or explode, or cause to be exploded on the track of any railway company, gunpowder or other explosive, or a bombshell, torpedo or other instrument filled or loaded with an explosive.

##### **§ 412-2. Discharging firearms and weapons.**

No person shall discharge any gun, pistol or other firearm in any of the streets, highways, public squares or commons in the City; provided that this section shall not apply to the use of such weapons in the lawful defense of the person, family or property of anyone, or in the performance of any duty required by law, nor to the firing of a salute of cannon or artillery by permission of the Mayor and City Council.

##### **§ 412-3. Air guns and other firearms; violations and penalties.**

No person under the age of 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 to which 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 \$50, and the air rifle or so-called BB gun or other weapon shall be confiscated. Upon conviction of a violation of this section, the air rifle, 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 MGL c. 269, § 10. Any person who is in willful violation of this section may be arrested without a warrant by a police officer where the offense is committed and kept in custody until he/she can be taken before a court having jurisdiction over the offense as prescribed in MGL c. 272, § 59.

**§ 412-4. Steel-pointed darts or missiles.**

No steel-pointed darts or pointed missiles shall be sold at retail within the limits of the City to any person less than 16 years of age.

**§ 412-5. Steel knives, machetes or swords.**

No steel knives, machetes or swords with a blade length of 17 inches or more shall be sold at retail within the limits of the City to any person less than 16 years of age.

**Chapter 417 - WETLANDS**

**§ 417-1. Purpose.**

The purpose of this chapter is to protect the wetlands, related water resources, and adjoining land areas 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, groundwater 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 chapter"). This chapter is further intended to provide a means for review and correction of activities performed by any person in violation of any provision contained herein.

**§ 417-2. Definitions.**

A. The following definitions shall apply in the interpretation and implementation of this chapter:

ALTER

Includes, without limitation, the following actions when undertaken in resource areas subject to this chapter:

1. Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind.
2. Changing of preexisting drainage characteristic, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
3. Drainage or other disturbance of water level of water table.
4. Dumping, discharging, or filling with any material or in any manner which may degrade water quality or interfere with any of the interests protected by this chapter.
5. Driving of piles, erection of building or structures of any kind.
6. Placing of obstructions or objects in water.
7. Destruction of plant life, including cutting of trees.
8. Changing water temperature, biochemical oxygen demand, or the physical or chemical characteristics of water.
9. Any activities, changes, or work which pollutes in any way any body of water or groundwater.

#### APPLICANT

A person giving notice of intention to build, remove, fill, dredge or alter or making a request for determination.

BANKS, BORDERING FRESHWATER WETLAND, FLAT, MARSH, WET MEADOW, BOG, SWAMP, ESTUARY, CREEK, RIVER, POND, LAKE AND BORDERING AND ISOLATED LAND SUBJECT TO FLOODING

Unless otherwise defined in this chapter, have the same meaning as in the Wetlands Protection Act and the regulations thereunder.

#### CUMULATIVE EFFECT

An activity has cumulative effect on the interests protected by this chapter 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 chapter and tends to reduce the capacity of that resource area to support or sustain the interests

protected by this chapter. 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 chapter.

#### ISOLATED WETLANDS

Areas of wetland vegetation (as defined above in this chapter) which are subject to flooding and consists of isolated depressions or closed basins which serve as a ponding area for run-off or high groundwater. Such areas must be at least 400 square feet in area and may include kettle holes and bogs.

#### PERSON

Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision 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.

#### SIGNIFICANT EFFECT

An activity has a significant effect on the interests protected by this chapter if it tends to reduce the capacity of that resource area to support or sustain the interests protected by this chapter.

#### TEMPORARY WETLANDS

Those areas of at least 400 square feet in area which are periodically flooded on a purely seasonal basis by high groundwater and/or run-off and include vernal and autumnal ponds. These areas can be either natural or artificial. If artificial, they must support a vegetative community that has naturally populated the subject area.

- B. Other definitions. The Commission may adopt additional definitions not inconsistent with this chapter in its regulation.

#### **§ 417-3. Scope of regulation.**

Except as permitted by the Conservation Commission or as provided in this chapter, 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 freshwater 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 groundwater or surface water or storm flowage; and upon or within

100 feet of any seasonal or temporary wetland, including certified or uncertified but known vernal pools. Any activity proposed or undertaken outside any area specified above shall be subject to regulation under this chapter 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.

**§ 417-4. Minimum setbacks; variances.**

- A. A minimum of a fifty-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-foot buffer.
- B. Variances may be granted by the Commission allowing work closer than 50 feet when it can be demonstrated by the applicant that work or alterations within the fifty-foot buffer will enhance the wetland interests specified under this chapter.

**§ 417-5. Exceptions.**

- A. The permit and application required by this chapter 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 chapter 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 advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission certifies the work as an emergency project, and provided that the work is performed only for the time and certified by the Conservation Commission for the limited purpose necessary to abate the emergency. Within 21 days of commencement of an emergency project, a permit application shall be filed with the Conservation Commission for review as provided in this chapter.
- C. The Commission may exempt by regulation the application of this chapter 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 Wetlands Protection Act.

- D. Other than as stated in this section, the exemptions provided in the Wetlands Protection Act and the regulations promulgated thereunder shall not apply.

**§ 417-6. Applications and permits; requests for determination.**

- 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 affect resource areas within the jurisdiction of this chapter. 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 Wetlands Protection Act, MGL 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 chapter, 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 chapter 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 chapter. 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.

**§ 417-7. 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, to all abutters according to the most recent records of the Assessors, and to all other persons, boards or agencies as the Conservation Commission shall in writing require. An "abutter" shall be defined as any person whose property is directly abutting the project site or is directly across a street or right-of-way from the project area. The notice shall include 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 a 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 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 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 21 days of the close of the public hearing thereon, or within 21 days of the close of any continuance of the prior public hearings.
- E. The Commission may combine its hearing under this chapter with the hearing conducted under the Wetlands 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 by the Conservation Commission in its 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 presubmission 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 as 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.

**§ 417-8. 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 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.

**§ 417-9. Issuance or denial of permit; conditions; term.**

- 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 chapter, the Commission, within 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 subject to an application are not likely to have a significant or cumulative effect upon the interests protected by this chapter, 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 chapter; 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 chapter; and where no conditions are adequate to protect those values.
- D. A permit shall expire three years from the date of issuance, and all work shall be completed prior to expiration. The Commission may extend a permit for additional one-year periods.
- E. For good cause, the Commission may revoke or modify a permit issued under this chapter.
- 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 by the holder of the permit in the Hampden County Registry of Deeds or court for the district wherein the land lies, and the holder of the permit has certified in writing to the Commission that the permit has been so recorded.

**§ 417-10. 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 chapter 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 chapter, no action, civil or criminal, shall be brought against such person unless such action is commenced within three years 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.

**§ 417-11. Enforcement; violations and penalties.**

- A. Any person(s) who receives an enforcement order from the Commission for a violation of this chapter shall, within 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 chapter 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 chapter, its regulations, and 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. As an alternative to criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL 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 chapter, regulations thereunder, or permits issued thereunder shall be punished by a fine of not more than \$300. 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.

**§ 417-12. Regulations.**

- A. After public notice and public hearing, the Commission shall promulgate rules and regulation to effectuate the purposes of this chapter. 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 chapter.
- B. At a minimum, these regulations shall define key terms in this chapter not inconsistent with this chapter.
- C. Unless otherwise stated in this chapter or in the rules and regulations promulgated under this chapter, 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 chapter shall apply.

**§ 417-13. 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 chapter. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this chapter shall be sufficient cause for the Commission to deny a permit.

**§ 417-14. Relation to Wetlands Protection Act.**

This chapter is adopted under Massachusetts General Laws Chapter 21, independent of the Wetlands Protection Act, MGL c. 131, § 40, and regulations thereunder.

**§ 417-15. Security.**

As part of a permit issued under this chapter, 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:

- A. By a proper bond or deposit of money or negotiable securities sufficient in the opinion of the Commission.

- B. 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 the 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.

**§ 417-16. Severability.**

- A. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof, nor shall it invalidate any order of conditions which previously had been issued.
- B. If any court of the Commonwealth shall invalidate any provision of this chapter or any regulation promulgated thereunder, the Conservation Commission shall present to the next City Council meeting after such invalidation amendments to this chapter which are designed to comply with any court decision invalidating such provision, and shall amend the regulations pursuant this chapter to comply with such decision.

**Chapter 418 - The Preservation of Historically Significant Buildings**

**§ 418-1. Intent and Purpose**

This ordinance is enacted for the purpose of preserving and protecting significant buildings within the City of Springfield which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the city and to limit the detrimental effect of demolition on the character of the city. By preserving and protecting significant buildings, streetscapes, and neighborhoods, this ordinance promotes the public welfare by making the city a more attractive and desirable place in which to live and work.

**§ 418-2. Definitions**

APPLICANT

Any person or entity who files an application for a demolition permit.

APPLICATION

An application for the demolition of a building.

BUILDING

Any combination of materials forming a shelter for persons, animals, or property.

#### BUILDING COMMISSIONER

The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

#### COMMISSION

The Springfield Historical Commission.

#### DEMOLITION

Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

#### DEMOLITION PERMIT

The permit issued by the Building Commissioner for a demolition of a building, excluding a permit issued solely for the demolition of the interior of a building.

#### PREFERABLY PRESERVED BUILDING

Any building within the City of Springfield which is one hundred years old or older, as recorded by the Assessor, or any building which is listed on, or is within a district listed on, the National Register of Historic Places.

#### **§ 418-3. Procedure**

- A. Within seven (7) days of receiving a demolition application, the Building Commissioner or his designee shall determine whether the building to be demolished is a Preferably Preserved Building. If the building is determined to be a Preferably Preserved Building or if the age of the building is unknown, then the Building Commissioner shall forward a copy of the application to the Commission. No demolition permit shall issue for a Preferably Preserved building for nine (9) months, following receipt of the application by the Commission.
- B. The Commission shall, within nine (9) months of receiving the application, determine whether the building should be designated a Historic District pursuant to Chapter 49 of the Revised Ordinances of the City of Springfield and Massachusetts General Laws Chapter 40C.
- C. If the Commission has not designated the building as a historic district, within nine (9) months of receiving the application, then the Building Commissioner may issue the demolition permit.

- D. This Chapter shall not apply to any building located in any area of the City designated a “Casino Overlay District” pursuant to Section 8.5 of the Springfield Zoning Ordinance and for which the State Gaming Commission has granted a license.

**§ 418-4. Exemption**

- A. The Commission may exempt any building from the provisions of this ordinance upon written request from the applicant. The request shall include (a) the address of the building to be demolished, (b) the owner's name, address and telephone number, (c) the reason for requesting a demolition permit, (d) photograph, drawing or description of the building.
- B. An exemption from the provisions of this ordinance shall require a majority vote of the Commission.
- C. If the Commission fails to act on a request for exemption within thirty (30) days of submission to the Commission then the exemption is granted.
  - a. Nothing in this Chapter shall be deemed to inhibit the Building Commissioner’s or Fire Commissioner’s ability to demolish buildings under Mass. Gen. Law c. 48, Mass. Gen. Law c. 143 §§ 6-9 and the Massachusetts Building Code.
  - b. Nothing in this Chapter shall be deemed to inhibit the Law Department’s ability to seek and enforce a court demolition order, provided the Law Department and/or the Office of Housing provides the Historical Commission notice upon filing a motion demolish a building and not less than sixty (60) days prior to demolition.
  - c. Nothing in this Chapter shall be deemed to inhibit the Office of Housing’s ability to demolish tax-foreclosed residential structures, provided the Office of Housing provides the Historical Commission with notice at least sixty (60) days prior to demolition.

**§ 418-5. Administration**

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

**§ 418-6. Emergency Demolition**

Nothing in this Chapter shall be deemed to inhibit the Building Commissioner’s or Fire Commissioner’s ability to demolish buildings under Mass. Gen. Law c. 48, Mass. Gen. Law c. 143 §§ 6-9 and the Massachusetts Building Code.

**§ 418-7. Historic District Act**

Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, M.G.L. Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

**§ 418-8. Severability**

In case any section, paragraph, or part of this ordinance be, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.