

# City Ordinances

Title 8  
Public Peace, Morals And Welfare  
Chapter 8.04  
Offenses Against Public Peace And Decency  
**8.04.010 Disorderly conduct.**

No person shall behave himself in a rude and disorderly manner. (Prior code §13-3)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.04  
Offenses Against Public Peace And Decency  
**8.04.020 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. (Prior code §13-24)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.04  
Offenses Against Public Peace And Decency  
**8.04.030 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. (Prior code §22-71)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.08  
Offenses Involving Property  
**8.08.010 Advertising--Affixing to lamppost.**

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. (Prior code §13-1)

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Title 8  
Public Peace, Morals And Welfare

Chapter 8.08  
Offenses Involving Property  
**8.08.020 Fence, signboard and awning.**

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. (Prior code §13-4)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.08  
Offenses Involving Property  
**8.08.030 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. (Prior code §13-5)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.08  
Offenses Involving Property  
**8.08.040 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, police officer, watchman, owner, agent or other person having charge of such church, hotel, hall or other public building, shall immediately depart therefrom. (Prior code §13-9)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.12  
Weapons And Explosives  
**8.12.010 Railroads--Explosives on tracks.**

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. (Prior code §13-10)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.12  
Weapons And Explosives  
**8.12.020 Weapons--Discharging firearms.**

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. (Prior code §13-14)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.12  
Weapons And Explosives  
**8.12.030 Weapons--Air guns and others.**

No person under the age of eighteen (18) shall have an air rifle, a CO2 rifle or so-called BB gun, or paint ball gun or any air powered weapon in his/her possession while in any place the public has a right of access unless he/she is accompanied by an adult or unless he/she has on his/her person a permit from the chief of police of a city or town in which he/she resides granting him/her the right of such possession or a firearm identification card. No person shall discharge or project by any means a BB shot, pellet or other object from an air rifle, a CO2 rifle or so-called BB gun, paint ball gun, pellet gun, air pipe, spring gun, water gun, bow gun or cross bow, or any other weapon any missile or substance whatsoever into, from or across any street, alley, public way, or railroad or railway right of way, or motor vehicle within the city. Whoever violates this section may be punished by a fine of fifty (\$50) dollars, and the air rifle or so-called BB gun or other weapon shall be confiscated. Upon conviction of the violation of this section the air rifle, a CO2 rifle or so-called BB gun or other weapon shall, by the written authority of the court, be forwarded to the colonel of the state police, who may dispose of said article in the same manner as prescribed in section 10 of chapter 269 of the General Laws. Any person who is in willful violation of this ordinance, may be arrested without a warrant by a police officer where the offence is committed and kept in custody until he/she can be taken before a court having jurisdiction of the offense as prescribed in section 59 of chapter 272 of the General Laws. (as amended 03/18/1999)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.12  
Weapons And Explosives  
**8.12.040 Weapons--Steelpointed darts or missiles.**

No steelpointed darts or pointed missiles shall be sold at retail within the limits of the city to any person less than sixteen (16) years of age. (Prior code §13-16)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.12  
Weapons And Explosives  
**8.12.050 Weapons--Steel knives, machetes or swords.**

No steel knives, machetes or swords with a blade length of seventeen (17) inches or more shall be sold at retail within the limits of the city to any person less than sixteen (16) years of age. (Prior code §13-17)

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Title 8  
Public Peace, Morals And Welfare

Chapter 8.16  
Curfew Hours For Minors  
**8.16.010 Purposes.**

- A. The city council of the city of Springfield has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of eighteen (18) in the city of Springfield.
- B. Persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime.
- C. The city of Springfield has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for the protection of the general public, and for the reduction of incidence of juvenile criminal activities.
- D. A curfew for those under the age of eighteen (18) will be in the interest of public health, safety, and general welfare and help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the city of Springfield. (added 07/01/1995)
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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.16  
Curfew Hours For Minors  
**8.16.020 Definitions.**

For the purpose of this chapter, the following definitions shall be applicable:

- A. "Curfew hours" Means 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.
- B. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- C. "Establishment" Means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
- D. "Guardian" Means a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.
- E. "Minor" Means any person under eighteen (18) years of age.
- F. "Operator" means any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- G. "Parent" Means a person who is a natural parent, adoptive parent, or step-parent of another person or at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- H. "Public Place" Means any place to which the public or a substantial group of the public has access and included, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

I. "Remain" Means to linger or stay or fail to leave premises when requested to do so by a police officer of the owner, operator, or other person in control of the premises.

J. "Serious Bodily Injury" Means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. (added 07/01/1995)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.16  
Curfew Hours For Minors  
**8.16.030 Offenses.**

A. A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

B. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

C. The owner, operator, or any employee of any establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours. (added 07/01/1995)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.16  
Curfew Hours For Minors  
**8.16.040 Defenses.**

A. It is a defense to prosecution under section 8.16.030 that the minor was:

1. Accompanied by the minor's parent or guardian;
2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
3. In a motor vehicle involved in interstate travel;
4. Engaged in an employment activity, or going to or returning from an employment activity, without any detour or stop.
5. Involved in an emergency;
6. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Springfield, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Springfield, a civic organization, or another similar entity that takes responsibility for the minor;
8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

9. Married or had been married in accordance with chapter 207, section 7 of the Massachusetts General Laws.

B. It is a defense to prosecution under section 8.16.030(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (added 07/01/1995)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.16  
Curfew Hours For Minors  
**8.16.050 Enforcement.**

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in "the public place". The officer shall not issue a citation under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.16.040 is present. (added 07/01/1995)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.16  
Curfew Hours For Minors  
**8.16.060 Violations--Penalties**

A. Criminal Disposition. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed three hundred dollars (\$300).

B. Noncriminal Disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under chapter 1.16.010. This chapter shall be enforced by the police department. The penalty for each violation shall be fifty dollars (\$50) for each day or part of a day during which the violation is committed, continued, or permitted. (added 07/01/1995)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.18  
School Attendance Curfew  
**8.18.010 Purpose and intent.**

A. Massachusetts General Laws chapter 76, sections 1 through 5 require compulsory attendance of children between six (6) and sixteen (16) years of age to attend either a public or private school. Massachusetts General Laws chapter 76 section 20, places the responsibility for enforcing the compulsory school attendance statues on every school committee throughout the state by providing for enforcement through supervisors of attendance. Massachusetts General Laws chapter 76, section 1 requires the school committee to provide for and enforce the school attendance of all children actually residing in the city. Children not attending schools may enter public and commercial establishments in order to avoid compulsory school attendance and children not attending school may become involved in criminal activity and are susceptible to injury and abuse during such times; and a curfew for school age children under sixteen (16) years of age will be in the interest of public health, safety, and general welfare to diminish the undesirable impact of such conduct on the citizens of the city of Springfield. (added 08/06/2002)

This ordinance shall be implemented for the August 2002, school year, and unless earlier repealed, shall expire at the close of the school year in June, 2003, unless reauthorized by a majority vote of the city council and approved by the mayor. (added 08/06/2002)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.18  
School Attendance Curfew  
**8.18.020 Employment and duties**

A. The School committee shall appoint, make regulations governing and for the compensation of one or more supervisors of attendance, who may be either male or female, and who shall meet such standards of qualifications for such work as shall be established by the department of education; provided that, such supervisors shall have attained the age of twenty-one years.

B. Supervisors of attendance shall inquire into all cases arising under this ordinance and under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen of the General Laws. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one of the General Laws; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred and forty of the General Laws.

C. The superintendent of schools shall create an attendance division and a position of attendance director. (added 08/06/2002)

This ordinance shall be implemented for the August 2002, school year, and unless earlier repealed, shall expire at the close of the school year in June, 2003, unless reauthorized by a majority vote of the city council and approved by the mayor. (added 08/06/2002)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.18  
School Attendance Curfew  
**8.18.030 Attendance at school.**

A. No child between the ages of six (6) and sixteen (16) years who is actually a resident in the city of Springfield shall be upon, in or about public streets, public places, commercial establishments or places of amusements and entertainment within the city during school hours (8:00 a.m. and 2:00 p.m., Monday to Friday) when said child is required to be in attendance at either a public or private school, an alternative program placement designated by the Springfield school committee, or is under suspension or expulsion from a public or private school, or an alternative program placement designated by the Springfield school committee.

B. A child between the ages of six (6) and Sixteen (16) years who is actually a resident in the city of Springfield may be picked by a supervisor of attendance or by a supervisor of attendance accompanied by a police officer from the Youth Aid Bureau ("YAB") or Student Support Unit ("SSU") designated by this ordinance and transported to the child's school and/or the Budd Youth Assessment Center ("Center") only during school hours (8:00 a.m. and 2:00 p.m., Monday to Friday). Once a supervisor of attendance or police officer is reasonably certain that a child is a truant, the child will be brought to the school and/or the Center. The child will undergo a comprehensive assessment, such to determine whether the child is actually truant, and the level of truancy.

C. The only police officers allowed to accompany a supervisor of attendance in picking up a child between the ages of six (6) and sixteen (16) and transport him or her to the school and/or the Center are police officers of the YAB and the SSU Supervisor of attendance designated by this ordinance will display special identification badges that specifically identify them as officers designated by this ordinance. Further, additional police officer may be identified and trained to enforce this ordinance. The Springfield police department will designate YAB or SSU police officers to be involved with the school attendance curfew ordinance through a careful selection process with recommendation and input from the advisory committee designated by this ordinance.

D. Any child between the ages of six (6) and sixteen (16) found upon, in or about public streets, public places, commercial establishments or places of amusement and entertainment within the city during school hours (8:00 a.m. and 2:00 p.m., Monday to Friday) when said child is required to be in attendance at either a public or private school, or an alternative program placement designated by the Springfield school committee shall be considered to be in compliance with this ordinance.

E. A child who has been suspended but also been placed in and is attending an alternative learning center program approved by the Springfield school committee shall be considered to be in compliance with this ordinance.

F. This ordinance shall not be implemented until an administrative policy has been approved by the following: an advisory committee (as defined in section 8.18.050), the mayor, the superintendent of schools, the school committee and the chief of police, with a quarterly review.

G. This shall be considered a sunset program for one (1) year, with the target locations for supervisions to be designated by the advisory committee, the mayor, the superintendent of schools and the chief of police.

H. Attendance by students is mandatory for every day and period school is in session. Teachers and attendance supervisors will mark attendance every school day and for every class period. (added 08/06/2002)

This ordinance shall be implemented for the August 2002, school year, and unless earlier repealed, shall expire at the close of the school year in June, 2003, unless reauthorized by a majority vote of the city council and approved by the mayor. (added 08/06/2002)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.18  
School Attendance Curfew  
**8.18.040 Defenses.**

A. The following are defenses to violations under this ordinance:

1. If the child is placed in a bona fide home schooling program certified by a school committee;
2. If the child is accompanied by a parent, guardian or other adult person having the care and custody of him or her;
3. If the child is upon an emergency errand or other legitimate business directed by a parent or guardian or other adult person having the care and custody of him or her;
4. If the child is in a motor vehicle involved in interstate or intrastate travel;
5. If the child is between the ages of fourteen (14) and sixteen (16) and meets the requirements for the completion of the sixth (6) grade of public school as established by the board of education and holds a permit for employment in private domestic service or service on a farm, under section 86 of Chapter 149

of the General Laws, and is regularly employed thereunder for at least six (6) hours per day or a child between fourteen (14) and sixteen (16) who meets said requirements and has the written permission of the superintendent of schools of the town where he resides to engage in non-wage earning employment at home, or a child over fourteen(14) years of age who holds a permit for employment in a cooperating employment, as provided in said section 86 of the General Laws;

6. If the child is a child whose physical or mental condition is such as to render attendance inexpedient or impracticable subject to the provisions of section 3 of Chapter 71B of the General Laws or of a child granted an employment permit by the superintendent of schools when such superintendent determined that the welfare of such child will be better served through the granting of such permit, or of a child who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee;

7. If the child is attending permitted religious education at such times as the school committee may establish;

8. The superintendent, or teachers in so far as authorized by him or by the school committee, may excuse cases of necessary absence for other causes not exceeding seven (7) day sessions or fourteen (14) half day sessions in a period of six (6) months;

9. If the child is involved in an emergency;

10. If the child is excused under any authorized excused absences established or to be established by the public or private school, or an alternative program placement designated by the Springfield school committee.

11. If the child has been expelled from school.

B. It is a defense to violation under this ordinance if the owner, operator, or employee of an establishment promptly notified the police department that a child was present on the premises of a commercial establishment or places of amusement and entertainment within the city during school hours (8:00 a.m. and 2:00 p.m.) and refuses to leave. (added 08/06/2002)

This ordinance shall be implemented for the August 2002, school year, and unless earlier repealed, shall expire at the close of the school year in June, 2003, unless reauthorized by a majority vote of the city council and approved by the mayor. (added 08/06/2002)

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## Title 8

### Public Peace, Morals And Welfare

#### Chapter 8.18

##### School Attendance Curfew

#### **8.18.050 Enforcement.**

A. Before taking any enforcement action under this ordinance, a supervisor of attendance or a supervisor of attendance accompanied by police officer designated by this ordinance shall ask the apparent offender's age and reason for being in the public place. Any child attending school in the city of Springfield shall during school hours (8:00 a.m. and 2:00 p.m., Monday to Friday) carry on their person a school identification card issued by their school. The supervisor of attendance or police officer shall not issue a citation under this ordinance unless it has been established that the child is truant or that the said police officer or supervisor of attendance reasonably believes that the child is an established truant and that, based on any response and other circumstances, no defense as set forth in section 8.16.030 is present. No police officer while accompanying a supervisor of attendance in the enforcement of this ordinance shall place a child under arrest for any violation of this ordinance.

B. Notwithstanding any provision of this ordinance to the contrary, no police officer shall be relieved of his statutory duties and responsibilities to apprehend youths who are run-a-ways or missing children as required under the laws or any other rules and regulations of the city or Commonwealth of Massachusetts. (added 08/06/2002)

C. Once the child arrives at the school and/or Center the following will occur:

1. Verification of the child's identification;
2. Notification of the parents/guardians; and
3. Notification of the appropriate school authorities.

This ordinance shall be implemented for the August 2002, school year, and unless earlier repealed, shall expire at the close of the school year in June, 2003, unless reauthorized by a majority vote of the city council and approved by the mayor. (added 08/06/2002)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.18  
School Attendance Curfew  
**8.18.060 Advisory Committee.**

A. There shall be established in the city an advisory committee. The purpose of the advisory committee is to monitor the program and make policy recommendations to the mayor and the city council. The advisory committee shall consist of nine (9) persons, appointed by the mayor, and may include a diverse representation of various cultural, civic, religious, parental, judicial, and other designated youth serving agencies, and two (2) student representatives who are residents of the city of Springfield chosen from a youth serving agency, and a representative from the mayor's office, the city council, the school committee, and a representative of the Springfield Chamber of Commerce all of whom shall be residents of the city. In the year of commencement of the advisory committee the mayor shall appoint the nine (9) members for a term of service commensurate with the term of the ordinance as described below.

B. All new appointments and reappointments after the expiration of the initial appointment term shall be for one (1) to three (3) years staggered term of service. Each member appointed shall serve past their term until their reappointment or replacement by the mayor. Resignation shall be made by notifying the chairperson and the mayor in writing. All members of the advisory committee shall serve without compensation.

C. The advisory committee shall designate one (1) of the members of the advisory committee to serve as chairperson. A majority of the advisory committee shall elect a vice-chairperson and a secretary.

D. Request for Repeal. In the event of an incident determined by the advisory committee to be of significant detriment, the advisory committee shall request the mayor to seek the repeal of this ordinance. Upon receipt of such a request from the advisory committee, the mayor shall file for the repeal of this ordinance with the city council. (added 08/06/2002)

This ordinance shall be implemented for the August 2002, school year, and unless earlier repealed, shall expire at the close of the school year in June, 2003, unless reauthorized by a majority vote of the city council and approved by the mayor. (added 08/06/2002)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.18  
School Attendance Curfew

## **8.18.070 Violations and Penalties.**

A. Non criminal disposition. Any person, including the child's parent/guardian/custodian and any owner, operator, or employee of any establishment who knowingly permits or allows a child to remain in or about public streets, public places, commercial establishments or places of amusement and entertainment within the city during school hours, who violates any provision of this ordinance may be issued a warning before a fine is issued or penalized by a non-criminal disposition as provided for under chapter 1.16.010. The penalty for each confirmed violation shall be twenty dollars (\$20) for each day or part of a day during which the violation is committed, continued, or permitted. Parents/guardians or any owner, operator or employee of any establishment will not be fined unless it is established during the assessment process that the said individual(s) knowingly permitted the child to be truant. Any child found violating this ordinance may be immediately taken to the Center where said child's parent/guardian/custodian and the school department shall be contacted, or such child may be released to his or her parents, guardian, custodian, or supervisor of attendance. The term "knowingly permits" is understood to mean an individual who is aware and has given either tacit or expressed permission for a child to remain in/about public streets, public places, commercial establishment or places of amusements and entertainment.

B. Whoever induces or attempts to induce any child between the ages of six (6) and sixteen (16) to absent himself unlawfully from school, or unlawfully employs him or harbors any child between the ages of six (6) and sixteen (16) who, while school is in session, is absent unlawfully there from, shall be punished by a fine of not more than two hundred dollars (\$200).

This ordinance shall be implemented for the August 2002, school year, and unless earlier repealed, shall expire at the close of the school year in June, 2003, unless reauthorized by a majority vote of the city council and approved by the mayor. (added 08/06/2002)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.20

Miscellaneous Offenses

### **8.20.010 Iceboxes, refrigerators and stoves--Storing or discarding.**

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. (Prior code §13-6)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.20

Miscellaneous Offenses

### **8.20.020 Sales--Standing in highway or hallway to attract attention.**

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. (Prior code §13-11)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.20

Miscellaneous Offenses

**8.20.030 Schools--Sale of food or other articles intended for human consumption within certain distance.**

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 one hundred (100) yards from the nearest boundary of any public school grounds between the hours of eight (8:00) a.m. and four (4:00) p.m. on days when the public schools are in session. (Prior code §13-12)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.20

Miscellaneous Offenses

**8.20.040 Swimming pools.**

A. No swimming pool, as defined in this section, shall be located within any building zone unless it complies with this section. "Swimming pool" means an artificial pool of water located below surrounding grade, and having a depth of at least thirty-six (36) inches as measured from the lowest point in the pool a vertical distance to the grade level.

B. A pool shall not be nearer than eight (8) feet to any lot line or ten (10) feet to any dwelling.

C. All swimming pools to be constructed or which are already constructed shall be enclosed by a fence at least four (4) feet high and of a type not readily climbed by children.

D. No swimming pool fence shall be more than thirty (30) feet distant from the pool.

E. Any person who violates this section shall be liable to a penalty of five dollars (\$5.00) for each day of the violation. (Prior code §13-13)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.20

Miscellaneous Offenses

**8.20.050 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 the written permission therefore from the chief of the fire department, the chief of the police department or the chief engineer of the water department. (Prior code §13-19)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.20

Miscellaneous Offenses

**8.20.060 Tag sales, so-called--Permit--Fee.**

A. 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 their equivalent, without a permit issued by the city clerk.

B. Application for a permit to conduct a tag sale, cellar sale, attic sale, garage sale, lawn sale, rummage sale or their 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.

C. 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 (3) consecutive days.

D. Application for a permit required by this section shall be made no later than forty-eight (48) hours prior to the time the sale is to take place.

E. No permit required by this section 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 their equivalent on two (2) occasions in the preceding calendar year.

F. No permit required by this section shall be issued for the conduct of any such sales on more than two (2) separate occasions in any calendar year at any one (1) location.

G. Permits required by this section 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.

H. The fee for a permit required by this section shall be five dollars (\$5.00).

I. The person, group, unincorporated association, firm or corporation conducting a sale which requires a permit under this section shall at all times during said sale cause the permit to be visibly displayed upon the premises. (Ord. 1983 Ch. 4: prior code §13-23)

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## Title 8

### Public Peace, Morals And Welfare

#### Chapter 8.20

##### Miscellaneous Offenses

#### **8.20.070 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 seventy-five (75) years old or older, or which is three (3) 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. (Prior code §13-25)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.20  
Miscellaneous Offenses

**8.20.080 Sale of spray paint cans and indelible markers.**

A. Definitions. As used in this chapter:

1. "Indelible marker" means any felt tip marker, china marker or similar device that is not water soluble and which has a flat or angled writing surface one-half inch (1/2") or greater.
2. "Minor" means any person under the age of eighteen (18) years.
3. "Person" means any retail establishment.

B. Prohibited Conduct.

1. 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.
2. 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.
3. No minor shall, at the time of purchase of items specified in subdivision 2 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.

C. Penalties. Any person who violates the provisions of this section shall be subject to a fine or penalty not less than fifty dollars (\$50) nor more than three hundred dollars (\$300) for each offense. (Ord. 1985 Ch. 20: prior code §13-26)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.24  
Loitering

**8.24.010 Definitions.**

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

- A. "Illegal Drugs" - Any controlled or restricted substance or drug, the sale of which is prohibited by the Massachusetts General Laws.
- B. "Known Drug Dealer or Purchaser" - A person who within one (1) year previous to the date of a citation for violation of this ordinance has within the knowledge of the enforcing police officer been convicted of a crime involving the sale or purchase of illegal drugs, or a crime involving the possession of illegal drugs with the intent to sell.

C. "Known Prostitute or Panderer" - A person who, within one (1) year previous to the date of a citation for violation of this chapter, has, within the knowledge of the enforcing police officer been convicted of violating any ordinance of the city or statute of the state, defining and punishing acts of soliciting, committing, or offering, or agreeing to commit prostitution.

D. "Loiter" - remaining idle in essentially one (1) location, and shall include the concepts of spending time idly, loafing or walking about aimlessly.

E. "Public Place" - Any area within the city of Springfield that is city, state or federally owned or controlled and accessible to the general public, including, but not limited to buildings, streets, sidewalks, bridges, alleys, plazas, parks, driveways and parking lots. (added 12/21/1992)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.24

Loitering

**8.24.020 Application.**

A. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same, hinder, or prevent persons passing or attempting or desiring to pass thereon.

B. No person shall congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do 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 there present with the intent to use or to accompany or meet a person or persons using the public transportation there offered or to use one or some of the accessory convenience facilities operated at such terminal for the use of travelers.

E. No person shall congregate, stand, loaf or loiter in or in front of any school, college, university, or community college, university, or community center with the purpose of annoying or molesting the students of 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, waiving of arms or any other bodily gestures.

G. No person shall loiter or remain in a public place in a manner and under 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, waiving 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. (added 12/21/1992)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.24  
Loitering  
**8.24.030 Violations.**

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 section shall be punished by a fine of fifty dollars (\$50.00). Each day on which the violation exists shall be deemed to be a separate offense. (added 12/21/1992)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.28  
Panhandling  
**8.28.010 Generally.**

The purpose of this chapter is to regulate certain behavior to preserve the public order, to protect the citizens of the city of Springfield and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression, or conduct. (added 04/10/1996)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.28  
Panhandling  
**8.28.020 Definitions.**

For the purpose of this chapter, the following words, terms, and phrases shall have the following meanings:

A. "Aggressive manner" means to do any of the following:

1. Approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or

2. Touching another person without that person's consent in the course of asking for alms; or

3. Continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or

4. Following the person solicited before, after, or while asking, begging, or soliciting alms; or
5. Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
6. Directing abusive or profane language toward the person solicited, either while asking, begging, or soliciting alms, or following a refusal by the person solicited.

B. "Ask, beg or solicit alms" includes the spoken, written, or printed words or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value.

C. "False or misleading manner" includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value through utilization of any of the following representations:

1. Stating or expressing that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact; or
2. Stating or expressing that the donation is needed to meet a need that does not exist; or
3. Stating that the solicitor is from out of town and stranded when that is not true; or
4. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or,
5. Use of any makeup or device to simulate deformity.

D. "Solicitor" means anyone who asks, begs, or solicits alms, including money and other things of value.

(added 04/10/1996)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.28  
Panhandling  
**8.28.030 Unlawful acts.**

A. No person may ask, beg, or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations and the grounds enclosing buildings.

B. No person may ask, beg, or solicit alms, including money and other things of value in a false or misleading manner.

C. No person may ask, beg, or solicit alms in any public transportation vehicle; or within twenty-five (25') feet of any bus or train station stop.

D. No person may ask, beg, or solicit alms within twenty-five (25') feet of any automatic teller machine (ATM) or bank.

E. No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street. (added 04/10/1996)

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Title 8  
Public Peace, Morals And Welfare

Chapter 8.28  
Panhandling  
**8.28.040 Interpretation.**

A. No provision of this chapter shall be interpreted or constructed to prohibit speech, expression, or conduct protected by the laws of the United States or the Commonwealth of Massachusetts. (added 04/10/1996)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.28  
Panhandling  
**8.28.050 Violations--Penalties.**

A. Criminal Disposition. Any person who violates a provision of this chapter is guilty of a separate offense for each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine of fifty dollars (\$50.00).

B. Noncriminal Disposition. Any person who violates any provision of this chapter may be penalized by a noncriminal disposition as provided for under chapter 1.16.010. The police department shall enforce this chapter. The penalty for each violation shall be fifty dollars (\$50.00) for each day or part of a day during which the violation is committed, continued, or permitted. (added 04/10/1996)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.32  
Vandalism and Graffiti  
**8.32.010 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 ordinance has been enacted through the efforts of an ad hoc sub-committee 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 ordinance 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. And 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 ordinance to conflict with any existing vandalism and anti-graffiti state laws or as amended. (added 11/14/2000) (as amended 06/20/2006)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.32  
Vandalism and Graffiti  
**8.32.020 Definitions.**

For the purpose of this chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Aerosol paint container" means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

B. "Broad-tipped marker" means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth (1/4) of an inch, containing ink or other pigmented liquid that is not water soluble.

C. "Etching equipment" means any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

D. "Graffiti" means any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the code enforcement commissioner. As used herein "Graffiti" is considered a form of "Vandalism."

E. "Graffiti implement" means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

F. "Paint stick or graffiti stick" means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark hereon.

G. "Person" means any individual, association, private corporation, personal trustee, assignee, or any other legal entity partnership, cooperative representative, receiver, trustee, assignee, or any other legal entity.

H. "Property" means 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.

I. "Vandalism" means 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 M.G.L. c. 266 secs. 126A and 127). As used herein "Graffiti" is considered a form of "Vandalism." (added 11/14/2000) (as amended 06/20/2006)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.32  
Vandalism and Graffiti  
**8.32.030 Prohibited acts.**

A. Vandalism and Graffiti. It shall be unlawful for any person to commit acts of vandalism or graffiti to property. (added 11/14/2000) (as amended 06/20/2006)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.32  
Vandalism and Graffiti  
**8.32.040 Accessibility to graffiti implements.**

8.32.040 Accessibility to graffiti implements.

A. Display and Storage.

1. Every person who owns, conducts, operates, or manages a retail commercial establishment selling aerosol paint containers, paint sticks, or broad-tipped markers shall store the containers, sticks or markers in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business.

2. In the event that a commercial retail establishment is unable to store the aerosol paint containers, paint sticks, or broad-tipped markers in an area as provided above, the establishment shall store the containers, sticks and markers in an area not accessible to the public in the regular course of business without employee assistance.

B. Signage Required. Every person who operates a retail establishment selling graffiti implements shall:

1. Place an interior sign in clear public view stating: "Graffiti Is Against The Law. Any person who defaces real or personal property with paint or any other liquid device shall be punishable by a fine of three hundred dollars (\$300.00)." Such sign (s) shall be at least forty-eight (48) square inches and shall be posted in public view in the store at a height of not less than four (4) feet or greater than nine (9) feet from the floor.

2. Place a sign in clear public view stating "Selling spray paint, paint sticks, or broad-tipped markers to persons under 18 years of age is against the law and punishable by a fine of three hundred dollars (\$300.00). (added 11/14/2000) (as amended 06/20/2006)"

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Title 8

Public Peace, Morals And Welfare

Chapter 8.32

Vandalism and Graffiti

**8.32.050 Graffiti as Nuisance**

A. The existence of graffiti on public or private property in violation of this ordinance is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this ordinance.

B. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all time keep the property clear of graffiti. (added 11/14/2000) (as amended 06/20/2006)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.32

Vandalism and Graffiti

**8.32.060 Removal of graffiti by violator.**

A. Any person applying graffiti shall be responsible for the removal thereof or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this ordinance. Where graffiti is applied by an unemancipated minor, the parents with legal custody or legal guardian shall also be responsible for such removal or for the payment for the removal. Such removal shall be done in a manner prescribed by the director of the department of public works, the commissioner of code enforcement, or any additional city department head, as authorized by the city council.

B. Any removal of graffiti from a historical property shall be reviewed by the Springfield Historical Commission in accordance with its rules and regulations. (added 11/14/2000) (as amended 06/20/2006)

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Title 8

Public Peace, Morals And Welfare

Chapter 8.32

Vandalism and Graffiti

**8.32.070 Removal of graffiti by property owner or city.**

If graffiti is not removed by the violator according to this chapter, graffiti shall be removed pursuant to the following provisions:

A. Property Owner Responsibility. It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following information:

1. The street address and legal description of the property sufficient for identification of the property;
2. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;
3. A statement that the graffiti shall be removed within ten (10) days after 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 section 8.32.080;
3. An information sheet identifying any graffiti removal assistance programs available through the city and private graffiti removal contractors; and
4. 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 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 ordinance, or if the city has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city may commence a civil action in the housing court for right of entry upon the said 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 thirty (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. (added 11/14/2000) (as amended 06/20/2006)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.32  
Vandalism and Graffiti  
**8.32.080 Ease of removal provisions.**

A. Common Utility Colors and Paint-type. Any gas, electric, telephone, water, sewer, cable, telephone and other utility operating in the city shall paint its above-surface metal fixtures with a uniform paint type and color that meets the universal standards of the industries. Said painting may be done on the utility's regular maintenance scheduled if said schedule is within one (1) year of this ordinance.

B. Condition Encroachment Permits. All encroachment permits issued by the city shall, among such other things, be conditioned on:

1. The permittee's application of an anti-graffiti material to the encroaching object of a type and nature that is acceptable to the commissioner of code enforcement or his designee;
  2. The permittee's immediate removal of any graffiti;
  3. The city's right to remove graffiti or to paint the encroaching object; or
  4. The permittee's providing the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching objects containing graffiti. (added 11/14/2000) (as amended 06/20/2006)
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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.32  
Vandalism and Graffiti  
**8.32.090 Trust Fund.**

The city council hereby creates the "City of Springfield Anti-Vandalism and Graffiti Trust Fund." Penalties assessed against violators of this ordinance shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The commissioner of code enforcement shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of graffiti removal and the costs of administering the ordinance and such other public purposes as may be approved by an order of the city council. 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. (added 11/14/2000) (as amended 06/20/2006)

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Title 8  
Public Peace, Morals And Welfare  
Chapter 8.32  
Vandalism and Graffiti  
**8.32.100 Violations--Indemnification and Penalties.**

A. Non-criminal disposition--Indemnification. Any person who commits an act of vandalism, including graffiti, in violation of this ordinance, shall be responsible to indemnify the property owner for all damages and costs incurred as direct result of such vandalism or graffiti.

B. Non-criminal Disposition--Penalties. Any person who commits an act of vandalism, including graffiti, in violation of this ordinance, shall be punished by a fine of three hundred dollars (\$300.00). 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 ordinance.

C. Liability of Parents and Legal Guardians. In the case of an unemancipated minor, parents with legal custody ("parent") or 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 M.G.L. c. 231 sec. 85G (Parents Liability for Willful Act of Minor Children).

D. Failure to Pay Indemnification or Penalties. If the violator of this ordinance, 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 ordinance shall be forfeitable to the city by the court. In forfeiting such personal property, the court shall follow the procedures outlined in Massachusetts General Laws concerning the forfeitures of personal property. In any forfeiture proceeding under this section, the court shall not order 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 thirty (30) hours of community service.
2. At least one parent or guardian of the minor shall be in attendance a minimum of fifty percent (50%) of the period of assigned community service.
3. The entire period of community service shall be performed under the supervision of a community service provider approved by the chief of police or the probation department of the court.
4. Reasonable effort shall be made to assign the 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 fifteen (15) hours or more than eighty (80) hours.

I. Civil Responsibility Wrongful Sale, Display or Storage. Any person who sells, displays or stores, or permits the sale, display or storage, of any graffiti implement in violation of the provisions of this ordinance shall be personally liable for all costs, including attorney's fees and court costs, incurred by any party in connection with the removal of graffiti, the repair of any property containing graffiti, or such party's prosecution of a civil claim for reimbursement or damages resulting from such graffiti removal or property repair, arising from the use by any person of such wrongfully sold, displayed or stored graffiti implements in violation of the provisions of this ordinance, provided that such liability shall not exceed fifteen hundred (\$1,500.00).

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 attorneys 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 thirty 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. (added 11/14/2000) (as amended 06/20/2006)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.010 Findings.**

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. (Added 07/17/2007. This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.020 Intent.**

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 makes them particularly vulnerable to the heinous and reprehensible acts of these offenders; and

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; and

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 ordinance 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 statute.This legislation is intended to create a civil, non-punitive 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 regulation 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. (Added 07/17/2007. This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.030 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:

A. "Registered Sex Offender" for the purposes of this Chapter shall mean any person required to register as a Sex Offender pursuant to Chapter 6, § 178C of the Massachusetts General Laws 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.

B. "Sex offender" and "Sex offense" shall have the same meaning as provided for in MGL Chapter 6, § 178C.

C. "Child" or "Children" shall mean persons under eighteen (18) years of age.

D. "School" Any public or private educational facility that provides educational instruction to children in grades kindergarten through 12.

E. "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.

F. "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.

G. "Permanent Residence" A place where a person lives, abides, lodges, or resides for 14 or more consecutive days.

H. "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 healthcare or medical facility for less than 14 consecutive days or 14 days in the aggregate during any calendar year.

I. "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).(Added 07/17/2007.This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.040 Residency restrictions.**

A. Prohibition.A Registered Sex Offender is prohibited from establishing a Permanent Residence or Temporary Residence five hundred (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 five hundred (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 ordinance, 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 ordinance, whose term has not yet expired.

2.The Registered Sex Offender is a minor.

3.The School within five hundred (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 five hundred (500) feet of any School shall be in violation of this section and shall, within thirty (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 five hundred (500) feet of any School.It shall constitute a separate violation for each day beyond the thirty (30) days the Registered Sex Offender continues to reside within five hundred (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 five hundred (500) feet of any School. (Added 07/17/2007.This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.050 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 therefore 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 premise is 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 section do not apply to a Registered Sex Offender's place of residence when such residence is excepted under this chapter.(Added 07/17/2007. This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.020 Intent.**

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 makes them particularly vulnerable to the heinous and reprehensible acts of these offenders; and

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; and

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 ordinance 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 statute.This legislation is intended to create a civil, non-punitive 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 regulation 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.(Added 07/17/2007.This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.070 Enforcement.**

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 ordinance will be available to the public at the Springfield Police Department and on the City of Springfield's website. (Added 07/17/2007.This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
CHAPTER 8.36  
REGISTERED SEX OFFENDER RESTRICTIONS  
**8.36.080 Violations--Penalties.**

A. Any violation of section 8.36.050 shall result in:(1) a non-criminal fine not exceeding \$300.00 for a first violation; (2) a non-criminal fine not exceeding \$300.00 for each additional violation of this provision.A Registered Sex Offender commits a separate offense for each and every day or violation of this section.

B. First offense of any violation of this chapter by Registered Sex Offender:Non-criminal fine of \$300.00 and notification to offender that he/she has thirty (30) days to move.

C. Any subsequent offense of this chapter by Registered Sex Offender:Non-criminal fine of \$300.00 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. (Added 07/17/2007.This ordinance shall become effective immediately upon passage.)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.40  
PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL  
**8.40.010 Application.**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. 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. (As enacted on 03/23/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.40  
PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL  
**8.40.020 Enforcement.**

This ordinance may be enforced through lawful means in law or in equity by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Springfield police commissioner his/her agents or any police officer. (As enacted on 03/23/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.40  
PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL  
**8.40.030 Fine.**

The fine for violation of this ordinance shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. (As enacted on 03/23/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.42  
OFFENSES INVOLVING GANG ACTIVITY  
**8.42.010 Preamble.**

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 ordinance 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; and

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 find that there are now several hundred street gangs operating in Commonwealth of Massachusetts, and that their intimidation and criminal activity is most widespread in urban areas, including the city of Springfield; and

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 Ordinance to prohibit street gang related activity. (As enacted 11/10/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.42  
OFFENSES INVOLVING GANG ACTIVITY  
**8.42.020 Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Street gang," "gang," "organized gang" or "criminal gang" means any combination, confederation, alliance, network, conspiracy, understand or other similar conjoining in law or in fact of three (3) 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 ordinance, it shall not be necessary to show that a said conspiracy, combination or conjoining of persons possesses, acknowledges or is known for 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 there competent evidence.

B. "Street gang member" or "gang member" means 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, executor or cover-up phase of any activity or who knowingly performs or aids or abets such activity.

C. "Street gang related activity" or "gang related activity" means 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:

1. Increase the gang's size, membership, prestige, dominance or control in any geographical area of the city of Springfield; or
2. 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
3. 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 makes or threaten physical contact of an insulting or provoking nature with an individual; or  
4. Obstruct justice or intimidate or eliminate any witness against the gang or any member of the gang; or  
5. 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  
6. Influence the reputation of the gang or its members by the placement of graffiti upon any public or private curb stone, 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  
7. Further the goals and objectives of the gang by knowingly using, displaying -or wearing knowing 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, identification with any known street gang.

D. "Graffiti" as defined in section 8.32.020 D, as amended, shall mean 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 enacted 11/10/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.42  
OFFENSES INVOLVING GANG ACTIVITY  
**8.42.030 Application.**

No street gang member or gang member shall engage in any street gang related or gang related conduct within the city of Springfield. (As enacted 11/10/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.42  
OFFENSES INVOLVING GANG ACTIVITY  
**8.42.040 Violations.**

A conviction under Section 8.42.030 above shall be a misdemeanor. Any person convicted of a violation of section 8.42.030 above:

A. Shall be fined one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for third and subsequent offenses;

B. For each day that a violation continues shall be considered a separate offense;

C. 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. (As enacted 11/10/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.42  
OFFENSES INVOLVING GANG ACTIVITY  
**8.42.050 Disclosure of true name.**

In accordance with Massachusetts General Laws, chapter 268 section 34A all persons shall provide his or her true name to a law enforcement officer following an arrest. (As enacted 11/10/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.42  
OFFENSES INVOLVING GANG ACTIVITY  
**8.42.060 Severability.**

A. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

B. No section, paragraph or provision of this Ordinance shall not be construed to conflict with any state law including Massachusetts General Laws C. 265, Section 44, as amended "Coercion of [a] child under eighteen into criminal conspiracy; penalties" which provides: "Whoever commits an assault and battery on a child under the age of eighteen for the purpose of causing or coercing such child to join or participate in a criminal conspiracy in violation of section seven of chapter two hundred and seventy-four, 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 two and one-half years; and for a second or subsequent offense by imprisonment in the state prison for not less than five nor more than ten years." Should it be determined that there is a conflict between this ordinance and any state law such state law shall control. (As enacted 11/10/2009)

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TITLE 8  
PUBLIC PEACE, MORALS AND WELFARE  
Chapter 8.42  
OFFENSES INVOLVING GANG ACTIVITY  
**8.42.070 Effective date.**

This ordinance shall be in full force and effect from and after its passage and approval as provided by law. (As enacted 11/10/2009)