

By Mr. Scibelli of Springfield, petition of Mary E. Hurley (mayor) and Anthony M. Scibelli (with the approval of the mayor and city council) for legislation to authorize the establishment of the position of commissioner of code enforcement and the establishment of a department of code enforcement in the city of Springfield. Local Affairs. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT AUTHORIZING THE ESTABLISHMENT OF THE POSITION OF COMMISSIONER OF CODE ENFORCEMENT IN THE CITY OF SPRINGFIELD AND THE CREATION OF A DEPARTMENT OF CODE ENFORCEMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The City of Springfield is hereby authorized to
2 establish by city ordinance in said city the position of
3 Commissioner of Code Enforcement (hereinafter referred to as
4 the Commissioner). The position of Commissioner, once so
5 established, shall have all the powers and duties vested in the
6 Building Commissioner of the City of Springfield and shall have
7 all the powers and duties vested in the Housing Code Enforcement
8 Director of the City of Springfield and shall have all the powers
9 and duties vested in the Sealer of Weights and Measures of the
10 City of Springfield. In addition to the Commissioner's other duties
11 as may be established from time to time by city ordinance, statute,
12 regulations and codes promulgated by the city, state or federal
13 authority, the Commissioner and the Commissioner's designee are
14 hereby expressly given jurisdiction and authority: to perform any
15 and all acts; to exercise any and all rights or powers; and to enforce
16 any and all provisions of the following General and Special Laws:
17 Chapter 143 of the General Laws; and
18 Chapter 40A of the General Laws; and
19 Chapter 802 of the Acts of 1972; and

- 20 Chapter 349 of the Acts of 1910; and
21 Chapter 262 of the Acts of 1911; and
22 Chapter 334 of the Acts of 1912; and
23 Chapter 166, Section 32 of the General Laws; and
24 Chapter 111, Sections 127A through 127L of the General Laws;
25 and
26 Chapter 842 of the Acts of 1967; and
27 Article I and Article II of the Sanitary Code of the Common-
28 wealth of Massachusetts; and
29 Chapter 94, Sections 176 through 180 of the General Laws; and
30 Chapter 98 of the General Laws; and
31 Chapter 99 of the General Laws.

1 SECTION 2. The Commissioner shall be a professional
2 engineer registered under the provisions of Chapter 643 of the Acts
3 of 1941, as amended, or an architect registered under the
4 provisions of Chapter 696 of the Acts of 1941, as amended, and
5 shall be subject to the residency requirement as defined in the
6 revised ordinances of 1986, as amended. The Commissioner shall
7 be appointed by the Mayor, and shall serve for a term of five years
8 and may be removed only for cause in accordance with the city
9 charter. The Commissioner shall not be subject to the provisions
10 of Chapter 31 of the General Laws or the provisions of Section 9A
11 of Chapter 30 of the General Laws.

1 SECTION 3. Notwithstanding the provisions of M.G.L.A.
2 c. 31, or M.G.L.A. c. 30, s. 9A, upon the effective date of this
3 act, the positions of Building Commissioner, Housing Code
4 Enforcement Director and Sealer of Weights and Measures in the
5 City of Springfield are abolished. The persons now holding the
6 positions of Building Commissioner, Housing Code Enforcement
7 Director and Sealer of Weights and Measures in the City of
8 Springfield shall each become a deputy to the Commissioner of
9 Code Enforcement. The three Deputy Code Enforcement
10 Commissioners shall each perform such duties as may be specified
11 by city ordinance or as may be assigned to them by the
12 Commissioner. Notwithstanding the foregoing, the provisions of
13 this section shall not impair the Civil Service Status of any person
14 now holding the position of Building Commissioner, Deputy

15 Building Commissioner, Housing Code Enforcement Director or
16 Sealer of Weights and Measures in the City of Springfield on the
17 effective date of this act.

1 SECTION 4. The City of Springfield is hereby authorized to
2 establish by city ordinance in the City of Springfield, a Department
3 of Code Enforcement, (hereinafter called the Department). The
4 City's Building Department, Housing Code Enforcement
5 Department and Sealer of Weights and Measures Department are
6 abolished on the effective date of this act. All the powers, duties,
7 rights, liabilities, responsibilities and functions, as existing
8 immediately prior to the effective date of this act, of the City's
9 Building Department, Housing Code Enforcement Department
10 and Sealer of Weights and Measures Department including all
11 administrative units within said departments shall be transferred
12 to, and shall be exercised and performed by the Department of
13 Code Enforcement upon the effective date of this act.
14 Furthermore, the Department of Code Enforcement shall have
15 such other powers, duties, rights and responsibilities as may from
16 time to time be established by city ordinance, statute, rule,
17 regulation and code promulgated by state or federal authority.

1 SECTION 5. All officers and employees of any department,
2 division, or any other administrative unit abolished by section five
3 of this act who immediately prior to the effective date of this act
4 hold permanent appointment in positions classified under chapter
5 thirty-one of the General Laws, or have tenure in their positions
6 by reason of section nine A of chapter thirty of the General Laws,
7 are hereby transferred to the Department of Code Enforcement
8 authorized to be established by section five of this act, every such
9 transfer to be without impairment of civil service status, seniority,
10 retirement and other rights of the employee, without interruption
11 of service within the meaning of said chapter thirty-one or section
12 nine A of chapter thirty, and without reduction in compensation
13 and salary grade, notwithstanding any change in title or duties
14 made as a result of such transfer, subject, however, to the
15 provisions of said chapter thirty-one, and the rules and regulations
16 established thereunder. All officers and employees of any such
17 abolished department, division, or other administrative unit who

18 immediately prior to said effective date do not hold permanent
19 appointment in such positions, or do not hold such tenure, are
20 hereby transferred to said Department of Code Enforcement
21 without impairment of seniority, retirement, and other rights,
22 without interruption of service within the meaning of the said
23 section nine A of chapter thirty, and without reduction in
24 compensation and salary grade. Nothing in this section shall be
25 construed to confer upon any officer or employee any rights not
26 held prior to such transfer or to prohibit any subsequent reduction
27 in compensation or salary grade not prohibited prior to such
28 transfer.

1 SECTION 6. The provisions of this act are severable and if any
2 of its provisions, or the application thereof to any persons or
3 circumstances, shall be held invalid for any reason by act of
4 competent jurisdiction, the decision of such court shall not affect
5 or impair any of the remaining provisions, or the application of
6 a provision to any persons or set of circumstances, other than
7 those as to which it is held invalid.

1 SECTION 7. This act shall take effect upon the creation of a
2 Department of Code Enforcement and the creation of the position
3 of Commissioner of Code Enforcement by ordinance in the City
4 of Springfield and after the appointment of an individual to the
5 position of Commissioner of Code Enforcement in the City of
6 Springfield.