

J S

1071

AB

1910

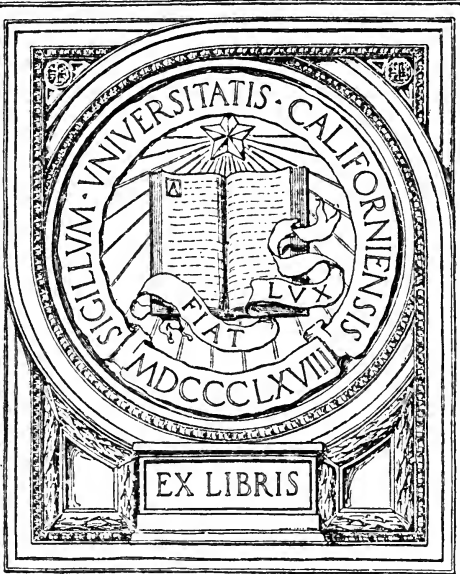
UC-NRLF



5B 22 857

YC 09408

GIFT OF



EX LIBRIS

GIFT
JAN 20 1915

CITY CHARTER

OF THE



CITY OF LYNN

1910

UNIVERSITY OF
CALIFORNIA



351071
'A 8
1910

FRANK S. WHITTEN, PRINTER,
33 MUNROE STREET,
LYNN, MASS.

TO VIND
ALBERTIA

THE CITY OF LYNN

REVISED CHARTER

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the City of Lynn shall continue to be a municipal corporation, under the name of the City of Lynn, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein or otherwise pertaining to or incumbent upon said city as a municipal corporation. In addition to the powers above enumerated it shall have the power to establish, buy, erect, maintain, own, lease and regulate wharves and docks, and charge wharfage and dockage.

SECT. 2. The territory of the city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto, in any year fixed by law for a new division of wards in cities, by vote of the municipal council at or prior to the making of such division; but the number of wards shall never be less than seven.

SECT. 3. The government of the city and the general management and control of all its affairs shall be vested in a municipal council, which shall be elected and shall exercise its powers in the manner hereinafter set forth; except however that the general management and control of the public schools of the city and of the property pertaining thereto, shall be vested in a school committee.

SECT. 4. The municipal council shall consist of five members, to wit, a mayor, who shall be the commissioner of public safety; a commissioner of finance, a commissioner of streets and highways, a commissioner of water and water works and a commissioner of public property. The school committee shall consist of the mayor and four other members. All the above officers shall be elected at large by and from the registered voters for terms of two years, unless it is otherwise provided in this act.

Election.

SECT. 5. The municipal election shall take place annually on the second Tuesday of December; and the municipal year shall begin at ten o'clock in the forenoon of the first Monday in January and shall continue

until ten o'clock in the forenoon of the first Monday of the following January. Every special election shall be held on a Tuesday.

SECT. 6. In the year nineteen hundred and ten and in every second year thereafter there shall be elected at the annual city election of said city the mayor, the commissioner of finance, the commissioner of streets and highways, and two members of the school committee, for the term of the two municipal years next following said election. There shall also be elected at said annual city election in the year nineteen hundred and ten the commissioner of water and water works, the commissioner of public property and two members of the school committee for the municipal year next following said election. In the year nineteen hundred and eleven and in every second year thereafter there shall be elected at the annual city election the commissioner of water and water works, the commissioner of public property and two members of the school committee, each for the term of the two municipal years next following his election. Except as aforesaid and as otherwise provided in this act, no city officers shall be elected at any city election. The above officers shall be elected by and from the registered voters of the city and may be residents of any part thereof.

SECT. 7. On the third Tuesday preceding every annual or special city election at which any officer mentioned in section four is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as under the provisions of this act or of any act in amendment thereof are to be filled at such annual or special city election. The notice calling for the said preliminary election shall be issued at least forty days before the date of the city election. No special election for mayor or a commissioner shall be held until after the expiration of forty days from the calling of the preliminary election, which under the provisions of this act is to be held on the third Tuesday preceding such special election.

SECT. 8. At every preliminary election the polls shall be opened at six o'clock in the forenoon and shall not be closed before four o'clock in the afternoon, and except as is otherwise provided in this act every such preliminary election shall be called by the same officers and held in the same manner as an annual city election. The polling places shall be designated, provided and furnished, and official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such preliminary election, of the same number and kind and in the same manner as at an annual city election, and the same election officers shall officiate as at an annual city election.

SECT. 9. Except as provided in section sixty-three there shall not be printed on the official ballots to be used at any annual or special city election of said city the name of any person as a candidate for mayor, commissioner or member of the school committee, unless such person shall have been nominated for such office at a preliminary election held as provided in this act. There shall not be printed on the official ballots to be used at a preliminary election the name of any person as a candidate for nomination unless such person shall have filed within the time set forth in section ten of this act the statement of the candidate and also the petition described in section ten. Beginning with the current year political committees in the City of Lynn shall be elected at the state primaries instead of at the municipal primaries.

SECT. 10. Any person eligible for any elective office for which provision is made herein, may have his name printed as candidate for such office on the official ballots to be used at a preliminary election, provided that he shall, at least ten days before such preliminary election, file with the city clerk a statement in writing of his candidacy, in substantially the following form.

Statement of Candidate.

I,, on oath declare that I reside at No. street, in the City of Lynn; that I am a voter in said city registered to vote for a candidate for the office hereinafter named, that I am a candidate for nomination for the office of for the term of years to be voted for at the preliminary election to be held on Tuesday, the day of 19 . . . ; and I request that my name be printed as a candidate for such office on the official ballots to be used at such preliminary election.

(Signed)

COMMONWEALTH OF MASSACHUSETTS.

ESSEX SS.

Subscribed and sworn to this day of 19 . . . before me,

Justice of the Peace.
(or Notary Public.)

and provided that he shall at the same time file therewith a petition of at least twenty-five voters of the city registered to vote for a candidate for said office, which petition shall be in substantially the following form :

Petition Accompanying Statement of Candidate.

Whereas is a candidate for nomination for the office of for the term of years, we, the undersigned voters of the City of Lynn, duly registered to vote for a candidate for said office, do hereby request that the name of said be printed on the official ballots to be used at the preliminary election to be held on the Tuesday of 19 . . .

We further state that we believe him to be of good moral character, and qualified to perform the duties of the office.

Name of voters. Street No. Street, if any.

No acceptance by a candidate for nomination named in such petition shall be necessary for its validity or for its filing, and the petition need not be sworn to.

SECT. 11. Women who are qualified to vote for members of the school committee may be candidates for nomination for that office are to be voted for; and at such preliminary election they may vote for candidates for nomination for that office. They shall file the hereinbefore described statement and petition in all cases where the same are herein required to be filed by male candidates for that office.

SECT. 12. On the first day, not being Sunday, or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one or more daily newspapers of said city, the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices and terms for which they are candidates, as they are to appear on the official ballots at the preliminary election. Thereupon the city clerk shall prepare and cause to be printed the ballots to be used at such preliminary election; and the ballots so prepared shall be the official ballots and the only ballots that may be used at such preliminary election. They shall be substantially as outlined below :

Official Preliminary Ballot.

Municipal Council.

For mayor.

For commissioner of finance.

For commissioner of streets and highways.

For commissioner of water and water works.

For commissioner of public property.

School Committee.

SECT. 13. The name of every person who has filed a statement and petition as aforesaid, and his residence and the title and term of the office for which he is a candidate, shall be printed on said ballots, and

the names of no other candidates shall be printed thereon. Ballots for use at the said election and for use by women qualified to vote for members of the school committee shall be prepared and furnished in the manner now provided by law.

Party Designations Abolished.

SECT. 14. No ballots used at any annual or special city election, or at any preliminary election shall have printed thereon any party or political designation or mark; and there shall not be appended to the name of any candidate any party or political designation or mark, or anything showing how he was nominated, or indicating his views or opinions. On all ballots to be used at annual or special city elections, or at preliminary elections, blank spaces shall be left at the end of each list of candidates for the different offices equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office, provided that such person is eligible for such office.

SECT. 15. The qualifications for voting at a preliminary election and at a city election shall be the same.

SECT. 16. The election officers shall immediately upon the closing of the polls at preliminary elections count the ballots and ascertain the number of votes cast in the polling places where they respectively officiate for each person for nomination for the office for which he was a candidate; and they shall forthwith make returns thereof to the city clerk upon blank forms to be furnished to them as in city elections.

SECT. 17. On the first day, not being Sunday or a legal holiday, following such preliminary election, the city clerk shall canvass said returns so received from the election officers, shall forthwith determine the results of said canvass, and shall forthwith cause the same to be published in one or more daily newspapers of said city.

Nominations.

SECT. 18. The two persons receiving at a preliminary election the highest and second highest number of votes, respectively, for any office shall be the candidates whose names shall be printed on the official ballots to be used at the annual or special city election for which such preliminary election was held; except that in case two or more persons receive the same number of votes and more votes than any other person for the same office, then said persons shall be the candidates as aforesaid whose names shall be printed on said official ballots. If two or more persons are to be elected to the same office at such annual or special city election, the several persons to a number equal to twice the number so to

be elected to such office receiving at said preliminary election the highest number of votes, the second highest number of votes, and so on to the number to be nominated, shall be the candidates whose names shall be printed on the official ballots to be used at such annual or special city election. If, in order to obtain the requisite number of candidates for any office, it becomes necessary to take one of two or more persons having the same number of votes for the same office, then the names of all the aforesaid persons having the same number of votes for such office shall be printed on the official ballot to be used at such annual or special city election, together with the names of all persons, if any, receiving a higher number of votes for such office, even though it makes the number of candidates more than twice the number to be chosen to such office. No names of candidates shall be printed on said official ballots except as provided in this section and in section sixty-three.

SECT. 19. No acceptance of a nomination made at a preliminary election shall be necessary for the validity of such nomination.

Elections.

SECT. 20. At a city election other than the above described preliminary election, the person receiving the highest number of votes for an office shall be deemed and declared elected to such office; and if two or more persons are to be elected to the same office the several persons receiving, respectively, the highest number of votes, the second highest, and so on to the number to be chosen to such office, shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen.

SECT. 21. The laws of the commonwealth relating to annual city elections, special elections of city officers, special elections in cities, election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties shall apply to all elections under this act including preliminary elections, except as is otherwise provided, herein.

General Meetings of Voters.

SECT. 22. General meetings of the registered voters of the city shall be called by the municipal council upon petition of at least five hundred of the said voters, which petition shall state the purpose or purposes of the meeting. Such meeting shall be held not later than three weeks after

the filing of the petition ; and notice thereof shall be given by the municipal council on the front page of at least one daily newspaper of the city, not less than three times within two weeks after the filing of said petition. A presiding officer shall be chosen for said meeting from those present ; and the city clerk shall act as the clerk thereof and shall keep complete records of the proceedings. If so requested in said petition, or demanded at said meeting, any city officer or officers shall attend such meeting, and if called upon so to do shall place before the meeting any facts, documents, or other information relative to the subject-matter of said petition.

The city clerk or a justice of the peace shall administer an oath to any person or persons called upon to testify before said meeting, as aforesaid, including any city officer or officers, whose presence has been requested or demanded, and any person so placed under oath who shall wilfully give false testimony before said meeting upon any point material to the matter of inquiry shall be guilty of perjury, and shall be subject to the provisions of chapter two hundred and ten of the Revised Laws and any amendment thereof. But no person shall be required to give testimony tending to incriminate himself.

The provisions of sections eight and nine of chapter one hundred and seventy-five of the Revised Laws, and any amendments thereof, shall be applicable to the conduct and procedure at said hearing. If for any reason any officer or officers are unable to attend said meeting, or if it be impossible to produce at said meeting the facts, documents, or other information requested as aforesaid, the meeting may be adjourned until such time as said officer or officers can attend, or said facts, documents or other information can be furnished. A copy of the records of said meeting and of any adjournment thereof shall be transmitted by the city clerk to the municipal council at its next meeting.

Abolishment of Present Government.

SECT. 23. At ten o'clock in the forenoon of the first Monday of January, in the year nineteen hundred and eleven, the city council, board of mayor and aldermen, board of aldermen and common council, board of public works and public water board shall be abolished ; the terms of office which the present mayor, aldermen, common councilmen, members of the board of public works, school committee and public water board are now serving shall terminate ; and, except as is otherwise provided in this act, all the present powers and duties, under any general or special acts, of the mayor, board of mayor and aldermen, board of aldermen, city council, common council, board of public works and public water board shall devolve upon and be exercised and performed by the municipal council. At the aforesaid time the board of assessors

shall become an appointive board, and shall be subject to all the provisions of this act relative to appointive boards. The municipal council shall be the judge of the election of its own members.

SECT. 24. The municipal council elected as aforesaid shall meet at ten o'clock in the forenoon on the first Monday of January in each year; and the members of said municipal council, whose terms of office then begin shall severally make oath before the city clerk, or a justice of the peace, to perform faithfully the duties of their respective offices. The municipal council shall thereupon be organized by the choice of a president, who shall be called the president of the municipal council and shall hold his office during its pleasure. The president of the municipal council shall be some member thereof other than the mayor. The organization of the municipal council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of the mayor, or one or more of the four other members: *provided*, that at least three of the persons entitled to be members of the municipal council are present and make oath as aforesaid. Any person entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

Meetings of Municipal Council.

SECT. 25. The municipal council shall fix suitable times for its regular meetings. The mayor, the president of the municipal council, or any two members thereof, may, at any time, call a special meeting, by causing a written notice, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member, or left at his usual dwelling place, at least six hours before the time of such meeting. Meetings of the municipal council may also be held at any time when all the members are present and consent thereto.

SECT. 26. A majority of the members of the municipal council shall constitute a quorum; its meetings shall be public, and the mayor, if present, shall preside and shall have the right to vote. In the absence of the mayor, the president of the municipal council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be, ex officio, clerk of the municipal council, and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the municipal council may elect by ballot a temporary clerk who shall be sworn to the faithful discharge of his duties and may act as clerk of the municipal council until a city clerk is chosen and qualified. All final votes of the municipal council involving the expenditure of fifty dollars or over shall be by yeas and nays and

shall be entered on the records. It shall vote by yeas and nays when that is practicable, and on the request of one member any vote shall be by yeas and nays and shall be entered upon the records. The affirmative vote of at least three members shall be necessary for the passage of any order, ordinance, resolution or vote.

Powers of the Municipal Council.

SECT. 27. The municipal council shall have the power to do, except as is otherwise provided in this act, without the approval of the mayor, all things which the city council, board of aldermen, common council and public water board or board of public works can now do with such approval. The municipal council shall determine the policies to be pursued and the work to be undertaken in each department, but each commissioner shall have full power to carry out the policies or have the work performed in his department, as directed by the municipal council. Any notes, bonds or scrip which said city is authorized to issue shall be signed by its treasurer and countersigned by a majority of the municipal council.

SECT. 28. The municipal council shall have full supervision of the erection, alteration and repair of all public buildings, including school buildings, except repairs and alterations of school buildings, for which provision is made in the annual appropriation, and except as is otherwise provided in chapter one hundred and seventy-eight of the acts of the year nineteen hundred and nine. No department of the city and no corporation or person, shall at any time, open, dig up or otherwise obstruct any way or sidewalk, without the consent of the municipal council in writing previously obtained, except in case of an emergency.

SECT. 29. The public library of the city shall be under the exclusive management and control of the municipal council, which shall have the power to name the trustees and to remove them for cause. The municipal council may increase or diminish the number of trustees and make such rules and regulations concerning the public library as it may deem expedient.

Publicity for Contracts.

SECT. 30. Neither the municipal council nor the school committee shall make or pass any order, resolution, or vote appropriating money in excess of five hundred dollars, or making or authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, unless the same is proposed in writing and notice is given by the city clerk in at least one daily newspaper of the city, not less than one week before its passage, except an order, resolution or vote

for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote; and such notice shall be given as aforesaid upon the request of said municipal council or of the school committee.

SECT. 31. When the municipal council shall pass any measure or an amendment or repeal of any measure, such measure, amendment or repeal so passed shall, except as is otherwise provided in this act, take effect at the expiration of ten days from its passage: *provided, however*, that if there be a time therein specified when it shall take effect, and such time be more than ten days after its passage, such measure, amendment or repeal shall, except as is otherwise provided in this act, take effect at the time so specified therein.

SECT. 32. No measure passed by the municipal council or by the voters, as provided in this act, shall require the approval of any court or of the attorney-general, or shall be required to be published in order to become effective, unless otherwise provided in this act.

SECT. 33. Upon vote of the municipal council the mayor shall sign, seal, execute and deliver in behalf of the city deeds and leases of land sold or leased by the city, and other deeds, agreements, contracts, leases, indentures, assurances, and instruments on behalf of the city, except as is otherwise provided herein. No part of the common shall be let or sold.

SECT. 34. The mayor shall have no power of veto, and no measure which the municipal council shall make or pass shall be presented to him for, or shall require, his approval in order to be effective.

SECT. 35. Each of the five commissioners provided for in section four of this act shall annually submit to the municipal council in the month of January detailed estimates of the amounts deemed necessary for his respective department for the financial year, which shall begin on the first day of January. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made or liability incurred by or in behalf of the city until the municipal council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, except that after the expiration of the financial year and before the fifteenth day of March, upon vote of the municipal council, liabilities payable out of the regular appropriation may be incurred to an amount not exceeding one-fifth of the total appropriation made for similar purposes in the preceding year. At any time the unexpended

balance of any sum appropriated for a special purpose and not further required for such purpose may be transferred to another account by vote of the municipal council, but no money raised by loan shall be transferred to any appropriation from income or taxes. Nothing herein contained shall be taken to prohibit the payment at any time of executions against the city. This section shall not apply to appropriations and expenditures of the school committee, which shall continue to be governed by chapter one hundred and seventy-eight of the acts of the year nineteen hundred and nine.

SECT. 36. No officer of said city, except in case of extreme emergency involving the health or safety of the people or their property, shall expend intentionally, in any fiscal year, any sum in excess of the appropriation therefor duly made in accordance with law, and any officer who shall violate this provision shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECT. 37. All loans issued by the city after the passage of this act shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws, as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. All bonds shall be offered for sale in such a manner that the effect of the premiums, if any, shall be to reduce the total amount of bonds issued.

Monthly Statements to be Published.

SECT. 38. The commissioner of finance shall each month have printed in pamphlet form a detailed itemized statement of all cash receipts and expenditures of the city during the preceding month and of all bills and accounts owed by the city at the end of the preceding month, in such a manner as to show the gross monthly revenue and expense of each department, and shall furnish copies thereof to the public library, to the daily newspapers published in said city, and to persons who shall apply therefor at the office of the city clerk. At the end of the municipal year he shall cause a complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for the publication of monthly statements. The provisions of this section shall apply to the school department of the city, and the school committee shall furnish the commissioner of finance with such information, facts, figures and data as may be necessary to carry out the provisions of this section so far as it applies to the school department.

Criminal Offence to Participate in Contracts.

SECT. 39. It shall be unlawful for a member of the municipal council or school committee or for any officer or employee of the city directly or indirectly to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution or reward from, or any share in the profits of, any person or corporation making or performing such a contract, unless such member, officer, or employee immediately upon learning of the existence of such contract or that such contract is proposed shall notify in writing the municipal council or school committee of such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the city, the contract may be made by another officer of the city, duly authorized thereto by the mayor, or if the mayor has such interest, by the commissioner of finance; except, however, that when a contractor with the city is a corporation or voluntary association, the ownership of less than five per cent. of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this act, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association or solicits or takes part in the making of the contract. A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Administrative Officers.

SECT. 40. There shall be the following administrative officers, who shall perform the duties prescribed by law for them, respectively, and such further duties, not inconsistent with the nature of their respective offices and with general law, as the municipal council may prescribe, except as is otherwise provided herein; a city clerk, a city treasurer, a collector of taxes, a city auditor, a purchasing agent, a board of overseers of the poor consisting of six persons, a city engineer, a city physician, a board of health consisting of three persons of whom the city physician shall be one, a city solicitor, a board of park commissioners consisting of five persons, a board of sinking fund commissioners consisting of three persons, a board of assessors consisting of three persons, seven assistant assessors and a board of trustees of the public library consisting of seven persons. The mayor shall be ex officio, chairman and a member of the board of the overseers of the poor.

Departments.

SECT. 41. The administration of all affairs of the city shall be divided into five departments, to wit:— Department of public safety, department of finance, department of streets and highways, department of water and water works, and department of public property; and said departments are defined as follows:—

The department of public safety shall include the following sub-departments and all boards and offices connected therewith, to wit: police, fire, electrical, health, poor, legal, claims, weights and measures and license commission.

The department of finance shall include the following sub-departments and all boards and offices connected therewith, to wit: treasury, auditing, purchasing, assessing, sinking funds, tax collection, registration of voters and city clerk.

The department of streets and highways shall include the following sub-departments and all boards and offices connected therewith, to wit: highways and other ways, street lighting, street watering, sewers and drains and engineering. The commissioner of streets and highways, except as is herein otherwise provided, shall have exclusively the powers of, and be subject to the liabilities and penalties imposed by law on, surveyors of highways.

The department of water and water works shall include all boards and offices connected with the water supply of the city.

The department of public property shall include the following sub-departments and all boards and offices connected therewith, to wit: buildings, parks, public grounds and cemeteries.

Every official or board having to do with the affairs of the city, with the exception of such as pertain to the school committee, shall be included in one of the above five departments, and if the assignment to a department is not made hereunder, the municipal council shall by ordinance assign such office, offices, board or boards to the department best adapted to include the same.

SECT. 42. The municipal council, subject to the provisions of section forty-four, shall have the power to appoint, suspend or remove the following offices, to wit: the city clerk, city treasurer, collector of taxes, city auditor, city solicitor, purchasing agent, assessors, sinking fund commissioners, and trustees of the public library.

SECT. 43. The commissioner of public safety, commissioner of finance, commissioner of streets and highways, commissioner of water and water works, and commissioner of public property shall be the administrative heads of their respective departments, and, except as is otherwise provided herein, shall have the power to appoint, suspend or

remove any officer, officers, board or boards in their respective departments, subject to the provisions of section forty-four and the laws of the commonwealth.

SECT. 44. Appointments to any office, offices, board or boards established by this act or by city ordinance, except foremen and day laborers and such offices as pertain to the school committee, shall be subject to the following provisions, to wit:— Two weeks preceding the appointment to such an office, offices, board or boards a statement of the position or positions to be filled shall be published in at least one daily newspaper of the city under the signature or signatures of the commissioner or commissioners empowered to appoint, and he or they shall therein request any candidate or candidates for said position or positions to submit his or their candidacy in writing to the commissioner or commissioners aforesaid. Not less than two nor more than four days prior to said appointment the said commissioner or commissioners shall cause to be published on the front page of at least one daily newspaper of the city a list of the names of all candidates who have made written application as aforesaid; but nothing herein contained shall prevent a commissioner from appointing to office a person who has not submitted his candidacy in writing as aforesaid. All removals from appointive offices shall be accompanied by a statement of the reason or reasons therefor under the signature of the commissioner removing the officer or officers, and a copy of said statement shall be filed in the office of the city clerk. This section shall not apply to officers or employees now classified under civil service laws.

SECT. 45. All officers whether heretofore elected or appointed, or appointed hereunder, shall, except as is otherwise provided herein, continue in office until their successors are appointed and qualified. Except as is otherwise provided herein the term of office of any officer, officers, board or boards, for which provision is herein made shall not be fixed, but shall continue indefinitely, subject to the provisions of this act regarding appointments, suspensions and removals.

Record of Employees.

SECT. 46. The commissioner in charge of each department shall cause to be kept in his department a record, subject to public inspection, of all persons appointed and employed therein and of all persons suspended or removed, and, in case of suspension or removal, of the grounds therefor.

Provision for Changes.

SECT. 47. The municipal council may from time to time, subject to the provisions of this act and in accordance with general laws, establish

additional offices and boards, assign them to the proper departments, and determine the number and duties of the incumbents thereof; and for such purposes it may delegate to such offices and boards any part of the administrative powers given by this charter to the commissioners hereinbefore mentioned. The municipal council may also from time to time consolidate appointive offices and boards, separate and distribute the powers and duties of such as have already been established, increase or diminish the number of persons who shall perform the duties of any appointive office or board, or abolish any appointive office or board subject to the provisions of this act and in accordance with general laws.

SECT. 48. All administrative offices shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk. All administrative boards and offices shall keep a record of their official transactions, and such records shall be open to public inspection.

Bonds.

SECT. 49. The municipal council shall require the city treasurer, the collector of taxes, the city auditor and the purchasing agent to give bonds, with such surety or sureties as it shall deem proper, for the faithful discharge of their respective duties, and may require any other municipal officer intrusted with the receipt, care or disbursement of money to give such bond. No city money shall be deposited in any bank or trust company of which any member of the board of sinking fund commissioners or the treasurer of said city is an officer, director or agent.

SECT. 50. Every administrative board, through its chairman or a member designated by the board, and every officer in charge of a department, may appear before the municipal council, and at the request of said municipal council shall appear before it, and give information in relation to anything connected with the discharge of the duties of such board or office; and the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Purchasing Department.

SECT. 51. The purchasing department shall consist of a purchasing agent and such assistants as the municipal council may from time to time deem necessary. The purchasing agent shall purchase all supplies for the city, except in case of an emergency; but all purchases or contracts for purchase exceeding twenty-five dollars in amount shall be based upon competition, and no purchases or contracts for purchase shall be made involving the expenditure of more than twenty-five dollars for any one class of supplies in any month, except by competition. The

purchasing agent shall purchase all supplies for the school department in accordance with instructions given to him by the school committee. A record shall be kept by this department of the prices paid for all supplies, which, shall be open to the inspection of any citizen. The salaries in this department shall be fixed by the municipal council.

Salaries.

SECT. 52. The salary of the mayor shall be thirty-five hundred dollars per annum, and the salary of each of the remaining four members of the municipal council shall be three thousand dollars per annum. These salaries shall be payable in equal monthly installments.

SECT. 53. No member of the municipal council shall during the term for which he was chosen hold any other office the salary of which is payable by the city.

SECT. 54. The municipal council shall establish by ordinance the salary or compensation of every appointive officer; but after the first municipal year succeeding the acceptance of this act no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

Schools.

SECT. 55. The management and control of the public schools of the city shall be vested in the school committee, consisting of the mayor ex officio and four other members elected in accordance with the provisions of this act. Three of its members shall constitute a quorum. The mayor, when present, shall preside, and its meetings shall be public. All final votes of the school committee involving the expenditure of fifty dollars or over shall be by yeas and nays and shall be entered on the records. The committee shall vote by yeas and nays, when that is practicable, and on request of one member any vote shall be by yeas and nays, and shall be entered upon the records. The affirmative vote of at least three members shall be necessary for the passage of any order, resolution or vote.

SECT. 56. The school committee shall meet for organization on the Tuesday next after the first Monday in January in each year. The committee shall be the judge of the election and qualifications of its members and shall determine the rules for its proceedings, unless it is otherwise provided herein. The members of the school committee shall be sworn to the faithful discharge of their duties.

SECT. 57. The school committee may elect a superintendent of schools and may appoint such other subordinate officers and assistants, including janitors of school buildings, as it may deem necessary for the

proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties and shall fix their compensation, and may suspend or remove them at pleasure. No member of the school committee, except the mayor, shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable out of the city treasury.

SECT. 58. The school committee, in addition to the powers and duties pertaining by law to school committees, shall have power to provide, when they are necessary, temporary accommodations for school purposes, and shall have the control of all school buildings and of the grounds connected therewith, and the power to make all repairs, the expenditures for which are made from the regular appropriation for the school department, except as is otherwise provided herein.

SECT. 59. No site for a school building shall be acquired by said city unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee therefor is first obtained. Nothing herein contained shall require such approval for the making of ordinary repairs.

Vacancies.

SECT. 60. If there be a vacancy, by failure to elect or otherwise, in the municipal council, the council shall, by its remaining members, call a special city election to fill the vacancy or vacancies for the unexpired term or terms; except that if such vacancy or vacancies occur less than four months prior to the annual city election, the municipal council shall, by its remaining members, fill such vacancy or vacancies for the unexpired term or terms respectively. A person elected to fill any such vacancy shall, before entering upon the duties of his office, take oath before the city clerk or a justice of the peace faithfully to perform the same.

SECT. 61. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, the president of the municipal council shall perform them, and if he also is absent, or unable from any cause to perform said duties, they shall be performed by such member of the municipal council as it may, from time to time, elect, until the mayor or president of the municipal council is able to attend to said duties, or until the vacancy is filled, as hereinbefore provided. The person upon whom such duties devolve shall be called "Acting Mayor," and, except as is otherwise provided in this act, shall possess the powers of mayor, but only in matters not admitting of delay.

SECT. 62. If there is a vacancy in the school committee, by failure to elect or otherwise, the mayor shall call a joint convention of the municipal council and the school committee, at which the mayor, if present, shall preside, and the vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member to serve for the remainder of the municipal year. At the next annual municipal election thereafter a member shall be elected by the qualified voters of the city, to serve for the remainder of the unexpired term of the member whose office is vacant.

Recall.

SECT. 63. The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows:—

A petition signed by a number of such voters equal to at least twenty-five per cent. of the aggregate number of votes cast for candidates for mayor at the last preceding annual election at which a mayor was elected, demanding an election of a successor to the person sought to be removed, shall be filed in the office of the city clerk. Such petition shall contain a general statement of the grounds upon which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand and substantially upon the same grounds, and all papers containing the said demand and statement which, in any one day, shall be filed at the office of the city clerk, shall be deemed parts of the same petition. Every signer shall add to his signature his place of residence, giving the street and street number, if any. One signer of every such paper shall make oath upon his information and belief, before a notary public, or a justice of the peace, that the statements therein made are true, and that each signature to such paper is a genuine signature of the person whose name it purports to be. Within ten days after the date of the filing of such petition, the city clerk, with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the requisite number of voters, as above prescribed, and shall attach to said petition his certificate, showing the result of his examination. If, from the city clerk's certificate the petition appears not to be signed by the requisite number of voters, it may be supplemented, within ten days after the date of such certificate, by other papers, signed and sworn to as aforesaid, and all other papers containing a like demand and statement, and signed and sworn to as aforesaid, shall be deemed supplemental to the original petition. The city clerk shall within ten days after the expiration of the time allowed for filing the supplementary petition make a like examination of such petition, if any is filed, and

shall attach thereto a new certificate, and, if it appears from such new certificate that the petition is still insufficient as to the number of signers as aforesaid it shall be returned to the person or persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition, as originally filed or as supplemented, shall be certified by the city clerk to be sufficient, he shall present the same to the municipal council without delay, and the municipal council shall call the election so demanded, and shall fix a date for holding the same, which shall be not less than sixty nor more than seventy days after the date when the petition was presented by the city clerk to the municipal council. The municipal council shall make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made and the results thereof declared in all respects as in the case of other city elections. The successor of any person removed shall hold office during the unexpired term of his predecessor.

Any person sought to be removed may be a candidate at such election, and unless he requests otherwise in writing the city clerk shall place his name on the official ballots without nomination. The person receiving the highest number of votes shall be declared elected. If some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed to be removed from office. In case a person, other than the incumbent, receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace, within thirty days after his election, faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of such election, unless sooner removed therefrom by new and like proceedings. The name of no candidate other than the person sought to be removed shall be printed on the official ballots to be used at such election, unless such candidates be nominated as hereinbefore provided at a preliminary election.

Initiative.

SECT. 64. If a petition, signed by a number of the voters of said city, qualified to vote at city elections, equal to at least twenty-five per cent. of the aggregate number of votes cast for the candidates for mayor at the last preceding annual city election at which a mayor was elected, and requesting the municipal council to pass any measure therein set forth or referred to, shall be filed in the office of the city clerk, the municipal council, provided said measure be one which it has a legal right to pass, shall,

(a) Pass said measure without alteration, within twenty days after the attachment of the city clerk's certificate of sufficiency to such petition, or

(b) Forthwith, after the expiration of twenty days after the attachment of the said certificate of sufficiency of the petition, call a special election, unless an annual city election is held within ninety days after the attachment of the certificate of sufficiency; and at such special election, or annual city election, if one is so to be held, submit said measure without alteration to the voters of the city qualified as aforesaid. The date of said election shall be fixed as provided by section sixty-three.

If, however, a petition like the above described petition, and signed by a number of qualified voters equal to at least ten per cent. but less than twenty-five per cent. of the aggregate number of votes cast as aforesaid, is filed as aforesaid the municipal council shall

(c) Pass the measure therein set forth or referred to, without alteration, within twenty days after such attachment of the certificate of sufficiency, or

(d) Submit the same to the qualified voters of the city at the next annual city election.

The votes upon the said measure at an annual city election or at a special election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed measure shall vote in favor thereof, it shall thereupon become a valid and binding measure of the city, and no such measure passed as aforesaid, by the municipal council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such annual city election or special election, shall be repealed or amended except by the qualified voters of the city at an annual city election or special election. Any number of measures requested by petition, as aforesaid, may be voted upon at the same election, in accordance with the provisions of this section. The municipal council may submit a proposition for the repeal of any such measure, or for amendment thereof, to be voted upon at any succeeding annual city election; and should such proposition as submitted receive a majority of the votes cast thereon at such election, the measure shall thereby be repealed or amended accordingly. The vote upon such repeal or amendment at the annual city election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be repealed or amended?" which shall be printed on the ballots after the list of candidates, if there be any. Whenever any such measure or

proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of the measure or proposition to be voted on. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is requested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the municipal council, shall have the city clerk certificate of sufficiency or insufficiency attached thereto, and may be supplemented, in the same manner as petitions filed under sixty-three. Any measure, passed under the provisions of this section by the municipal council, or by the voters, may prescribe such penalty for its violation as the municipal council, after this act takes effect, shall have a right to affix to a like measure for a breach thereof.

Referendum.

SECT. 65. If, during the ten days next following the passage of any measure by the municipal council, a petition, signed by a number of voters of said city, registered to vote at city elections, equal to at least twenty-five per cent. of the aggregate number of votes cast for candidates for mayor at the last preceding annual city election at which a mayor was elected, and protesting against the passage of such measure shall be filed in the office of the city clerk, such measure shall be suspended from going into operation, and it shall be the duty of the municipal council to reconsider the same, and if it is not entirely repealed the municipal council shall submit it, as is provided in sub-division (b) of section sixty-four to the registered voters of the city, and the said measure shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the same shall vote in favor thereof. The vote upon such a measure at an annual city election or special election shall be taken by ballot in answer to the question, " Shall the measure (stating the nature of the same) take effect?" which shall be printed on the ballot after the list of candidates, if there be any. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is protested, shall be set forth or referred to, and all such papers filed in any one day shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the municipal council, shall have the city clerk's certificate of suffi-

ciency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section sixty-three.

SECT. 66. It shall not be necessary for the validity of any petition or statement provided for or required by the provisions of this act that any signer thereof add to his signature any residence other than the name of the street, and street number, if there be any, at which he resides at the time of signing.

SECT. 67. All acts and parts of acts inconsistent herewith are hereby repealed; *provided, however*, that this repeal shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding begun in any civil case before the time when such repeal takes effect, and that no offences committed and no penalties or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by such repeal; and *provided also*, that all persons who, at the time when said repeal takes effect shall hold any office under said acts shall continue to hold the same, except as is otherwise provided herein, and *provided also*, that all by-laws and ordinances of the City of Lynn in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in office, except as is otherwise provided herein.

Acceptance by Voters.

SECT. 68. If Part I, of this act be accepted, it shall take effect upon its acceptance for the annual city election to be held on the second Tuesday of December in the year nineteen hundred and ten, for the preliminary election for nominations, to be held, under the provisions of this Part, on the third Tuesday preceding the aforesaid annual city election for the statements of candidates and petitions accompanying statements of candidates to be filed by persons whose names are to be printed on the official ballots to be used at such preliminary election, and for all things which appertain and relate to said annual city election, preliminary election, statements of candidates and petitions accompanying statements of candidates; and, it shall take effect for all other purposes at ten o'clock in the forenoon on the first Monday of January, in the year nineteen hundred and eleven.

Gaylord Bros.
Makers
Syracuse, N. Y.
PAT JAN 21 1938

80 09400

298623

JS 1071
. A8
1910

UNIVERSITY OF CALIFORNIA LIBRARY

