

PART I
CHARTER AND RELATED LEGISLATION
Division 1
TITLE 1. - MUNICIPAL GOVERNMENT

Sec. 1. - Incorporation.

Sec. 2. - Form of government.

~~Sec. 3. - Seven wards established.~~

Sec. 1. - Incorporation.

The inhabitants of the City of Somerville shall continue to be a municipal corporation, under the name of the City of Somerville, and as such shall be subject to all general laws relating to such corporations not inconsistent with the provisions of this Act.

Sec. 2. - Form of government.

The administration of the fiscal, prudential and municipal affairs of said city shall be vested in an executive department, to consist of the mayor, and a legislative department, to consist of a single body, to be called the board of aldermen. The executive department shall never exercise any legislative power, and the legislative department shall never exercise any executive power.

Sec. 3. The city shall be divided into 7 wards containing as nearly as possible and as may be consistent with well defined limits to each ward an equal number of inhabitants as it is possible to achieve. The board of aldermen shall from time to time, but at least once every 10 years, review the wards to insure their uniformity in the number of inhabitants.

~~Sec. 3. - Seven wards established.~~

~~It shall be the duty of the city council in joint convention, as soon as may be after the acceptance of this Act, to divide said city into seven wards, containing as nearly as possible and as may be consistent with well defined limits to each ward an equal number of male voters. In order that the new wards may conform to the present representative districts, the present ward one shall constitute one ward, and the present wards two, three and four shall each be divided into two wards. Immediately after such new division of the city into wards, the board of aldermen shall divide such new wards into voting precincts, none of which shall contain more than one thousand~~

~~registered male voters, and the mayor shall thereupon appoint, with the approval of the board of aldermen, election officers to serve therein. Action under this section shall not apply to the state election to be held the present year.~~

TITLE 2. - ELECTIONS AND MEETINGS

~~Sec. 4. - Elections generally.~~

~~Sec. 5. - Date of municipal elections.~~

~~Sec. 6. - Certain officers to be elected by ballots.~~

~~Sec. 7. - Filling of vacancies.~~

~~Sec. 8. - General meetings of qualified voters.~~

~~Sec. 9. - Caucuses may be held in adjacent ward.~~

Sec. 4. - Elections generally.

Except as herein otherwise provided, all elections for national, state, county, district and municipal officers, and for any other municipal purposes, shall be called and conducted according to the provisions of the General Laws of the Commonwealth; provided, however, that municipal elections shall be held in the City of Somerville, according to Chapter 281, Acts of 1932, as amended.

(Acts 1932, Chapter 281, accepted by voters Nov. 8, 1932.)

Sec. 5. - Date of municipal elections.

The biennial municipal election shall take place on the Tuesday next after the first Monday of November in the year nineteen hundred and twenty-five and every second year thereafter. The municipal year shall begin on the first Monday of January in each year.

(Special Acts 1919, Chapter 98, accepted by voters Nov. 4, 1919; Acts 1924, Chapter 123, accepted by the Board of Aldermen and approved by Mayor June 13, 1924.)

Sec. 6. - Certain officers to be elected by ballots.

At such municipal election the qualified voters shall give in their votes by ballot for a mayor and members of the board of aldermen and of the school committee, or for such of them as are to be elected. The person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office, and whenever two or more persons are to be elected to the

same office the several persons, up to and including the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Sec. 7. - Filling of vacancies.

If there is no choice of mayor or if the person elected mayor shall refuse to accept the office or shall die before qualifying, or if a vacancy in said office shall occur five months or more prior to any regular municipal election, the board of aldermen shall forthwith order a special election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of a mayor, and shall be repeated until the election of a mayor is completed. But, if the vacancy in the office of mayor shall occur less than five months prior to any regular municipal election, it shall be filled by the board of aldermen by a majority vote of all its members. If the full number of members of the board of aldermen has not been elected, or if a vacancy in the office of alderman shall occur one year or more prior to any regular municipal election, the board of aldermen shall forthwith order a special election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of such aldermen. But if the vacancy in the office of alderman shall occur less than one year prior to any regular municipal election, it shall be filled for the remainder of the term by the board of aldermen by a majority vote of all its members. The person elected to fill such vacancy shall be chosen from the ward in which the vacancy occurs.

(Special Acts 1919, Chapter 98, accepted by voters Nov. 4, 1919; Acts 1946, Chapter 167, approved March 28, 1946.)

Sec. 8. - General meetings of qualified voters.

General meetings of the citizens qualified to vote may from time to time be held, according to the right secured by the constitution of the Commonwealth, and all such meetings may, and upon the request in writing of fifty qualified voters setting forth the purposes thereof, shall be called by the board of aldermen.

~~**Sec. 9. - Caueuses may be held in adjacent ward.**~~

~~When, in the opinion of the board of aldermen, no convenient room for holding a caucus of the voters of any ward can be had within the territorial limits of such ward the board may provide for such caucus a convenient polling place within the limits of an adjacent ward; and for the purpose of such caucus the polling place so provided shall be deemed and taken to be part of the ward for which the caucus is held.~~

TITLE 3. - LEGISLATIVE DEPARTMENT

- Sec. 10. - Board of aldermen—Composition; election; terms.
- Sec. 11. - Same—Rules for proceedings; quorum; salaries.
- Sec. 12. - Oath of office of mayor and aldermen.
- Sec. 13. - Organization of board of aldermen.
- Sec. 14. — Election of city messenger.
- Sec. 15. - Passage of ordinances, orders and resolutions.
- Sec. 16. - Certain ordinances, etc., to be approved by mayor; mayor's veto power.
- Sec. 17. - Powers and duties of board of aldermen.
- Sec. 18. - Appropriations for expenditures.
- Sec. 19. — Establishment of fire limits.

Sec. 10. - Board of aldermen—Composition; election; terms.

The board of aldermen shall be composed of eleven members, to be elected as follows: four aldermen at large shall biennially be elected by the qualified voters of the city at large, voting in their respective wards, and one alderman shall at the same time be elected by and from the qualified voters of each ward. The members of the board of aldermen shall hold office for the two municipal years next following their election, or, if elected after the regular municipal election, for the remainder of the two municipal years, following such regular municipal election and until a majority of the new board shall be elected and qualified in their stead.

(Special Acts 1919, Chapter 98, accepted by voters Nov. 4, 1919; Acts 1930, Chapter 50, approved Feb. 21, 1930; Acts 1934, Chapter 298, accepted by voters Nov. 6, 1934.)

Sec. 11. - Same—Rules for proceedings; quorum; salaries.

The board of aldermen shall from time to time make rules for its proceedings. A majority of the members of the board shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time. The board of aldermen may, by a two-thirds vote of all its members taken by call of the yeas and nays, establish a salary for its members. Such salary may be reduced at any time by a similar vote.

Deleted: shall be the judge of the election and qualifications of its members, and

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Editor's note—See M.G.L.A. ch. 39, § 6A.

(Acts 1927, Chapter 47, accepted by voters Nov. 8, 1927; Acts 1936, Chapter 330, accepted by voters Nov. 3, 1936.)

Sec. 12. - Oath of office of mayor and aldermen.

The mayor-elect and aldermen-elect shall on the first Monday of January following the regular municipal election, meet and be sworn to the faithful performance of their duties. The oath shall be administered by the city clerk, or by any justice of the peace, and shall be duly certified on the journal of the board of aldermen. At any time thereafter the oath may be administered to the mayor-elect or to any alderman-elect who was absent or who was not then elected.

(Special Acts 1915, Chapter 218, approved March 25, 1915; Special Acts 1919, Chapter 98, accepted by voters Nov. 4, 1919.)

Sec. 13. - Organization of board of aldermen.

On the first Monday of January in each year the board of aldermen shall meet and elect a president and a vice-president who shall hold office during the municipal year. The mayor, or in his absence the oldest in age of the members present, shall call the board of aldermen together, and shall preside until a president is elected, who shall thereafter preside over the board. The vice-president shall preside in the absence of the president. At any meeting of the board, in the absence of the president and vice-president, the oldest in age of the members present shall preside until a president pro-tempore is elected. The city clerk shall be clerk of the board of aldermen.

(Special Acts 1919, Chapter 98, accepted by voters Nov. 4, 1919.)

Sec. 14. — Election of city messenger.

~~The board of aldermen, in January of each year, shall elect a city messenger, who shall hold office for the term of one year or the remainder thereof, beginning on the first Monday of January in the year of his election, and until his respective successor is elected and qualified, unless sooner removed by vote of a majority of all the members of the board, taken by ballot. [The city messenger holding office in 1949 shall continue to hold office as provided by Chapter 116, Acts of 1949]. The city clerk shall continue to hold office as provided by Chapter one hundred and twenty-seven of the Special Acts of nineteen hundred and eighteen, and in case of a vacancy shall be elected by the board of aldermen.~~

(Special Acts 1918, Chapter 127, accepted by the Board of Aldermen and approved by Mayor Dec. 13, 1918; Special Acts 1919, Chapter 98, accepted by voters Nov. 4, 1919; Acts 1949, Chapter 116, accepted by the Board of Aldermen and approved by Mayor April 12, 1949.)

Sec. 15. - Passage of ordinances, orders and resolutions.

Any ordinance, order or resolution of the board of aldermen may be passed through all its stages of legislation at one session; provided that no member of said board objects thereto; but if one or more members object, the measure shall be postponed for that meeting; and if when it is next brought up three or more members object to its passage at that meeting, a second postponement of at least one week shall take place.

(Acts 1938, Chapter 104, accepted by the Board of Aldermen and approved by Mayor April 2, 1938.)

Sec. 16. - Certain ordinances, etc., to be approved by mayor; mayor's veto power.

Every ordinance, order, resolution or vote of the board of aldermen, except such as relates to its own internal affairs, shall be presented to the mayor. If he approves thereof, he shall signify his approval by signing the same; but if not he shall return the same with his objections to the board of aldermen, which shall enter the objections of the mayor at length upon its records and proceed to reconsider said ordinance, order, resolution or vote, and if after such reconsideration two-thirds of all the members of the board vote to pass the same it shall be in force. In all such cases the vote shall be taken by yeas and nays. If such ordinance, ~~order,~~ order, resolution or vote shall not be returned within ten days after it has been presented to the mayor the same shall be in force. He may except from his approval of any ordinance, order, resolution or vote which he has the power to veto any part involving a distinct item of appropriation of expenditure, and in such case only the part so excepted shall be reconsidered in the manner and with the effect above provided. The veto power of the mayor shall not extend to elections.

Sec. 17. - Powers and duties of board of aldermen.

The board of aldermen shall, except as is otherwise provided herein, have and exercise:

1. All the powers, authorities and duties of towns, of boards of aldermen, ~~and of the mayor~~ and aldermen and city councils and common councils of cities under General Laws, provided that all appointments required by law to be made by the mayor and aldermen shall be made by the mayor, subject to confirmation by the board of aldermen.

2. The powers, authorities and duties now held by the City of Somerville, or by the city council, or by the common council, or by the board of aldermen or the board of mayor and aldermen of Somerville, by special laws.

3. Subject to the veto power of the mayor, as hereinbefore provided, the power, without appeal from its decision, to lay out, locate anew, alter, widen and discontinue town public ways and streets and to order specific repairs or a change of grade therein; to order the construction of sidewalks and of sewers, and to take real estate therefor therefore. Any such taking shall be made under Chapter seventy-nine of the General Laws, and any person injured in his real estate by any acts done by said board hereunder may recover his damages under said chapter. No town way or street shall be laid out, located anew, changed as to grade or otherwise, widened or discontinued, until a public hearing has been had, after notice given in accordance with the General Laws relating to town ways. Said hearing may be adjourned from time to time. ~~Nothing in this section shall be construed to exclude the jurisdiction of the county commissioners of Middlesex County in respect to ways, streets and highways in said city.~~

(Acts 1938, Chapter 268, approved May 5, 1938.)

4. The power to make ordinances and to affix penalties for the violation thereof.

(Acts 1973, Chapter 949, accepted March 14, 1974 by the Board of Aldermen; Acts 1988, Chapter 171).

Sec. 18. - Appropriations for expenditures.

On or before the thirtieth day of April in each year the board of aldermen shall appropriate the amount necessary to meet the expenditures of the city for the current municipal year, and to provide the ways and means for raising the same. It shall take care that no money be paid from the treasury unless the same is granted or appropriated, and shall require bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody and disbursement of money. All votes of board of aldermen making appropriations of money shall show the specific objects for which the appropriations are made. ~~The board of aldermen may appropriate money from time to time in aid of the Somerville Hospital, and in return for such appropriation may arrange for the care of such city patients as can be received at the hospital; but such appropriation, shall not exceed in any one year a sum amounting to one hundredth of one percent of the assessed valuation of the taxable property of the city for the preceding year.~~

Sec. 19. - Establishment of fire limits.

Deleted: The penalty for the violation of any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be a fine not to exceed three hundred dollars for each offense; provided, however, that when a higher penalty is permitted by the General Laws, such higher penalty shall be the maximum for each offense.

~~The board of aldermen shall have power to establish by ordinance fire limits within the city, and from time to time change or enlarge the same, to regulate the construction of all buildings erected within said fire limits, determining their size, situation, and the material of which they shall be constructed, and to make such other rules and regulations as shall tend to prevent damage by fire; provided that such rules and regulations shall not be inconsistent with the laws of the Commonwealth.~~

TITLE 4. - EXECUTIVE DEPARTMENT

Sec. 20. - Mayor; vested with executive powers; term of office.

Sec. 21. - Mayor to appoint certain officers and boards.

Sec. 22. - Appointment of person to examine books and accounts.

~~Sec. 23. - Suspension and removal of officers.~~

Sec. 24. - Mayor may call special meetings of the board of aldermen.

Sec. 25. - Mayor to enforce laws, ordinances, etc.; appointment of secretary authorized.

Sec. 26. - Mayor to have sole power to sign, execute, etc., deeds, leases, contracts, etc.

Sec. 27. - Acting mayor authorized when mayor unable to perform duties.

Sec. 20. - Mayor; vested with executive powers; term of office.

The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several officers and boards in their respective departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto. The mayor shall hold office for the two municipal years beginning with the first Monday in January following his election, unless sooner removed, and until his successor is elected and qualified; provided, that if elected to fill an existing vacancy, he shall hold office only for the remainder of the unexpired term.

(Special Acts 1919, Chapter 98, accepted by voters November 4, 1919.)

Sec. 21. - Mayor to appoint certain officers and boards.

The mayor shall have power to appoint, subject to confirmation by the board of aldermen the following officers and boards to serve, except herein otherwise provided, for one year and until the appointment and qualification of their successors: a city treasurer, who shall also be the

collector of taxes (in case of a vacancy, said office shall be filled for the unexpired term by the mayor subject to like confirmation); a city auditor, for the term of three years from the date of his appointment and until the qualification of his successor, (in case of a vacancy, said office shall be filled for the unexpired term by the mayor, subject to like confirmation); a chief of police who shall be appointed in the manner provided by ordinance and shall have an employment agreement for a term of no more than 5 years, and all other officers and members of the police department, a chief engineer and all other officers and members of the fire department; a city solicitor attorney; a purchasing agent; ~~a board of public welfare; a board of health; a board of trustees of the public library; a commissioner of public works (for the term of the mayor); a city engineer, who may be the commissioner of public works; a superintendent of streets; a superintendent of the division of highways, electric lights and lines; a superintendent of the division of public buildings and grounds; a superintendent of inspectional services; a superintendent of electric lines and lights; a superintendent of water works; one or more measurers of wood and bark; two or more field drivers; two or more fence-viewers; one poundkeeper of each pound in the city; such number of constables as may be deemed advisable; and all other officers and boards of the city whose election or appointment is not otherwise provided for in this Act. The officers and members of the police and fire departments shall hold their respective offices during the pleasure of the mayor and board of aldermen and until removed by them in the same manner in which they are appointed, or until their offices or places are otherwise vacated. Nothing in this section shall be construed to conflict with the provisions of Chapter one hundred and ninety-seven of the Acts of the year eighteen hundred and ninety-five, entitled "An Act to Provide for the Appointment of a Reserve Police Force in the City of Somerville."~~

Deleted: a city physician

(Acts 1934, Chapter 294, accepted by voters Nov. 6, 1934; Acts 1934, Chapter 295, accepted by voters Nov. 6, 1934; Acts 1949, Chapter 234, approved April 29, 1949; Acts 1949, Chapter 474, approved July 1, 1949; Acts 1953, Chapter 650, accepted by voters Nov. 3, 1953; Acts 1985, Chapter 486, approved November 12, 1985; Acts 1986, Chapter 368, approved August 6, 1986; Acts 2006, Chapter 183, approved July 27, 2006)

Sec. 22. - Appointment of person to examine books and accounts.

The mayor may at any time appoint a suitable person or persons to examine, without notice, the books and accounts of any department, officer, or employee of the city.

~~Sec. 23. - Suspension and removal of officers.~~

~~The mayor may in writing suspend any executive officer, and he shall at once report his action and his reason therefor to the board of aldermen. The suspension of any such officer shall, unless previously revoked by the mayor, be a removal at the expiration of fifteen days after said report is made, unless within that time such officer asks for a hearing before the board, which hearing shall forthwith be granted. If within one week after the conclusion of such hearing the board, by two-thirds vote, shall set aside the suspension, the officer shall thereby be reinstated; otherwise the suspension shall constitute a final dismissal from office.~~

Sec. 23. - Suspension and removal of officers confirmed by Board of Aldermen.

The mayor may in writing suspend any executive officer confirmed by the Board of Aldermen pursuant to Section 21 hereof, and he shall at once report his action and his reason therefor to the board of aldermen. The suspension of any such officer shall, unless previously revoked by the mayor, be a removal at the expiration of fifteen days after said report is made, unless within that time such officer asks for a hearing before the board, which hearing shall forthwith be granted. If within one week after the conclusion of such hearing the board, by two-thirds vote, shall set aside the suspension, the officer shall thereby be reinstated; otherwise the suspension shall constitute a final dismissal from office.

Sec. 24. - Mayor may call special meetings of the board of aldermen.

The mayor shall communicate to the board of aldermen such information and shall recommend such measures as in his judgment the interests of the city require. He may at any time call a special meeting of the board of aldermen, upon such notification as he may deem sufficient, and other special meetings of said board may be called at such times and in such manner as may be prescribed by the rules of said board.

Sec. 25. - Mayor to enforce laws, ordinances, etc.; appointment of secretary authorized.

The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept, and for that purpose and to aid him in his official duties he may appoint a secretary and define his duties; and, subject to the approval of the board of aldermen, shall fix the salary of the secretary. No increase in the salary of the mayor shall take effect in the calendar year in which it is voted.

(Acts 1982, Chapter 656, approved Jan. 5, 1983.)

Sec. 26. - Mayor to have sole power to sign, execute, etc., deeds, leases, contracts, etc.

The mayor shall have the sole power to 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 and assurances on behalf of the city.

(Acts 1932, Chapter 308, approved June 7, 1932.)

Sec. 27. - Acting mayor authorized when mayor unable to perform duties.

~~In case of the inability of the mayor from absence or any other cause to perform the duties of his office the president of the board of aldermen shall, until such inability is removed, exercise the powers and perform the duties of mayor, under the style of acting mayor, except that he shall not, unless authorized thereto in a special instance by the board of aldermen, and then only in case of exigency requiring an immediate appointment or removal, make any permanent appointment or removal, and shall not, unless such inability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the board of aldermen. In case of such inability on the part of the president of the board of aldermen his powers and duties hereunder shall devolve upon the vice president of the board, and in case of such inability on the part of both the president and vice president such powers and duties shall devolve upon the president pro tempore of said board.~~

In case of the inability of the mayor from absence or any other cause to perform the duties of his office, the president of the board of aldermen shall, until such inability is removed, but in no case for a period of time longer than ten days, exercise the powers and perform the duties of mayor, under the style of acting mayor, except that he shall not, unless authorized thereto in a special instance by the board of aldermen, and then only in case of exigency requiring an immediate appointment or removal, make any permanent appointment or removal.. In case of the inability of the mayor from absence or any other cause to perform the duties of his office for a period of time exceeding ten days, but prior to a vacancy occurring as provided in Section 7 of the City Charter, the acting mayor shall be voted by the board of aldermen by a majority vote of all its members. An acting mayor chosen by majority vote of the board of aldermen shall have power to approve or disapprove any ordinance, order, resolution or vote of the board of aldermen. In case of such inability on the part of the president of the board of aldermen to serve as acting mayor for the initial period of ten days, his powers and duties hereunder shall devolve

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upon the vice-president of the board, and in case of such inability on the part of both the president and vice-president such powers and duties shall devolve upon the president pro tempore of said board.

DELEGATION OF AUTHORITY BY MAYOR The mayor may authorize any subordinate officer or employee of the city to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor, and the mayor may rescind or revoke any such authorizations previously made, but all acts performed under any such delegation of authority during a period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate his powers and duties as a school committee member, the power of appointment to city office or employment or to sign or return measures approved by the board of aldermen.

TEMPORARY ABSENCE OF THE MAYOR (a) Acting Mayor - Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of the office, the president of the board of aldermen shall be the acting mayor. If the president of the board of Aldermen is likewise unable to perform the duties of the office, then the vice-president of the board of aldermen shall be the acting mayor until such time as the mayor or the president of the board of aldermen is able to perform said duties; (b) Powers of Acting Mayor - The acting mayor shall have only those powers of the mayor that are essential to the conduct of the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from city service unless the disability of the mayor shall extend beyond sixty (60) days, nor shall an acting mayor approve or disapprove of any measure adopted by the board of aldermen unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the board of aldermen is serving as acting mayor, that alderman shall not vote or deliberate as a member of the board of aldermen.

VACANCY IN OFFICE OF MAYOR (a) Special Election - If a vacancy in the office of mayor occurs during the first year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the board of aldermen shall immediately order a special election to be held within 90 days following the date the vacancy is created, to fill the vacancy for the balance of the then unexpired term. If a preliminary or general election is to be held within 120 days following the date the vacancy is created, a special election shall be held on the earlier of said dates, but not less than 90 days after the date the vacancy was created, and the position shall be filled by vote at such regular election. (b) President of Aldermen To Serve As Mayor - If a vacancy in the office of mayor occurs in the second year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the president of the board of aldermen shall become the mayor. Upon the qualification of the president of the board of aldermen as the mayor,

under this section, a vacancy shall exist in that seat on the board of aldermen which shall be filled in the manner provided in section 2-11. A president serving as mayor under this subsection shall so serve without restrictions. That person shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot. (c) Powers, Term of Office - The mayor elected under Section 3-10(a) or (b) shall have all the powers of the mayor. A person elected by special election under subsection (a), shall serve for the balance of the term unexpired at the time of election to the office. A person chosen under subsection (b), shall serve until the time the next regular election in certified, at which time the person elected to fill the office for the ensuing term of office shall be sworn in and serve, in addition, for the balance of the then unexpired term.

TITLE 5. - SCHOOL COMMITTEE

Sec. 28. - Composition; election; terms; vacancies.

Sec. 29. - Meetings; organization.

Sec. 30. - Rules for proceedings; quorum.

Sec. 28. - Composition; election; terms; vacancies.

~~The management and control~~ school committee shall exercise the powers conferred and discharge the duties imposed on it by law upon school committees. The committee shall consist of the mayor and the president of the board of aldermen, ~~ex-officials [ex-officio]~~, serving ex officio, neither of whom shall serve as chairman, and seven other members, elected as follows; one member shall be elected by and from the voters of each ward at each regular municipal election to serve for the term of two years next following. If a vacancy in the office of school committeeman shall occur one year or more prior to any regular municipal election, the board of aldermen shall forthwith order a special election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of such school committeeman. But, if the vacancy in the office of school committeeman shall occur less than one year prior to any regular municipal election, it shall be filled for the remainder of the term by ballot of the remaining members of the school committee, the member so elected to be a qualified voter of the ward in the representation of which on said committee the vacancy exists.

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(Acts 1904, Chapter 354, accepted by voters Nov. 8, 1904; Special Acts 1919, Chapter 98, accepted by voters Nov. 4, 1919; Acts 1930, Chapter 50, approved Feb. 21, 1930; Acts 1934, Chapter 297, accepted by voters Nov. 6, 1934; Acts 1935, Chapter 35, approved Mar. 2, 1935; Acts 1946, Chapter 167, approved Mar. 28, 1946; an act transferring the management and

control of school buildings of the City of Somerville to the school committee of said city; Acts 1971, Chapter 1026, adopted by Board of Aldermen Nov. 11, 1971, Document No. 121243 not returned by the Mayor; Acts 1977, Chapter 644 was adopted by the Board of Aldermen and approved by the Mayor December 1, 1977 revoking Acts 1971, Chapter 1026 and providing for the transfer of the management and control of school buildings to the school committee.)

Sec. 29. - Meetings; organization.

The school committee shall meet on the first Monday of January in each year and organize by the election by ballot of one of its members as chairman. The oldest in age of the members present shall preside at all meetings until a chairman is elected.

Sec. 30. - Rules for proceedings; quorum.

The school committee shall ~~[DELETE PER SIMILAR DELETION AT SECTION 11]~~ from time to time make rules for its proceedings. A majority of all the members of the committee shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time. It shall annually appoint a superintendent of schools, who shall also be its secretary but who shall not be one of its members.

Deleted: be the judge of the election and qualifications of its members, and shall,

Division 1

TITLE 6. - ADMINISTRATIVE OFFICERS

Sec. 31. - City clerk.

Sec. 32. - City treasurer and collector of taxes.

Sec. 33. - City auditor.

Sec. 34. - City solicitor attorney.

~~Sec. 35. - City physicians.~~

Sec. 36. - Board of assessors.

~~Sec. 37. - Board of public welfare.~~

Sec. 38. - Board of health.

Sec. 39. - Board of trustees of the public library.

Sec. 40. - Department of public works.

Sec. 40A. - Powers and duties of commissioner of public works.

~~Sec. 40A.1. - Certain employees transferred to school committee.~~

~~Sec. 40A.2. - Certain collective bargaining agreement to remain in effect.~~

Sec. 40B. - Appointment of commissioner of public works.

- Sec. 40C. - Divisions within department of public works—Established.
- Sec. 40D. - Same—City engineer, superintendents to control.
- Sec. 41. - Superseded.
- Sec. 42. - Security required for excavations of streets and sidewalks.
- Sec. 43. - Purchasing agent to make all purchases.
- Sec. 44. - Administrative boards and officers may appoint, discharge, etc., employees.
- Sec. 45. - Terms of appointed officers.

Sec. 31. - City clerk.

The city clerk shall be appointed by a majority vote of the Board of Aldermen. He shall exercise the powers conferred and discharge the duties imposed by law upon city clerks. He shall be clerk of the board of aldermen, and shall keep a journal of all votes and proceedings. He shall perform such other duties as may be prescribed by the board of aldermen and he shall perform all the duties and exercise all the powers assigned by law to city clerks or town clerks, so far as such laws can apply to said city. In his absence a clerk of the board of aldermen pro tempore shall be chosen by a majority vote of the Board of Aldermen, who shall be sworn to the faithful performance of his or her duties and serve until the return of the city clerk or expiration of the then current term whichever occurs first.

Deleted: have charge of all journals, records and documents of the board of aldermen, and attest all warrants

Sec. 32. - City treasurer and collector of taxes.

The city treasurer and collector of taxes shall collect all moneys due the city, ~~except license fees or other moneys the collection of which is otherwise provided for by law.~~ He shall have the custody of and pay out all moneys, and cause an accurate account of the same to be kept in proper bookkeeping form, and shall perform such other duties as the ordinances prescribe; he shall also perform all the duties and exercise all the powers assigned by law to city treasurers and collectors of taxes or town treasurers and collectors of taxes, so far as such laws can apply to said city.

Sec. 33. - City auditor.

The city auditor shall perform such duties as the ordinances prescribe.

Sec. 34. - City solicitor attorney.

The city solicitor attorney shall perform such duties as the ordinances prescribe.

~~Sec. 35. — City physicians.~~

~~The city physician shall perform such duties as the law and ordinances prescribe.~~

Sec. 36. - Board of assessors.

(a) Composition; term of office. The board of assessors shall consist of three members. They shall be appointed by the mayor subject to the approval of the board of aldermen. Each assessor shall serve a three-year term. Their terms shall be staggered so that only one term elapses at the end of each year.

The chairman of the board of assessors shall serve full-time. He shall be nominated as chairman by the mayor at the time of his appointment. As chairman of the board he shall also serve as the department head in the administration of the department.

The other two assessors shall serve part-time and constitute the other members of the board of assessors.

(b) Qualifications. The members of the board of assessors shall possess the following minimum qualifications before assuming their official duties: a bachelor's degree from an accredited four-year college or university with major course work in ~~accounting~~ accounting, business or public administration, economics, statistics, real estate, computer science, engineering or mathematics and not less than three years of paid, full-time experience in the public or private sector where the primary task involved the assessment or appraisal of real property; provided, however, that possession of any one or more of the following certificates or memberships may be substituted for the bachelor's degree requirement:

- (1) Certified Massachusetts Assessor (CMA);
- (2) Certified Appraisal Evaluator (CAE);
- (3) Designated member of Society of Real Estate Appraisers (SREA);
- (4) Designated member of the American Institute of Real Estate Appraisers.

The provision of this paragraph may be waived by the mayor, with the approval of a two-thirds vote of the board of aldermen taken by a call of the yeas and nays, if the mayor determines that there is no reasonable expectation that qualified persons will be able and willing to accept appointment as an assessor, but in no case shall such a waiver be made for the position of chairman of the board of assessors; provided, however, that a waiver granted pursuant to this paragraph shall be renewed annually. If such waiver is not sought by the mayor by the first regularly scheduled meeting of the board of aldermen in February, then that assessor shall cease

to hold office. If the board of aldermen fail to act upon the request for waiver by the end of March, then that assessor shall cease to hold office. The waiver provided for herein shall be granted for not more than three consecutive times as to each person.

(c) Powers and duties. The members of the board of assessors shall exercise the powers conferred and discharge the duties imposed upon them by law,

Deleted: shall have all the powers and perform all the duties imposed upon them

(d) Compensation of members. The salary of members of the board of assessors shall be established by ordinance by the board of aldermen with the approval of the mayor.

Deleted: They shall confer on a regular basis but not less frequently than twice each year, with the mayor and the board of aldermen in relation to matters involving local taxes and taxation, state and federal taxes or charges levied against the city and revenues received by [the] city, and such other matters as they or the mayor and the board of aldermen shall deem necessary.

(e) Quorum; voting. A majority of the full board of assessors shall constitute a quorum. Every member of the board of assessors may vote on any question coming before it. The affirmative vote of at least two assessors (a majority of the assessors present and voting) shall be necessary for the approval of any matter, including, but not limited to, statutory and discretionary tax abatements.

(f) Rules. The board of assessors shall, from time to time, establish[,] amend or alter rules for its proceedings.

(g) Meetings. Regular meetings of the board of assessors shall be held at a time and place fixed by rule or otherwise required by law; provided, however, that at least one meeting shall be held each month. The chairman of the board of assessors or any two members thereof may, at any time, call a special meeting by causing written notices, stating the time of holding such meeting and the subject to be acted upon, and signed by the members calling the same, to be delivered in hand to each member of the board of assessors or left at his usual dwelling place and posted, as required by law,

Deleted: at least forty-eight hours in advance of the time set for such meeting

Deleted:

(h) Journal. A full and accurate journal of the proceedings of the board of assessors shall be kept. Every matter which comes before the board of assessors for a vote shall be included in the journal.

Deleted: Except as may be authorized by law, all meetings of the board of assessors shall be open to the public and press.

(i) Roll call votes. All final votes of the board of assessors on questions involving the abatement of taxes in the amount of one thousand dollars or more or the granting of any special tax agreement, or upon the request of one member of the board of assessors, shall be taken by a call of the yeas and nays and shall be entered upon the records.

(j) Filling of vacancies. If a vacancy shall occur in the office of assessors at any time, the mayor shall, subject to confirmation by the board of aldermen, appoint a qualified person to fill such vacancy for the balance of the unexpired term.

~~Notwithstanding any election of assessors having occurred in November of nineteen hundred and eighty one and in November of nineteen hundred and eighty three, section one of this Act [subsections (a) —(j)] shall operate to dissolve the currently elected board of assessors and their terms of office and powers shall terminate on the sixtieth day after the effective date of this Act. The first term of each assessor appointed pursuant to section one of this Act [paragraph (a)] shall be as follows:~~

- (1) The chairman shall be appointed for a full three-year term;
- (2) The two part-time assessors shall be appointed for a term of two years and one year, respectively and thereafter each assessor shall be appointed to a three-year term or to fill an unexpired three year term.

~~(Acts 1949, Chapter 234, approved April 29, 1949; Acts 1949, Chapter 474, approved July 1, 1949; Acts 1985, Chapter 23, approved April 9, 1985.)~~

~~**Sec. 37. — Board of public welfare.**~~

~~As soon after the organization of the government as practicable the mayor shall appoint, subject to confirmation by the board of aldermen, three persons, who shall constitute the board of public welfare, to serve, one for one year, one for two years, and one for three years, and thereafter one each year to serve for the term of three years. Vacancies occurring in the board may be filled in the same manner, but only for the unexpired term. The board of public welfare shall perform such duties as are prescribed by law and ordinance.~~

~~(Acts 1923, Chapter 25, accepted by Board of Aldermen and approved by Mayor May 11, 1923.)~~

~~**Sec. 38. - Board of health.**~~

~~As soon after the organization of the government as practicable the mayor shall appoint, subject to confirmation by the board of aldermen, three persons, who shall constitute the board of health, to serve, two for one year, and one for two years, and each year thereafter one to serve for the term of one year, and one for the term of two years. Vacancies occurring in the board may be filled in the same manner, but only for the unexpired term. At least one member of the board shall be a doctor of medicine. The board of health shall have power to appoint and to remove at pleasure, one or more inspectors of milk and vinegar, and one or more inspectors of animals and provisions, who shall have all the powers and perform all the duties prescribed by law for such officers. Said board may make rules not inconsistent with law, to govern the action of said inspectors. The board of health shall perform such duties as are prescribed by law and ordinance.~~

Sec. 39. - Board of trustees of the public library.

The board of trustees of the public library shall consist of nine members, to be appointed by the mayor, subject to confirmation by the board of aldermen. As soon after the organization of the city government under this Charter as may be convenient, the mayor shall appoint three trustees to serve for the term of one year, three for the term of two years, and three for the term of three years, and each year thereafter the mayor shall appoint three trustees to serve for the term of three years. Vacancies occurring in the board may be filled in the same manner, but only for the unexpired term. Said trustees shall have the care and management of the public library.

Sec. 40. - Department of public works.

There shall be a department of public works which shall be under the direction and control of the commissioner of public works.

(Acts 1953, Chapter 650, accepted by voters Nov. 3, 1953.)

Sec. 40A. - Powers and duties of commissioner of public works.

The commissioner of public works shall have the direction and control of the construction, alteration, repair, maintenance and management of ways, streets, sidewalks and bridges; he shall have the powers and discharge the duties of surveyors of highways, the construction, alteration, repair and care of main drains and common sewers; the care, superintendence and management of public grounds and parks, including cemeteries; he shall make and have the custody of all plans, surveys, measurements and levels appertaining the public ways, drains, sewers, water works or lands; he shall have charge of the construction, alteration, repair, maintenance and care of public buildings except school buildings; he shall have charge, so far as the rights of the city extend, of fire alarm and police signal systems and of trolley wires, of all gas pipes and street lighting; he shall have charge of the construction, extension, alteration, repair, care and management of the water works; and shall perform such other duties as the board of aldermen may direct.

(Acts 1953, Chapter 650, accepted by voters Nov. 3, 1953; an act transferring the management and control of school buildings of the City of Somerville to the school committee of said city; Acts 1971, Chapter 1026, adopted by Board of Aldermen Nov. 11, 1971, Document No. 121243 not returned by the Mayor; Acts 1977, Chapter 644, adopted by the Board of Aldermen Nov. 29, 1977 and approved by the Mayor Dec. 1, 1977.)

~~Sec. 40A.1. - Certain employees transferred to school committee.~~

The employees of the division of buildings in the department of public works of the City of Somerville, who are assigned to the custodial service of the school buildings, and who, immediately prior to the effective date of this Act held positions classified under Chapter thirty-one of the General Laws are hereby transferred to the school committee; every such transfer shall be without impairment of civil service status, seniority, retirement and other rights of the employee, without interruption of his service within the meaning of said chapter thirty-one, and without reduction in his compensation and salary grade, notwithstanding any change in his title or duties made as a result of such transfer.

(An act transferring the management and control of school buildings of the City of Somerville to the school committee of said city, Acts 1971, Chapter 1026, Document No. 121243 not returned by the Mayor, adopted by the Board of Aldermen No. 11, 1974; Acts 1977, Chapter 644, adopted by the Board of Aldermen Nov. 29, 1977 and was approved by the Mayor Dec. 1, 1977.)

Sec. 40A.2. — Certain collective bargaining agreement to remain in effect.

Notwithstanding the provisions of Chapter one hundred and fifty E of the General Laws to the contrary, the current collective bargaining agreement negotiated by and between the City of Somerville, acting through its chief executive officer, and Somerville Municipal Employees Association, acting through its duly elected or appointed representatives, as the terms of said agreement pertain to the employees of the division of buildings in the department of public works who may be transferred to the school committee under section four [section 40A.1] of this Act, shall remain in full force until June thirtieth, nineteen hundred and seventy-eight, or until a successor agreement is entered into by both parties.

(Acts 1977, Chapter 644, adopted by the Board of Aldermen Nov. 29, 1977 and approved by the Mayor Dec. 1, 1977.)

Sec. 40B. - Appointment of commissioner of public works.

The mayor shall, subject to the approval of the board of aldermen, appoint a commissioner of public works who may also be the city engineer of said city, and shall hold office during the term of the mayor and until his successor is appointed.

(Acts 1953, Chapter 650, accepted by voters Nov. 3, 1953.)

Sec. 40C. - Divisions within department of public works—Established.

There shall be within the department of public works the following divisions:

- (1) division of highways, electric lines and lights;

- (2) division of engineering;
- (3) division of waterworks; and
- (4) division of buildings and grounds.

Existing divisions may be eliminated or new divisions created as may be considered necessary by the mayor with the approval of the board of aldermen.

Each division of the department of public works shall have the management and control of those duties as may be determined by the commissioner of public works or by the board of aldermen. (Acts 1953, Chapter 650, accepted by voters Nov. 3, 1953; Acts 2008, Chapter 112)

Sec. 40D. - Same—City engineer, superintendents to control.

There shall be a superintendent of the division of highways, electric lights and lines; a city engineer; a superintendent of the division of waterworks; a superintendent of the division of buildings and grounds; and a supervisor of school facilities and energy conservation. The city engineer and the superintendents of the various divisions shall have charge of their respective divisions under the direction of the commissioner of public works.

The mayor shall annually appoint, subject to the confirmation of the board of aldermen, a superintendent of the division of highways, electric lights and lines; a city engineer who may also be the commissioner of public works; a superintendent of waterworks; an operations manager of waterworks; a 311 director; a superintendent of the division of buildings and grounds; and a supervisor of school facilities and energy conservation.

(Acts 1953, Chapter 650, accepted by voters November 3, 1953; Acts 1988, Chapter 94.; Acts 2008, Chapter 112)

Sec. 41. - Superseded.

Editor's note—Chapter 650 of the Acts of 1953 has superseded section 41 of this Charter.

Sec. 42. - Security required for excavations of streets and sidewalks.

The commissioner of public works may require that no person or corporation, other than an officer or agent of the city, authorized by the board of aldermen to dig up any public street or sidewalk in said city shall begin such digging before furnishing to said commissioner security satisfactory to him to restore such street or sidewalk to its former condition.

(Acts 1953, Chapter 650, accepted by voters Nov. 3, 1953.)

Sec. 43. - Purchasing agent to make all purchases.

The purchasing agent, shall, subject to the provisions of section forty-six A and forty-six B [~~of the Charter~~] of the Charter and state law, make all purchases for the respective departments. (Acts 1932, Chapter 308, approved June 7, 1932; Acts 1985, Chapter 486, approved November 12, 1985.)

Sec. 44. - Administrative boards and officers may appoint, discharge, etc., employees.

~~The several administrative boards and officers named in this title having charge of departments shall, subject to the approval of the mayor~~ mayor shall appoint, employ, and discharge, at pleasure, all subordinate officers, clerks assistants and laborers in their respective departments, and shall have the immediate direction and control of all executive and administrative business therein. They shall at all times be accountable to the mayor for the proper discharge of their duties.

Sec. 45. - Terms of appointed officers.

All officers required by this Act or by General Law to be appointed by the mayor or by the mayor and aldermen shall be appointed as soon as practicable after the mayor and a majority of the aldermen have been qualified and shall, unless sooner removed, hold their respective offices for the length of time prescribed by law, or the portion thereof then remaining, beginning on the first Monday in January of the year in which they are respectively appointed and until their respective successors are appointed and qualified. This section shall not apply to the appointment of election officers.

TITLE 7. - GENERAL PROVISIONS

Sec. 46. - Estimate of expenses of departments, boards.

Sec. 46A. - Certain contracts to be accompanied by bond; meet other requirements.

Sec. 46B. - ~~Reserved.~~ Organization of City Agencies.

Sec. 46C. - City auditor to certify contract appropriations.

Sec. 47. - Officers, boards to provide information to aldermen concerning discharge of duties.

Sec. 48. - Restrictions on appropriations.

~~Sec. 49. - Conflicts of interest.~~

Sec. 50. - Elected and appointed persons to receive certificate, take oath.

Sec. 51. - Existing ordinances, regulations to continue in force.

Sec. 52. - Civil Service Act to remain in force.

Sec. 53. - Repealer.

Sec. 54. - Acceptance of Charter by voters.

~~Sec. 55. - Effective date.~~

Sec. 46. - Estimate of expenses of departments, boards.

The heads of departments and all other officers and boards whose duties involve the expenditure of public money shall annually in the month of January or February, present to the mayor an itemized estimate of the money required for their respective departments or offices during the current financial year, who shall examine and submit the same, with his recommendation for appropriations, to the board of aldermen during the month of February or March.

Sec. 46A. - Certain contracts to be accompanied by bond; meet other requirements.

All contracts, made by any department, board or commission of the city, where the amount is five thousand dollars or more, shall be in writing, and no such contract shall be deemed to have been executed until the approval of the mayor and the department, board or commission making the contract has been affixed thereto. All contracts may be required to be accompanied by a bond with sureties, a deposit of money, certified check or other security for the faithful performance thereof, satisfactory to the procurement officer, department head or commission. Said security shall be deposited with the city treasurer. No such contract shall be altered except by written agreement of the contractor, the procurement officer or department head making the contract, with the approval of the mayor affixed thereto.

(Acts 1932, Chapter 308, approved June 7, 1932; an act further regulating the awarding of certain contracts by the City of Somerville, Acts 1971, Chapter 972, adopted by the Board of Aldermen Dec. 21, 1971, Document No. 121276 not returned by the Mayor; Acts 1980, Chapter 217; Acts 1985, Chapter 486, approved Nov. 15, 1985; Acts 1993, Chapter 201, approved Oct. 28, 1993.)

Editor's note—Section 1 of Acts 1993, Chapter 201 amended § 46A to read as set out above and repealed § 46B. The subject matter of new § 46A is the same as that of former § 46B; therefore, the editor has retained the history note of former § 46B for the new § 46A. Former § 46A required bids for certain contracts, purchases, etc. In addition to the legislation included in the history note to this section, former § 46A was also amended by Acts 1936, Chapter 183, accepted by the voters Nov. 2, 1937.

Sec. 46B. - ~~Reserved.~~ Organization of city agencies.

(a) The organization of the city into operating agencies for the provision of services and the administration of the government may be accomplished only through an administrative order filed with the board of aldermen by the mayor. No administrative order may originate with the board of aldermen. The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued, but may be assigned to any other city agency by administrative code unless state statute otherwise requires.

(b) The mayor may from time to time prepare and submit to the board of aldermen administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. All ordinances addressing the organization and operation of town departments, agencies, boards, commissions, and offices may be modified, revised, repealed, or otherwise addressed in such administrative orders. Orders may provide for the combination, separation, creation, or dissolution of any departments, provided that all essential city functions are assigned to a department, board, commission or office, however constituted.

Such administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the board of aldermen if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances.

Whenever the mayor proposes an administrative order, the board of aldermen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following said publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the board of aldermen unless the board of aldermen shall, by a majority vote, within such period vote to disapprove the

plan. The board of aldermen may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

Sec. 46C. - City auditor to certify contract appropriations.

No contract or order for the performance of labor or for the purchase of apparatus, supplies or materials except in cases of special emergency involving the health or safety of the people or their property, shall be awarded by the city unless and until the city auditor has certified on said contract or order that there is an unencumbered unencumbered balance in the appropriation chargeable therefore sufficient to cover the cost of said labor, apparatus, supplies or materials, as the case may be. In the case of emergency spending, each authorized department head shall make a written report monthly to the mayor, the board of aldermen and the city auditor. Said report shall contain the name of the contractor or contractors, equipment, labor, materials and supplies bought and sold, and the prices paid or received ~~therefor~~ therefore, and a detailed account of all other costs incurred and money spent as a result of such special emergency.

(Acts 1937, Chapter 353, approved May 26, 1937; an act further regulating the awarding of certain contracts by the City of Somerville, Acts 1971, Chapter 972, adopted by the Board of Aldermen Dec. 21, 1971, Document No. 121276 not returned by the Mayor; Acts 1980, Chapter 217.)

Sec. 47. - Officers, boards to provide information to aldermen concerning discharge of duties.

Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of the board of aldermen, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or officer; and when so requested to appear, the officer who appears shall have the right to speak upon all matters then under consideration relating to his department.

Sec. 48. - Restrictions on appropriations.

No sum appropriated for a specific purpose shall be expended for any other purpose unless by authority of the board of aldermen first obtained; and no expenditure shall be made and no liability incurred by or in behalf of the city until the board of aldermen has duly voted an appropriation sufficient to meet such expenditure or liability, except that after the expiration of the financial year and before the making of the regular annual appropriations liabilities payable

no penalty or forfeiture previously incurred shall be affected thereby. All persons holding office in said city at the time when this Act is accepted shall continue to hold such office until the organization of the city government hereby authorized shall be affected and until their successors shall be chosen and qualified. No act which has been repealed shall be revived by the repeal of acts mentioned in this section.

Sec. 54. - Acceptance of Charter by voters.

This Act shall be submitted to the qualified male voters of the City of Somerville for acceptance at a special election to be called by the board of aldermen and held on the fourth Tuesday of September, in the year eighteen hundred and ninety-nine. The vote shall be taken by ballot in answer to the following question: "Shall an act passed by the General Court in the year eighteen hundred and ninety-nine, entitled 'An Act to Revise the Charter of the City of Somerville', be accepted?"

Sec. 55.—Effective date.

~~So much of this Act as directs the submission of the question of its acceptance to the qualified voters of said city shall take effect upon its passage; so much hereof as relates to elections hereunder shall apply to the annual municipal election, which shall be held on the second Tuesday of December in the year eighteen hundred and ninety-nine, if the larger of votes upon the question of its acceptance be in the affirmative; and if so accepted, this act shall take full effect on the first Monday of January next ensuing.~~

~~Approved April 10, 1899.~~

~~Accepted by voters Sept. 26, 1899.~~

Division 2

ARTICLE I. - BOARD OF APPEALS

ARTICLE I. - BOARD OF APPEALS

Sec. 1. - Powers and duties.

Sec. 2.—Acceptance of Act and effective date.

Sec. 1. - Powers and duties.

The City of Somerville may by ordinance provide that the board of appeals established in relation to the zoning ordinances of said city under the provisions of Section twenty-seven of

Chapter forty of the General Laws shall be a board of appeals, also in relation to the general building ordinances of said city with powers and duties as fixed by such ordinance.

(Acts 1928, Chapter 49, Section 1.)

There shall be a board of appeals with all powers and duties accorded to it by the State Zoning Enabling Act and authority.

Sec. 2. — Acceptance of Act and effective date.

This Act shall take effect upon its acceptance by vote of the city council of said city, subject to the provisions of its Charter, provided that such acceptance occurs during the current year; but, for the purposes of such acceptance, it shall take effect upon its passage.

Approved February 17, 1928.

Accepted by board of aldermen with approval of mayor, March 9, 1928.

(Acts 1928, Chapter 49, Section 2.)

ARTICLE II. - ASSOCIATE MEMBERS OF THE BOARD OF APPEALS

Sec. 1. - Appointment; vacancies.

Sec. 2. - Acceptance of Act and effective date.

Sec. 1. - Appointment; vacancies.

The City of Somerville may by ordinance provide for the appointment by the mayor, subject to confirmation by the aldermen, of associate members of the board of appeals established in relation to the zoning ordinances and general building ordinances of said city under the provisions of Section twenty-seven of Chapter forty of the General Laws, as affected by Chapter forty-nine of the Acts of nineteen hundred and twenty-eight **the State Zoning Enabling Acts and other authority.** In case of a vacancy, inability to act or interest on the part of a member of the board of appeals his place shall be taken by an associate member.

(Acts 1928, Chapter 81, Section 1.)

Sec. 2. - Acceptance of Act and effective date.

This Act shall take effect upon its acceptance, during the current year, by vote of the city council of said city, subject to the provisions of its Charter, otherwise it shall not take effect; but, for the purpose of such acceptance, it shall take effect upon its passage.

Approved March 1, 1928.

Accepted by board of aldermen with approval of mayor, March 23, 1928.

(Acts 1928, Chapter 81, Section 2.)

ARTICLE III. - LICENSING COMMISSION

Sec. 1. - Creation; powers and duties; composition; appointment; compensation.

Sec. 2. - Vacancies.

Sec. 1. - Creation; powers and duties; composition; appointment; compensation.

The City of Somerville may by ordinance establish a licensing commission and from time to time place in charge of and withdraw from said commission the issuing of such of the licenses, now or hereafter authorized by law to be issued by its board of aldermen, as the city may by ordinance determine. One member of said commission shall be appointed from each of the two leading political parties and the third member shall also be appointed from one of said parties. Said commission shall have all the powers conferred by the statutes of the Commonwealth upon the board of aldermen and the mayor in relation to such licenses as may be placed in its charge and the regulation of the subject matters thereof. The members of said commission shall be appointed by the mayor, subject to confirmation by the board of aldermen, and shall receive such compensation, if any, as the mayor and board of aldermen may determine. The powers and duties of licensing boards, mentioned in Section four of Chapter one hundred and thirty-eight of the General Laws, shall vest in said commission.

(Acts 1923, Chapter 191, Section 1; Acts 1939, Chapter 190, Section 1.)

Sec. 2. - Vacancies.

From time to time as a vacancy occurs in said licensing commission, as constituted on the effective date of this Act, by expiration of term or otherwise, a successor to the member whose office becomes vacant shall be so appointed that the requirement in section one of this act as to representation of the two leading political parties on said commission will be complied with as soon as may be, and thereafter said section one shall apply to the appointment of members of said commission.

(Acts 1923, Chapter 191; Acts 1939, Chapter 190, Section 2.)

ARTICLE IV. - BOARD OF ELECTION COMMISSIONERS

ARTICLE IV. - BOARD OF ELECTION COMMISSIONERS

~~Sec. 1. - Created; to succeed abolished board of registrars of voters.~~

- Sec. 2. - Composition; compensation.
- Sec. 3. - Members; appointment, terms.
- Sec. 4. - Organization; record keeping.
- Sec. 5. - Powers and duties.
- Sec. 6. - Appointment of assistants authorized.
- Sec. 7. - Acceptance of Act and effective date.

~~Sec. 1. - Created; to succeed abolished board of registrars of voters.~~

~~The board of registrars of voters of the City of Somerville is hereby abolished. All the powers, duties and liabilities of said board of registrars are hereby transferred to and shall hereafter be placed upon and exercised by a board of election commissioners in said city, hereinafter called the board, which shall be the lawful successor of said registrars. Immediately upon the acceptance of this act as hereinafter provided, the said registrars of voters shall deliver to the board all books, papers, records and all other property in their possession.~~

~~(Acts 1928, Chapter 82, Section 1)~~

Sec. 2. - Composition; compensation.

There shall be a board of election commissioners. The board shall consist of four persons, of whom two shall always represent each one of the two leading political parties, as defined in Section one of Chapter fifty of the General Laws. They shall receive such compensation as the mayor and board of aldermen may determine.

(Acts 1928, Chapter 82, Section 2)

Sec. 3. - Members; appointment, terms.

The members of the board of registrars of voters in office in said city at the time this Act takes effect shall be members of said board of election commissioners, and shall serve until the expiration of their respective terms and until their successors are appointed and qualified. **The members of the board of election commissioners shall serve until the expiration of their respective terms and until their successors are qualified.** As the terms of the several election commissioners expire, and in case a vacancy occurs in said board, the mayor shall, subject to the approval by the board of aldermen, so appoint their successors that the members of the board shall equally represent the two leading political parties as defined as aforesaid. Such

appointments shall be for terms of three years beginning April first, except that any appointments to fill a vacancy shall be for the unexpired term.

(Acts 1928, Chapter 82, Section 3; amended by Acts 1929, Chapter 178)

Sec. 4. - Organization; record keeping.

The board shall organize annually in the month of April by the choice of a chairman and a secretary. In case the members are unable to agree upon a chairman and a secretary, such officers shall be designated by the mayor. The secretary shall keep a full and accurate record of the proceedings of the board and shall perform such other duties as the board may require.

(Acts 1928, Chapter 82, Section 4)

Sec. 5. - Powers and duties.

~~All the powers, duties and liabilities relating to caucuses, primaries and elections by law vested in and placed upon the mayor, the board of aldermen, the city clerk and the board of registrars of voters except the power and duty of fixing the days and hours and places for holding the same, shall in said city be vested in and placed upon the board of election commissioners.~~

~~(Acts 1928, Chapter 82, Section 5)~~

The board of election commissioners shall oversee the conduct of elections pursuant to state law and regulation, and provisions of this charter, as applicable, except for the power and duty of fixing the days and hours and places for holding municipal elections.

Sec. 6. - Appointment of assistants authorized.

The board mayor may appoint such assistant commissioners and such other assistants as it as the mayor deems necessary, who shall at all times equally represent the two leading political parties as defined as aforesaid.

(Acts 1928, Chapter 82, Section 6)

~~**Sec. 7. - Acceptance of Act and effective date.**~~

~~This Act shall take effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its Charter, but not otherwise; but, for the purpose of such acceptance only, it shall take effect upon its passage.~~

~~Approved March 1, 1928.~~

~~Accepted by board of aldermen with approval of mayor, April 13, 1928.~~

~~(Acts 1928, Chapter 82, Section 7)~~

ARTICLE V. - LISTING BOARD

ARTICLE V. LISTING BOARD

- Sec. 1. Created; composition.
- Sec. 2. Time for and method of acquiring information for listing.
- Sec. 3. Recording of information.
- Sec. 4. Corrections, errors in lists.
- Sec. 5. Information to be given assessors.
- Sec. 6. Printed lists; required by certain date; form; distribution.
- Sec. 7. Appeals; administering of oaths.
- Sec. 8. Method of listing new residents.
- Sec. 9. Police to check application of new resident.
- Sec. 10. Posting of General Law regarding oaths.
- Sec. 11. Special office hours.
- Sec. 12. Sec. 1 - Annual register; notice to persons not entered.
- Sec. 13. Effective date of Act.

Sec. 1. Created; composition.

There is hereby established in the City of Somerville a listing board composed of the chief of police and the board of election commissioners. The chairman of the board of election commissioners for the time being shall be the chairman of said listing board, hereinafter called the board.

(Acts of 1938, Chapter 394, Section 1)

Sec. 2. Time for and method of acquiring information for listing.

The board shall, within the first twenty week days of January in each year, itself or by assistants of the board of election commissioners, or by police officers of said city, or both, visit every building in said city, and, after diligent inquiry, make true lists, on cards or otherwise, arranged by streets, wards and voting precincts, and containing, as nearly as the board can ascertain, the name, age, occupation, nationality if not a citizen of the United States, and residence, on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, eighteen of age or upward, residing in said city. The board shall designate in such lists all buildings used as residences by such persons, in their order on the street where they are situated, by giving the number or other definite description of every such building so

~~that it can readily be identified, and shall place opposite the number or other description of every such building the name, age, nationality if not a citizen of the United States, and occupation of every such person residing therein on the first day of January in the current year, and his residence on the first day of January in the preceding year. If in any year the listing board shall believe it to be impracticable, because of any public exigency requiring unusual service from the police force of the city, to complete within the first twenty week days of January the said visitation and listing, it may take such further time therefor, not exceeding ten week days, as it shall deem necessary.~~

~~(Acts 1938, Chapter 394, Section 2)~~

~~**Sec. 3.— Recording of information.**~~

~~The board shall place in the lists made by it, opposite the name of every such person, the name of the inmate, owner or occupant of the building, or the name and residence of any other person, who gives the information relating to such person.~~

~~(Acts 1938, Chapter 394, Section 2)~~

~~**Sec. 4.— Corrections, errors in lists.**~~

~~The board shall, upon the personal application of a person listed for the correction of any error in its lists, or whenever informed of any such error, make due investigation, and upon proof thereof correct the same on its lists. The board of election commissioners shall thereupon proceed to revise and correct the registers under Section fifty-eight of Chapter fifty-one of the General Laws. The listing board, in the case of a person liable to be assessed a poll tax, shall immediately after making any such correction notify the assessors thereof, who shall correct their copies of said lists.~~

~~(Acts 1938, Chapter 394, Section 2)~~

~~**Sec. 5.— Information to be given assessors.**~~

~~The board shall, on or before the twenty-fifth day of April in each year, transmit to the assessors certified lists taken from the lists prepared as provided in the preceding section (section 4 of this article), containing the name, age, occupation, nationality if not a citizen of the United States, and residence on the first day of January in the current year, and the residence on the first day of January in the preceding year, of every person, eighteen of age or upward, residing in said city, and shall promptly transmit to the assessors notice of every addition to and correction in the lists made by it. Instead of visiting every building in said city and making their own lists for~~

assessment of poll taxes, the assessors may use the lists prepared by the board, or such parts thereof as they deem advisable. The board shall furnish all information in its possession necessary to aid the assessors in the performance of their duties.

(Acts 1938, Chapter 394, Section 3)

Sec. 6. — Printed lists; required by certain date; form; distribution.

The board shall, on or before the first day of June in each year, prepare printed copies of the lists prepared under the preceding section (section 5 of this article). The board shall print such lists in pamphlet form by precincts, deliver to the assessors as many copies thereof as they may require, and hold the remaining copies for public distribution.

(Acts 1938, Chapter 394, Section 4)

Sec. 7. — Appeals; administering of oaths.

If a person, eighteen years of age or upward, resident in said City of Somerville on the first day of January, was not listed by the board, he shall, in order to establish his right to be listed, appear before the board of election commissioners at such times as it may designate, the members of which are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said city, giving his name, age, occupation, nationality if not a citizen of the United States, and residence on the first day of January in the current year and his residence on the first day of January in the preceding year.

(Acts 1938, Chapter 394, Section 5)

Sec. 8. — Method of listing new residents.

A person, eighteen years of age or upward, who becomes a resident of said city after the first day of January and desires to be listed, shall appear before any member of the board of election commissioners, each of whom is hereby authorized to administer oaths for the purpose, and present a statement in writing under oath that the applicant became a resident of said city at least six months immediately prior to the election at which he claims the right to vote, giving his name, age, nationality if not a citizen of the United States, occupation and his present residence, the date when he became a resident of said city, and his residence on the first day of January in the current year and on such other dates as the board of election commissioners may require.

(Acts 1938, Chapter 394, Section 5)

Sec. 9. — Police to check application of new resident.

have his name so entered. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall, on or before the first Monday of August in each year, send notice in writing by mail to each voter of the preceding year whose name has not been entered in the annual register of the current year that his name has not been so entered.

(Acts 1938, Chapter 394, Section 7)

~~Sec. 13. -- Effective date of Act.~~

~~This Act shall take effect on the thirty first day of December in the current year.~~

~~Approved June 7, 1938.~~

~~(Acts 1938, Chapter 394, Section 8)~~

ARTICLE VI. - MUNICIPAL ELECTIONS

ARTICLE VI. - MUNICIPAL ELECTIONS

Sec. 1. - Preliminary elections; date and hours.

Sec. 2. - Nominating procedure limited.

Sec. 3. - Requirements for nomination.

Sec. 4. - Form of nomination paper.

Sec. 5. - Petition accompanying statement of candidate.

Sec. 6. - Acceptance of nomination not required.

Sec. 7. - Names to be certified by certain time.

Sec. 8. - Posting of qualified candidates; position on ballot to be drawn by lot; form of preliminary official ballot.

Sec. 9. - Party or political designations prohibited on ballots.

Sec. 10. - When polling places to be announced.

Sec. 11. - Counting of ballots; announcement of results.

Sec. 12. - Determination of persons nominated.

Sec. 13. - Tie votes.

Sec. 14. - Exception to preliminary election.

Sec. 15. - Certain election laws to apply.

Sec. 16. - Repealer.

~~Sec. 17. -- Approval of Act and effective date.~~

Sec. 1. - Preliminary elections; date and hours.

On the third Tuesday preceding every regular or special municipal election in the City of Somerville at which any elective municipal office is to be filled, there shall be held, except as otherwise provided in section ten, (section 14 of this article) a preliminary election for the purpose of nominating candidates therefor. The polls at every such election shall be open during such hours, not less than nine, as may be designated by the board of aldermen, and the General Laws relative to municipal elections shall apply thereto, except as is otherwise specifically provided in this Act.

(Acts 1932, Chapter 281, Section 1, amended by Acts 1933, Chapter 16)

Sec. 2. - Nominating procedure limited.

Except as is otherwise provided in said section ten (section 14 of this article) there shall not be printed on the official ballot to be used at any regular or special municipal election in said city the name of any person as a candidate for any office unless such person has been nominated as such at a preliminary election for nomination, held as provided by section three (sections 3 through 6 of this article) [and] the nomination paper therein described.

(Acts 1932, Chapter 281, Section 2)

Sec. 3. - Requirements for nomination.

Any person who is qualified to vote at any regular or special election for a candidate for any elective municipal office in said city, and who is a candidate for nomination thereto, shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election for nomination therefor; provided, that if he is a candidate to be voted for in a single ward he is a registered voter in the ward wherein he is a candidate; and provided, further, that on or before five o'clock in the afternoon of the eighth Tuesday preceding such regular or special municipal election there shall be submitted to the board of election commissioners, hereinafter called the board, a nomination paper prepared and issued by the board, wherein the candidate sets forth in writing his candidacy, and wherein the petition is signed by voters of the city qualified to vote for a candidate for said office to the number of at least two hundred and fifty for the office of mayor, one hundred and fifty for the office of aldermen at large and one

hundred for the office of ward alderman and of member of the school committee, whose signatures are certified as hereinafter provided.

(Acts 1932, Chapter 281, Section 3; amended by Acts 1936, Chapter 311; Acts 1937, Chapter 211; Acts 1943, Chapter 124)

Sec. 4. - Form of nomination paper.

Said nomination papers shall be in substantially the following form:

COMMONWEALTH OF MASSACHUSETTS

CITY OF SOMERVILLE

NOMINATION PAPER

STATEMENT OF CANDIDATE

I (_____
) , on oath declare that I am a citizen of the United States of America, that I have resided in the City of Somerville for at least six months, that my present residence is (number, if any) on (name of street) and ward in said city, that I am a voter therein, qualified to vote for a candidate for the office hereinafter mentioned; that I am a candidate for the office of (name of office) for (state the term) to be voted for at the preliminary election to be held on Tuesday, the day of _____, nineteen hundred and _____, and I request that my name be printed as such candidate on the official ballot for use at said preliminary election.

(Signed)

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss/

Subscribed and sworn to on this _____

day of _____
, nineteen hundred and _____
, before me,

(Signed)

Justice of the Peace
(or Notary Public)

(Acts 1932, Chapter 281, Section 3)

Sec. 5. - Petition accompanying statement of candidate.

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we, the undersigned, voters of the City of Somerville duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary election to be held on Tuesday, the _____ day of _____, nineteen hundred and _____

. We further state that we believe him to be of good moral character and qualified to perform the duties of the office, and that we have not subscribed to more nominations of candidates for this office than there are persons to be elected thereto.

Signature of
Nominators (to be
made in person)
Residence
April 1 Ward Present
Residence

(Acts 1932, Chapter 281, Section 3)

Sec. 6. - Acceptance of nomination not required.

No acceptance by the candidate for nomination named in the said nomination paper shall be necessary to its validity or its filing. The petition, which may be on one or more papers, need not be sworn to.

(Acts 1932, Chapter 281, Section 3)

Sec. 7. - Names to be certified by certain time.

After any such nomination paper has been submitted to the board, it shall certify thereon the number of signatures which are the names of registered voters in said city qualified to sign the same. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid, and such papers shall be preserved by the board for one year. The board shall complete their certification on or before five o'clock in the afternoon of the seventh Tuesday preceding such regular or special municipal election, and the board, or some member thereof, shall file in their office on or before five o'clock in the afternoon of the next day all papers not found to be invalid as aforesaid.

(Acts 1932, Chapter 281, Section 4; amended by Acts 1937, Chapter 211; Acts 1943, Chapter 124)

Sec. 8. - Posting of qualified candidates; position on ballot to be drawn by lot; form of preliminary official ballot.

On the first day, other than a legal holiday, following the expiration of the time for filing the above described nomination papers, the board shall post in a conspicuous place in their office the names and residences of the candidates for nomination who have duly qualified as such, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, which shall be drawn by lot by the chairman of the board within seven days succeeding five o'clock in the afternoon of the last day fixed for the filing of objections to nomination papers, and the board shall cause the ballots, which shall contain said names in their order as so drawn, and no others, with a designation of residence, and of the office and term of office, to be printed, and the ballots so printed shall be official and no others shall be used at the

preliminary election. At any drawing for position on the ballot, each candidate shall have an opportunity to be present in person or by one representative. There shall be left at the end of the list of candidates for nomination for each office blank spaces equal in number to the number of persons to be nominated therefor, in which spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office, but the name of such person shall not be printed on the official ballot to be voted for at any regular or special municipal election in said city unless such person is qualified to be nominated under the provisions of section three (sections 3 through 6 of this article). There shall be printed on such ballots such directions as aid the voter, as for example: "vote for one", "vote for two", and the like, and the ballot shall be headed substantially as follows:

OFFICIAL PRELIMINARY BALLOT

Candidates for nomination for the offices of (name of offices) in the City of Somerville at a preliminary election to be held on the _____ day of _____, in the year nineteen hundred and _____

On the back and outside of each ballot when folded shall be printed the words "Official Ballot for Preliminary Election", followed by the designation of the ward, for which the ballot is prepared, the date of the preliminary election and a facsimile of the signatures of the members of the board.

(Acts 1932, Chapter 281, Section 5; amended by Acts 1934, Chapter 62; Acts 1937, Chapter 211)

Sec. 9. - Party or political designations prohibited on ballots.

No ballot used at any preliminary election in said city shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any

such party or political designation or mark, or anything showing how he was nominated or indicating his view or opinions.

(Acts 1932, Chapter 6)

Sec. 10. - When polling places to be announced.

The preliminary elections and the regular municipal elections shall be held by wards and the board of aldermen shall designate on or before the eighth Tuesday preceding a regular municipal election or on or before the fourth Tuesday preceding a special municipal election, the polling places where the preliminary election and the regular municipal elections shall be held. The regularly appointed election officers shall serve at both the preliminary elections and the regular municipal elections.

(Acts 1932, Chapter 281, Section 7)

Sec. 11. - Counting of ballots; announcement of results.

The election officers shall, immediately upon the closing of the polls at preliminary election, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the board, who shall canvass said returns and shall forthwith determine the result thereof, insert the same in a newspaper published in said city and post the same in a conspicuous place in his [the board's] office.

(Acts 1932, Chapter 281, Section 8)

Sec. 12. - Determination of persons nominated.

The two persons receiving at a preliminary election the highest number of votes for nomination for any office, except one to which two or more persons are to be elected at the regular or special election following, and, as to each of such offices, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office, shall, except as provided by section ten, (section 14 of this article) be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled.

(Acts 1932, chapter 281, Section 9)

Sec. 13. - Tie votes.

If the preliminary election results in a tie vote among candidates for nomination to any office receiving the lowest number of votes, which, but for said tie vote, would entitle a person

receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon the names of candidates to a number exceeding twice the number to be elected.

(Acts 1932, Chapter 281, Section 9)

Sec. 14. - Exception to preliminary election.

If at the expiration of the time for filing nomination papers for candidates to be voted for at any preliminary election there have not been filed more than twice as many such nomination papers, for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be printed on the official ballot to be used at the regular or special election following, and the board shall not print said names upon the ballot to be used at said preliminary election, and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of said city, no preliminary election shall be held in any such ward or wards.

(Acts 1932, Chapter 281, Section 10)

Sec. 15. - Certain election laws to apply.

Preliminary elections in said city shall be subject to all General Laws relative to elections, so far as the same are applicable thereto, except as otherwise expressly provided in this section Act.

(Acts 1932, Chapter 281, Section 11)

Sec. 16. - Repealer.

So much of Chapter two hundred and forty of the Acts of eighteen hundred and ninety-nine, (the revised Charter) and acts in amendment thereof and in addition thereto, as is inconsistent herewith is hereby repealed.

(Acts 1932, Chapter 281, Section 12)

~~**Sec. 17. - Approval of Act and effective date.**~~

~~This Act shall be submitted for acceptance to the registered voters of the City of Somerville at the biennial state election to be held in the current year, in the form of the following question, which shall be printed on the official ballot to be used in said city at said election: _____~~

~~"Shall an act passed by the general court in the year nineteen hundred and thirty-two, entitled 'An Act Establishing Non-partisan Municipal Elections in the City of Somerville', be accepted?" If~~

~~this Act shall so be accepted by a majority of the registered voters of said city voting thereon, it shall take effect for the regular municipal election in the year nineteen hundred and thirty-three, and all municipal elections thereafter.~~

~~Approved June 3, 1932.~~

~~Accepted by voters November 8, 1932.~~

~~(Acts 1932, Chapter 281, Section 13)~~

ARTICLE VII. - TRAFFIC COMMISSION >

ARTICLE VII. - TRAFFIC COMMISSION

Editor's note—Specific rules and regulations of the traffic commission are not printed in this volume but are on file in the traffic commission office.

Sec. 1. - Established; composition; terms of appointment members.

Sec. 2. - Chairman; compensation of members.

Sec. 3. - Meetings; notice required.

Sec. 4. - Appointment of certain positions.

Sec. 5. - Traffic director; qualifications, removal.

Sec. 6. - Board of traffic and parking—Established; composition; terms; compensation.

Sec. 7. - Same—Functions.

Sec. 8. - Powers and duties.

Sec. 9. - Enforcement.

Sec. 10. - Existing ordinances, orders, etc., to remain in effect.

~~Sec. 11. —Revocation of Act after acceptance.~~

~~Sec. 12. —Effective date.~~

Sec. 1. - Established; composition; terms of appointment members.

There is hereby established in the City of Somerville, hereinafter referred to as the city, a traffic commission, consisting of the commissioner of public works, the chief of police or his designee, the chief engineer of the fire department or his designee, the chairman of the committee on traffic and parking of the board of aldermen and one member of the general public of the city appointed by the mayor and confirmed by the board of aldermen. The member appointed by the

mayor shall serve for a term coterminous with the mayor, or until the qualification of a successor.

(Acts 1978, Chapter 397, Section 1)

Sec. 2. - Chairman; compensation of members.

The commissioner of public works shall be chairman of the traffic commission. The members of the traffic commission shall receive no compensation for their services as commissioner, but shall be reimbursed by the city for any expenses actually and necessarily incurred in the performance of their duties.

(Acts 1978, Chapter 397, Section 2)

Sec. 3. - Meetings; notice required.

Meetings of the traffic commission shall be held on the third Tuesday of each month unless sooner necessitated for reasons of public safety, welfare or convenience, in which case a meeting may be called on motion of the chairman. Notice of meetings shall be posted according to the provisions of Section twenty-three B of Chapter thirty-nine of the General Laws and shall be sent to all commission members, the mayor, the board of aldermen and the planning director. All of said persons may attend commission meetings and present their views, but only commission members may vote.

(Acts 1978, Chapter 397, Section 2)

Sec. 4. - Appointment of certain positions.

Upon recommendation of the traffic commission the mayor, with the approval of the board of aldermen shall have the authority to create the position of director of traffic and parking and subordinate staff positions including parking control officers. The mayor shall, with the approval of the board of aldermen, make appointments to such positions and shall fix their compensation.

(Acts 1978, Chapter 397, Section 2)

Sec. 5. - Traffic director; qualifications, removal.

The traffic director shall be a traffic engineer, possessing the qualifications required for associate or full membership in the Institute of Traffic Engineers and his position shall not be subject to Chapter thirty-one of the General Laws. He may be removed for cause after a public hearing, upon a four-fifths vote of the entire board of aldermen.

(Acts 1978, Chapter 397, Section 2)

Sec. 6. - Board of traffic and parking—Established; composition; terms; compensation.

There is hereby established in the City of Somerville a board of traffic and parking, hereinafter referred to as the traffic board, consisting of three persons to be appointed as follows: one by the mayor for a term of one year, one by majority vote of the board of aldermen for a term of two years and one by vote of the first two members for a term of three years; provided, however, that if, after thirty days from the appointment of the first two members the third member has not been agreed to, such member shall be appointed by the mayor, subject to confirmation by the board of aldermen. Upon the expiration of the term of a member, his successor shall be appointed for a term of three years. Members shall be eligible for reappointment. No person holding public office in said city shall be eligible for appointment. A member shall not receive any compensation for his services, but shall be reimbursed for all reasonable expenses incurred by him in carrying out his duties. The chairman of the traffic board shall be chosen by and from its membership.

(Acts 1978, Chapter 397, Section 2A)

Sec. 7. - Same—Functions.

The traffic board shall carry out the functions prescribed in clause (b) of section three (section 8(b) of this article) and, in addition, shall be available to the traffic commission for advice and consultation with respect to all of its activities.

(Acts 1978, Chapter 397, Section 2A)

Sec. 8. - Powers and duties.

The traffic commission shall have exclusive authority, except as otherwise provided in this Act, to take any and all of the following actions, if it determines that such actions serve the public safety, welfare or convenience. Subject to the provisions of Section two of Chapter eighty-five of the General Laws:

(a) The traffic commission may adopt, alter or repeal rules and regulations, not inconsistent with General Law as modified by this Act, relative to vehicular and pedestrian traffic in the streets of the city, and to the movement, stopping, standing or parking of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the city, including rules and regulations designating any way or part thereof under such control as a through way under and subject to the provisions of Section nine of Chapter eighty-nine of the General Laws. Any rule or regulation adopted under this clause, prohibiting the parking or

standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads or parkways under the control of the city, may provide that it shall not apply in such residential areas as shall be specified, and at such times as shall be prescribed, in such rule or regulation, to any motor vehicle registered under Chapter ninety of the General Laws as principally garaged in the city and owned or used by a person residing in such area who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule or regulation shall prescribe, and filed with the chief of police, notice of intention to park in such area and shall display in a conspicuous place on such vehicle, while parked, such visible evidence of the giving of such notice as such rule or regulation shall prescribe; but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed to assign any specific space to any person or vehicle. The traffic commission may, with the approval of the mayor and board of aldermen, prescribe a schedule of fines not exceeding fifteen dollars for each violation of parking regulations in the calendar year as authorized by Section twenty-C of Chapter ninety of the General Laws. All other violations of regulations adopted under the provisions of this Act, except as otherwise provided by statute, shall be subject to fines not to exceed fifty dollars for each offense as set forth in the regulations. No adoption, alteration or repeal of a regulation shall take effect until public notice of the proposed action has been given, except with respect to such special rules or regulations as are declared by the traffic commission to be urgently required for the public safety or welfare or such as are of a temporary nature and are to be effective for a period of not more than three weeks. ~~Public notice shall be given by publication in full of the proposed adoption, alteration or repeal not less than once in each of three successive weeks in one or more newspapers published or distributed in the city. The public notice shall include a statement of the effective date of the proposed action, which shall not be less than twenty-one days following the first of the three newspaper publications.~~

(b) Upon the filing of petitions with the traffic board by not less than fifty registered voters of the city, relative to any rule or regulation proposed to be adopted, altered or repealed, and not yet in effect, the proposed action shall be suspended, and the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed, and shall by majority vote approve or disapprove the proposed action within two weeks following the public hearing. Upon the filing of petitions with the traffic board by not less than fifty registered voters of the city, relative

to any rule or regulation which has been adopted, altered or repealed for a period of at least thirty days, the traffic board shall hold a public hearing thereon within two weeks of the date the petitions were filed and shall, following such hearing, determine by majority vote whether to avoid the adoption, alteration or repeal of the rule or regulation.

(c) The traffic commission may erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of traffic and parking in the city and for informing and warning the public as to rules and regulations adopted under this act, subject, however, to Section two of Chapter eighty-five and to Sections eight and nine of Chapter eighty-nine of the General Laws.

(d) The traffic commission may recommend to the board of aldermen the alteration, construction, erection, installation and maintenance of street lights.

(e) The traffic commission, with the approval of the mayor, may retain the services of qualified consultants when such retention is deemed necessary or advisable.

(f) The traffic commission may promulgate regulations that provide that any sergeant or officer of higher rank in the police department may cause to be removed to some convenient place by towing by an independent contractor any vehicle except a vehicle owned by the Commonwealth or a political subdivision thereof or by the United States or an instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing distinctive number plate otherwise conspicuously marked as so owned or registered, and except a vehicle owned by a disabled veteran or a handicapped person and bearing a distinctive number plate, which is parked or standing on any part of any street, way, highway, road or parkway if in the calendar year in which such vehicle is so removed and in the preceding calendar year, five or more notices, in the aggregate, have been affixed to said vehicle, as provided in Section twenty C of Chapter ninety of the General Laws, and remain unpaid and the cost of such removal and of storage charges resulting therefrom, in accordance with the traffic regulations then in effect, shall be imposed upon the owner of such vehicle. Any such vehicle so removed shall be held until all charges imposed for such removal and storage following the same have been paid and due notice has been received that the fines provided in such notices affixed to said vehicle have been paid or security for the payment thereof has been deposited. The police department shall promptly mail written notice to the registered owner of any such vehicle so removed, directed to the address furnished by the

registry of motor vehicles or comparable agency of the state in which said vehicle is registered, stating the date on which such vehicle was removed, the location to which such vehicle has been removed, and a statement that such vehicle shall be released by the police on the payment of all fines, storage and towing charges due. Any such vehicle so removed shall be deemed to have been abandoned and may be disposed of in accordance with Section twenty-two C of said Chapter ninety if, within thirty days of the mailing of the notice to the registered owner as provided for herein, said owner has not paid all charges imposed for such removal and storage following the same and the fines provided in such notices affixed to said vehicle or security for the payment thereof has been deposited.

Nothing in this Act shall be construed to authorize the traffic commission to adopt, alter or repeal any rule or regulation excluding the trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which said company has a location; or to modify or limit any power or authority of the metropolitan district commission or the departments of public works or public utilities of the Commonwealth; or to modify or limit any power or authority of the mayor, board of aldermen or of any board or head of a department with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks for reasons not relating to traffic.

(Acts 1978, Chapter 397, Section 3)

Sec. 9. - Enforcement.

The planning director, the chief of police, the chief engineer of the fire department, the commissioner of public works, the city engineer, the city electrician and city solicitor shall be available to the traffic commission to advise on matters relating to their respective departments and shall be responsible for putting into effect the rules and regulations adopted by the traffic commission in so far as such rules and regulations relate to their respective departments. The traffic commission shall cooperate with the planning board and with such public carriers as may be authorized and licensed to render service within the city, on matters relating to traffic planning, and shall cooperate with the planning board on all matters that may relate to the need for, location, construction, erection and maintenance of public parking facilities or of private parking facilities for public use within the city. When it is necessary to coordinate with federal,

state or other local agencies on matters of traffic movement and traffic planning, the traffic commission may serve as liaison for the city.

(Acts 1978, Chapter 397, Section 4)

Sec. 10. - Existing ordinances, orders, etc., to remain in effect.

All existing orders, ordinances, rules and regulations relating to the control of vehicular traffic, including those relating to the parking of vehicles on any streets, ways, highways, roads and parkways, under the control of the city, shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission pursuant to clause (a) of section three (section 8(a) of this article), and the adoption thereof shall not effect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending at the time of such adoption.

(Acts 1978, Chapter 397, Section 5)

Sec. 11. — Revocation of Act after acceptance.

~~At any time after the expiration of two years from the date of acceptance of this Act, such acceptance may be revoked by a two thirds vote of the board of aldermen, subject to a referendum which shall be held at the municipal election next succeeding such vote. Upon such revocation, all existing rules and regulations shall remain in full force and effect until superseded by orders, ordinances, rules or regulations adopted in accordance with the provisions of law then applicable to said city, and neither such revocation nor adoption of superseding orders, ordinances, rules or regulations shall affect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending, prior to revocation or adoption.~~

~~(Acts 1978, Chapter 397, Section 6)~~

Sec. 12. — Effective date.

~~This Act shall take effect upon its acceptance by the City of Somerville.~~

~~Accepted by board of aldermen July 27, 1978, and approved by the mayor July 31, 1978.~~

~~(Acts 1978, Chapter 397, Section 7)~~