

# HOUSE . . . No. 2710

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 9, 1941.

The committee on Cities, to whom was referred the report of the special commission (Secretary of the Commonwealth, Attorney-General and others) established to make an investigation relative to ordinances of the cities of the Commonwealth with a view to determining the advisability of further restricting the scope of such ordinances (House, No. 601), report (in part) the accompanying bill (House, No. 2710).

For the committee,

TERRANCE J. LOMAX, JR.

## The Commonwealth of Massachusetts

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

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AN ACT MAKING CERTAIN PROVISIONS OF LAW RELATIVE TO THE APPROVAL AND PUBLICATION OF BY-LAWS INAPPLICABLE TO CITIES, AND VALIDATING CERTAIN ORDINANCES HERETOFORE ADOPTED BY CITIES.

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

1 SECTION 1. Section thirty-two of chapter forty of  
2 the General Laws, as amended by section one of  
3 chapter one hundred and eighty-five of the acts of  
4 nineteen hundred and thirty-three, is hereby further  
5 amended by inserting at the end thereof the follow-  
6 ing: — This section shall not apply to cities, — so as  
7 to read as follows: — *Section 32.* Before a by-law  
8 takes effect it shall be approved by the attorney  
9 general and shall be published in a town bulletin or  
10 pamphlet, copies of which shall be posted in at least  
11 five public places in the town; and if the town be  
12 divided into precincts copies shall be posted in one  
13 or more public places in each precinct of the town,  
14 or, instead of such publishing in a town bulletin or  
15 pamphlet and such posting, shall be published at  
16 least three times in one or more newspapers, if any,  
17 published in the town, otherwise in one or more news-  
18 papers published in the county. The requirements of  
19 publishing in a town bulletin or pamphlet and post-

20 ing, or publishing in one or more newspapers, as  
21 above, may be dispensed with if notice of the by-law  
22 be given by delivering a copy thereof at every occu-  
23 pied dwelling or apartment in the town, and affidavits  
24 of the persons delivering said copies, filed with the  
25 town clerk, shall be conclusive evidence of proper  
26 notice thereunder. This section shall not apply to  
27 cities.

1 SECTION 2. All ordinances heretofore adopted by  
2 a city under authority of any provision of general or  
3 special law, in so far as they may be invalid by reason  
4 of failure to comply with the provisions of section  
5 thirty-two of chapter forty of the General Laws, are  
6 hereby validated and confirmed, and shall have the  
7 same force and effect as though the provisions of said  
8 section thirty-two were not applicable to cities.

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