

HOUSE No. 790.

[Bill accompanying the petition of L. Z. Normandin. Cities.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-eight.

AN ACT

Relative to the Board of Public Works of the City of New Bedford.

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. At the annual municipal election of the
2 city of New Bedford next ensuing after this act shall
3 take effect, there shall be elected by the qualified
4 voters of said city six persons, to be chosen one from
5 each ward of said city, who shall be a resident of and
6 voter in the ward for which he is chosen, and who shall
7 hold his office for a term as hereinafter provided, which
8 six persons, together with the mayor of said city, who
9 shall be chairman, shall constitute the board of public
10 works of the city of New Bedford. The members of
11 said board, so elected as afore-said, shall severally hold
12 their office in the manner following, viz.: The members
13 elected from wards one and six shall hold their office for
14 the term of three years from and after the first Monday
15 of January in the year eighteen hundred and ninety-nine;
16 the members elected from wards two and four shall hold
17 their office for the term of two years from and after said

18 first Monday in January; the members elected from
19 wards three and five shall hold their office for the term of
20 one year from and after said first Monday in January;
21 and thereafter, at every annual municipal election, there
22 shall in like manner be elected two members of said
23 board, one from each ward represented by the member
24 whose term of office therein shall next thereafter expire.
25 All members of said board shall hold their office until
26 their respective successors have been elected and quali-
27 fied in their stead. Whenever a vacancy shall occur in
28 said board by death, resignation or otherwise, said
29 vacancy shall be filled by the city council by election in
30 joint convention, by ballot, of another person, who shall
31 be a resident of and voter in the ward in which the
32 vacancy has occurred. Said board shall receive such
33 compensation as the city council shall from time to time
34 determine. The members of said board shall be sworn
35 to the faithful discharge of their duties and a record
36 thereof entered in their journal; which oath may be
37 administered by the clerk of said board or by any justice
38 of the peace. No member of said board shall act upon
39 any matter coming before said board in which he is per-
40 sonally or pecuniarily interested, or be directly or in-
41 directly interested in any contract entered into by said
42 board for or in behalf of said city, and no member thereof,
43 except the mayor, shall hold any other municipal office.

1 SECTION 2. Annually, on the first Monday of Jan-
2 uary, said board shall organize and appoint such officers,
3 not members thereof, as they may determine. The clerk
4 appointed by said board shall perform all the duties re-
5 quired of city clerks in relation to the laying out, locating
6 anew, alteration or discontinuance of streets, or of alter-
7 ing or establishing the grade thereof, or of laying, mak-
8 ing and maintaining main drains, common sewers and
9 sidewalks, or any other matters placed by this act under

10 the control of said board, and shall keep a record of all
11 the doings of said board.

1 SECTION 3. All the duties, powers and authority in
2 relation to the laying out, locating anew, alteration or
3 discontinuance of streets or ways, or altering or estab-
4 lishing the grade thereof; of laying, making and main-
5 taining main drains, common sewers and sidewalks, and
6 keeping the streets and ways in repair, formerly by law
7 vested in the city council of New Bedford or either
8 branch thereof, or the mayor and aldermen as surveyors
9 of highways or otherwise, are hereby vested in and shall
10 be exclusively exercised by said board of public works;
11 and all the rights, powers and duties of said city council,
12 or either branch thereof, as public officers or otherwise,
13 in relation to the streets, ways, sewers, drains, public
14 parks, commons and public squares in said city, are
15 hereby transferred to and exclusively vested in said
16 board: *provided, nevertheless*, that all ordinances relat-
17 ing thereto shall be enacted exclusively by the city coun-
18 cil of said New Bedford, which ordinances, heretofore or
19 hereafter enacted, shall be executed and enforced by said
20 board of public works: and *provided, also*, that no fran-
21 chise, easement, privilege, or right, in, over, upon, or
22 under any street, way, common or public park in said
23 city, shall be granted to any person, or aggregation of
24 persons, corporation, street railway, steam railway, elec-
25 tric light, telephone, telegraph, or other corporation or
26 company, by said board until the same has been author-
27 ized by a majority vote of the city council, by yea and
28 nay, and said vote has been duly certified to said board
29 by the city clerk of said city.

1 SECTION 4. Said board, in relation to the powers,
2 duties and authority by this act conferred upon it, shall,
3 except as aforesaid, have the same authority heretofore

4 vesting in the mayor and aldermen of said city to make
 5 contracts in behalf of and binding upon said city: *pro-*
 6 *vided, however,* that said board shall not lay out, locate
 7 anew, alter or discontinue any street or way, or alter or
 8 establish the grade thereof, or make or construct any
 9 main drain or common sewer, until an appropriation
 10 covering the estimated cost thereof has been made by the
 11 city council; said board shall have authority to appoint,
 12 subject to the provisions of chapter three hundred and
 13 twenty of the acts of the year eighteen hundred and
 14 eighty-four, and all acts in amendment thereof and in
 15 addition thereto, its employees, define their duties and
 16 fix their compensation; and in general, except as afore-
 17 said, to do all things necessary to a proper performance
 18 of their duties.

1 SECTION 5. Said board shall have authority to pro-
 2 cure suitable offices for its own use in case the same are
 3 not furnished by the city in its own public buildings, and
 4 all plans of streets, parks, squares, and public places,
 5 electric, telephone, telegraph poles and other structures
 6 in, upon, over or under any street, way, common or
 7 public park in said city required by law to be filed in the
 8 office of the city clerk shall be placed on file in the office
 9 of said board, and all such plans hereafter required to be
 10 made shall be filed in the office of said board.

1 SECTION 6. All acts and parts of acts inconsistent
 2 herewith are hereby repealed.

1 SECTION 7. This act shall not take effect unless it is
 2 accepted by a majority of the voters of the city of New
 3 Bedford present and voting thereon at the state election
 4 next to be holden in the month of November in the year
 5 eighteen hundred and ninety-eight.