

HOUSE No. 1108.

[House, No. 1053, as passed to be engrossed.]

Commonwealth of Massachusetts.

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

AN ACT

To revise the Charter of the City of Gloucester.

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

TITLE ONE.

MUNICIPAL GOVERNMENT.

1 SECTION 1. The inhabitants of the city of Gloucester, for
2 all purposes for which towns and cities are by law incor-
3 porated in this Commonwealth, shall continue to be a body
4 politic and corporate under the name of the "City of Glouces-
5 ter," and as such shall have, exercise and enjoy all the
6 rights, immunities, powers and privileges, and shall be subject
7 to all the duties and obligations now pertaining to and in-
8 cumbent upon said city as a municipal corporation.

1 SECTION 2. The administration of all the fiscal, prudential
2 and municipal affairs of said city with the government thereof

3 shall be vested in an executive department, which shall con-
4 sist of one officer, to be called the mayor, and in a legis-
5 lative department, which shall consist of a single body, to
6 be called the city council, the members thereof to be called
7 councilmen. The executive department shall never exercise
8 any legislative power, and the legislative department shall
9 never exercise any executive power except as hereinafter
10 provided.

1 SECTION 3. The territory of said city shall be divided
2 into eight wards, as at present constituted, until the same
3 shall be changed in accordance with law.

TITLE TWO.

ELECTIONS AND MEETINGS.

1 SECTION 4. All elections for national, state, county, dis-
2 trict, municipal officers, and for other purposes, shall be
3 called by order of the city council, according to the provisions
4 of the general laws of the Commonwealth.

1 SECTION 5. The annual municipal election shall be held
2 on the first Tuesday in December, and the municipal year
3 shall begin at ten o'clock in the forenoon on the first Monday
4 of January next following.

1 SECTION 6. At such municipal election the qualified voters
2 shall give in their votes in the several wards for mayor,
3 president of the city council, councilmen at large, school
4 committee, commissioners of public works and assessors, or
5 such of them as are to be elected by and from the qualified
6 voters of the city at large as provided in this act, and three
7 councilmen and one assistant assessor from each ward, to
8 be elected by and from the qualified voters in each ward
9 respectively, all on one ballot, and the person receiving the
10 highest number of votes for any office shall be deemed and
11 declared to be elected to such office; and whenever two or
12 more persons are to be elected to the same office, the
13 several persons up to the number required to be chosen

14 receiving the highest number of votes shall be deemed
15 and declared elected. If it shall appear that there is no
16 choice of mayor, or of a president of the city council, or
17 if the person elected mayor or president of the city council
18 shall refuse to accept office, or shall die before qualify-
19 ing, or if a vacancy in either of said offices shall occur
20 subsequently and more than three months previous to the
21 expiration of the municipal year, the city council shall forth-
22 with order a special election, and the same proceedings shall
23 be had in all respects as are hereinbefore provided for the
24 election of mayor and president of the city council, and shall
25 be repeated until the election of the mayor or the president
26 of the city council is completed. If the full number of coun-
27 cilmen from wards has not been elected, or if a vacancy in
28 the office of ward councilman shall occur subsequently and
29 more than three months previous to the expiration of the
30 municipal year, the city council shall forthwith order a special
31 election to be held in the ward to fill the vacancy.

1 SECTION 7. General meetings of the citizens qualified to
2 vote may from time to time be held according to the right se-
3 cured to the people by the constitution of this Commonwealth,
4 and such meetings may, and upon the request in writing of
5 fifty qualified voters, setting forth the purposes thereof, shall
6 be duly called by the city council.

TITLE THREE.

THE LEGISLATIVE DEPARTMENT.

1 SECTION 8. The city council shall be composed of nine
2 councilmen at large and twenty-four ward councilmen, who
3 shall sit and act as one legislative body, and shall constitute the
4 city council of the city of Gloucester. They shall be elected
5 as follows: the nine councilmen at large shall be elected by and
6 from the qualified voters of the entire city, and in voting for
7 such councilmen at large, no voter shall vote for more than five,
8 and the nine having the highest number of votes shall be de-
9 clared elected; and three councilmen from each of the eight

10 wards shall be elected by and from the qualified voters re-
11 spectively in each ward. They shall hold office for the muni-
12 cipal year beginning with the first Monday in January next
13 following their election, and until a majority of the succeeding
14 city council are elected and qualified. The councilmen shall
15 receive no compensation for their services.

1 SECTION 9. The mayor-elect, the president-elect and coun-
2 cilmen-elect, shall annually, on the first Monday of January, at
3 ten o'clock in the forenoon, meet and be sworn to the faithful
4 discharge of their duties. The oath shall be administered by
5 the city clerk, or, in his absence, by any justice of the peace,
6 and shall be duly certified on the journal of the city council.
7 In case of the absence of the mayor-elect or the president-
8 elect on the first Monday of January, or if a mayor or presi-
9 dent shall not then have been elected, the oath of office may at
10 any time thereafter be administered to either of them in the
11 presence of the city council; and at any time thereafter in like
12 manner the oath of office may be administered to any member
13 of the city council who has been previously absent or subse-
14 quently elected; and every oath shall be duly certified as afore-
15 said. After the oath has been administered to the president
16 and the councilmen present, the city council shall be called to
17 order by the president. In case of his absence, the council-
18 men shall be called to order by the city clerk. The city clerk
19 shall be clerk of the city council, but these offices shall never-
20 theless remain distinct and independent. The clerk of the city
21 council shall keep a journal, containing a record of the pro-
22 ceedings of the city council, and a record at large of all votes
23 taken by roll-call, and he shall engross, sign and attest all
24 ordinances and resolutions of the city council.

1 SECTION 10. The president of the city council shall hold
2 office for the municipal year beginning with the first Monday
3 in January next following his election, and until a successor
4 is elected and qualified. He shall preside at the meetings of
5 the city council and have all the rights and powers of a pre-
6 siding officer, shall appoint all committees of the city council,

7 and may at any time address the city council, but shall have
8 no vote unless the city council is equally divided. His succe-
9 sion to the office of acting mayor, under the provisions of
10 section twenty-three of this act, shall constitute a temporary
11 vacancy in the office of president, and the city council shall
12 elect by ballot one of their number to act as president pro
13 tempore during such temporary vacancy.

1 SECTION 11. If the full number of councilmen at large
2 has not been elected at the annual municipal election, or
3 if a vacancy occurs thereafter in the office of councilmen at
4 large, the city council shall forthwith elect by a majority
5 ballot of all the members thereof, a qualified voter of the
6 city, not a member of the city council to fill the vacancy for
7 the remainder of the municipal year. Should there fail to be
8 a choice of a member of the board of commissioners of public
9 works, or assessors, at the annual municipal election, or should
10 a vacancy thereafter occur in either of the above-named boards,
11 by resignation or otherwise, such vacancy shall be filled for the
12 remainder of the municipal year by the city council in the same
13 manner as a vacancy in the office of councilman at large, and
14 at the next annual municipal election, there shall be elected on
15 the general ticket, in addition to the members of the above-
16 named boards then to be elected for the term of three years,
17 such other members for the unexpired terms as may be nec-
18 essary to fill vacancies, so that the term of but one member
19 of a board shall expire in the same year.

20 In case there should fail to be a choice of an assistant
21 assessor in any ward at the annual municipal election, or
22 should a vacancy thereafter occur, the city council may by
23 ballot elect a qualified voter in the ward wherein occurred
24 the vacancy to serve as assistant assessor for the remainder
25 of the municipal year.

1 SECTION 12. The mayor may at any time call a special
2 meeting of the city council, and shall call a special meeting
3 upon request in writing of one-third of the members thereof.
4 The mayor shall cause written notice of such special meeting,

5 with a statement of the subjects to be considered thereat, to
6 be given in hand to each member, or to be left at his usual
7 place of residence at least twenty-four hours previous to the
8 time appointed for such meeting; and no final action shall be
9 taken at such special meeting on any business not stated in
10 such notice, except with the unanimous consent of all the
11 members of the city council.

1 SECTION 13. The city council shall determine the rules of
2 its own proceedings, and shall be the judge of the election
3 and qualifications of its own members. The city council
4 shall sit with open doors, and the journal of its proceedings
5 shall be open to public inspection. The vote of the city coun-
6 cil upon any question shall be taken by roll-call when the same
7 is requested by two members. A majority of all the members
8 of the city council shall be required to constitute a quorum,
9 but a smaller number may adjourn from day to day. In the
10 absence of the president, the city council shall choose one of
11 their number to act as president pro tempore and a plurality
12 of the votes cast shall be sufficient for a choice.

1 SECTION 14. The city council shall annually, in the month
2 of January, elect by affirmative vote of a majority of all the
3 members thereof, taken by ballot, a treasurer, a collector of
4 taxes, who may be the treasurer, a city clerk and a city
5 auditor, who shall hold office beginning with the first Monday
6 of the following February and until their successors are chosen
7 and qualified: *provided, however,* that either of the officers
8 named in this section may be removed at any time by said city
9 council for sufficient cause by a majority vote of all the mem-
10 bers thereof. The said treasurer, tax collector, auditor and
11 city clerk shall perform such duties as may be prescribed by
12 ordinance, and they shall perform all the duties and exercise
13 all the powers imposed or conferred upon them by law.

1 SECTION 15. The city council shall, except as is otherwise
2 provided herein, have and exercise all the legislative powers,
3 authorities and duties of towns, the powers of boards of alder-

4 men, and of the mayor and aldermen and city councils or com-
5 mon councils of cities under the general laws, and the powers
6 now vested in the city of Gloucester or in the city council,
7 the common council, the aldermen, or the mayor and aldermen
8 of said city, by special laws. The city council shall, with
9 the approval of the mayor, have exclusive authority and power
10 to order the laying-out, locating anew, altering, widening or
11 discontinuing of town ways, streets and highways, and to order
12 specific repairs or a change of grade, without any appeal there-
13 from to the county commissioners. Whenever, in the opinion
14 of the city council, the public necessity and convenience re-
15 quire that a highway or street should be laid out, or that any
16 existing highway, street or town way should be laid out anew,
17 altered, widened or discontinued, or that specific repairs or a
18 change of grade should be made thereon, said city council
19 shall appoint a time and place for a public hearing, and shall
20 cause a notice thereof and its intentions in the matter to be
21 given, as now required by general laws in the case of town
22 ways. Said hearing may be adjourned from time to time, if
23 the city council deem it necessary; and after said hearing,
24 said city council shall determine what action the public neces-
25 sity and convenience requires, and the way or street shall be
26 laid out, located anew, altered, widened or discontinued, or
27 specific repairs or a change of grade shall be made if so
28 determined. The damages sustained by any person thereby
29 shall be assessed and awarded by said city council, and any
30 person aggrieved by the assessment of his damages or other
31 action of the city council under this section, may have the
32 remedies provided by general laws in the case of town ways.
33 All expenditure of money for material and labor required
34 at any time, under the provisions of this section, shall be made
35 under the direction and management of the board of public
36 works. No street or way shall hereafter be opened over any
37 private land and dedicated to or permitted to be used by the
38 public, by the owners, lessees or occupants thereof, until the
39 width, location and grade of the same shall have been approved
40 by the mayor and city council.

1 SECTION 16. Every ordinance, order, resolution or vote
2 which involves the appropriation or expenditure of money to
3 any amount which may exceed one hundred dollars, the laying
4 of an assessment, or the granting to a person or corporation
5 of any right over or under any street or other public ground of
6 said city, shall be read twice, with an interval of at least seven
7 days between the two readings before being finally passed,
8 and the vote upon its final passage shall be taken by roll-call.

1 SECTION 17. Every ordinance, order, resolution or vote of
2 the city council, except such as relates to its own internal
3 affairs, to its own officers or employees, to the election of the
4 city clerk, auditor, tax collector and treasurer, to the declara-
5 tion of a vacancy in the office of mayor and the removal of
6 other officers, shall be presented to the mayor for his approval
7 or disapproval, and like proceedings shall be had thereon as
8 are in such cases provided by the general laws relating to
9 cities.

1 SECTION 18. The city council shall have power within said
2 city to make and establish ordinances and by-laws, and to
3 affix thereto penalties as herein and by general law provided,
4 without the sanction of any court or justice thereof: *provided*,
5 *however*, that all by-laws and regulations now in force in the city
6 of Gloucester and not inconsistent herewith shall, until they
7 shall expire by their own limitations, or be revised or repealed
8 by the city council, remain in force.

1 SECTION 19. No member of the city council shall during
2 the term for which he is elected hold any other office in or
3 under the city government, nor have the expenditure of any
4 money appropriated by the city council, or act as counsel in
5 any matter before the city council, or any committee thereof,
6 and no person shall be eligible for appointment to any municipi-
7 pal office established by the city council during any municipal
8 year for which he is elected councilman until the expiration of
9 the succeeding municipal year.

TITLE FOUR.

EXECUTIVE DEPARTMENT.

1 SECTION 20. The mayor shall have and exercise all the
2 executive powers of the city to be carried into effect by him-
3 self or through the several boards or officers in their depart-
4 ments under his general supervision and control. He shall
5 communicate to the city council such information and recom-
6 mend such measures as in his judgment the interests of the
7 city shall require, and shall cause the laws, ordinances and
8 orders for the government of the city to be obeyed. The
9 mayor shall hold office for the municipal year beginning with
10 the first Monday in January next following his election, and
11 until his successor is elected and qualified. He shall cause a
12 record of all his official acts to be kept, and his salary shall be
13 twelve hundred dollars per annum and such additional sums
14 as the city council may establish by ordinance passed by vote
15 of two-thirds of all the members thereof; such ordinance,
16 however, shall not take effect until the year succeeding that in
17 which it was passed.

1 SECTION 21. The mayor may in writing suspend any
2 officer for cause, and he shall at once report his action and
3 his reasons therefor to the city council. The suspension of
4 any officer shall, in fifteen days after the said report is made,
5 be a removal, unless within that time the officer asks for a
6 hearing before the city council, which shall forthwith be
7 granted; and if after such hearing the city council votes that
8 the mayor's suspension be not sustained, the officer shall at
9 once be reinstated.

1 SECTION 22. The mayor shall appoint, subject to confirma-
2 tion or rejection by the city council, the executive officers
3 established by or under this act, unless their election or ap-
4 pointment is herein otherwise provided for. In case of any
5 vacancy in the office to which appointment is made by the
6 mayor, he may personally perform the duties thereof, but

7 shall not be entitled to receive any salary or pay attaching
8 thereto.

1 SECTION 23. Whenever there is a vacancy in the office of
2 mayor, or whenever by reason of sickness, absence from the
3 city or other cause, the mayor shall be unable to attend to
4 the duties of the office, the president of the city council shall,
5 as acting mayor, exercise all the rights and powers of the
6 mayor during such vacancy, inability or absence, but shall
7 not make any permanent appointment unless authorized by vote
8 of the city council.

TITLE FIVE.

SCHOOL COMMITTEE.

1 SECTION 24. The school committee shall consist of the
2 mayor, who shall be, ex officio, chairman of the board, and
3 nine other persons, three to be chosen at each annual election,
4 and to hold office for the term of three years from the first
5 Monday in January next following. The present school com-
6 mittee shall continue to hold office until the expiration of the
7 term for which they were elected. The school committee shall
8 serve without pay, and shall have the care and superintendence
9 of the public schools, and the appointment of all janitors of
10 school buildings, who shall be under their direction and con-
11 trol. All the rights and obligations of the city of Gloucester
12 in relation to the grant and appropriation of money to the
13 support of schools, and the special power and authority here-
14 tofore conferred by law upon the inhabitants of said city
15 to raise money for the support of schools therein, shall be
16 merged in the powers and obligations of the city under this
17 charter, to be exercised in the same manner as over other sub-
18 jects of taxation; and all grants and appropriations of money
19 for the support of schools and the erection and repair of school-
20 houses in said city shall be made by the city council, in the
21 same manner as grants and appropriations are made for other
22 city purposes. Should there fail to be a choice of members
23 of the school committee at the annual election, the vacancies
24 shall be filled by a joint ballot of the city council and school

25 committee, and vacancies thereafter occurring shall be filled
26 in like manner.

1 SECTION 25. The school committee shall on the first Mon-
2 day in June, or as soon after as may be, choose by a vote of
3 a majority of its members, but not from their number, a super-
4 intendent of schools who shall be under their direction and con-
5 trol. Such superintendent shall hold office for the term of one
6 year from the first Monday in July in the year of his elec-
7 tion, unless sooner removed by a vote of a majority of all the
8 members of the school committee.

TITLE SIX.

DEPARTMENTS AND ADMINISTRATIVE OFFICERS.

1 SECTION 26. There shall be the following department and
2 administrative officers, who shall perform the duties imposed
3 upon them respectively by law and by this act, and such further
4 duties as are not inconsistent with the nature of their respective
5 offices, as the city council may prescribe.

6 I. A board of public works, to consist of three com-
7 missioners, to be elected by the qualified voters at large
8 at the first municipal election after the acceptance of this act ;
9 one for the term of one year, one for the term of two years,
10 and one for the term of three years, from the first Monday in
11 January next following ; and thereafter annually by the voters
12 at large on the general ticket at the annual municipal election,
13 one commissioner of public works to serve for the term of three
14 years. The board of public works shall have the control, ex-
15 cept as provided in section fifteen of this act, of the construc-
16 tion, alteration, repair, maintenance, care and management
17 of ways, streets, highways, sidewalks and bridges, and the
18 lighting and watering thereof, of the construction, extension,
19 alteration, repair and care of public sewers and drains, and of
20 the construction, alteration, repair and maintenance and care of
21 all the public buildings, except that the use and occupancy of the
22 public school buildings and grounds shall be under the control
23 of the school committee, the use and occupancy of the engine

24 houses and buildings and grounds of the fire department shall
25 be under the control of the fire commissioner, the public parks
26 shall be under control of the park commissioners, and the Hun-
27 tress home shall be under the control of the trustees of the
28 home. Said board of public works shall also have the care,
29 superintendence and management of the public grounds belong-
30 ing to the city; the care and control of the shade and orna-
31 mental trees standing in the streets and public ways; the
32 supervision of electric light, street railway, telephone and tele-
33 graph wires and electric light, street railway, telephone and
34 telegraph poles and gas pipes, and of the erection and removal
35 thereof. Said board shall further have and exercise the powers
36 and authority vested by laws of the Commonwealth in superin-
37 tendence of streets, surveyors of highways, road commissioners
38 of towns, sewerage commissioners, and inspectors of buildings,
39 and shall annually appoint a superintendent of streets, to act
40 under their direction, and may employ engineers, clerks and
41 such other assistants as they deem necessary, and may fix
42 the compensation of their appointees. No person or cor-
43 poration authorized by law or the city council to dig up any
44 public street or sidewalk in said city shall begin such digging
45 before furnishing to the board of public works security satis-
46 factory to them to restore such street or sidewalk to its former
47 condition.

48 II. A water department, to be under the charge of three com-
49 missioners, to be appointed in the manner provided by chapter
50 four hundred and fifty-one of the acts of the year eighteen hun-
51 dred and ninety-five. The present members shall continue to
52 hold their respective offices according to the tenure thereof.
53 The board of water commissioners shall exercise the powers
54 and discharge the duties granted to and imposed upon them by
55 law, and shall have charge of the construction, repair and
56 maintenance of the water works, and shall also exercise all
57 the powers and duties granted to and imposed upon the city
58 of Gloucester by chapter four hundred and fifty-one of the
59 acts of the year eighteen hundred and ninety-five, including
60 the purchase or taking of land or other property or rights.

61 III. A fire department, to be under the charge of one fire
62 commissioner, to be appointed by the mayor and confirmed by
63 the city council, who shall hold office for the term of two years
64 from the first Monday in February next following his
65 appointment. The fire commissioner shall appoint the chief
66 engineer and such assistant engineers as the city council shall
67 from time to time prescribe, also the superintendent of the fire
68 alarm telegraph, and upon the recommendation of the board of
69 engineers, such officers and members of the fire department as
70 the city council from time to time may determine. The chief
71 engineer shall hold office for the term of one year, beginning
72 with the first Monday in February next following his appoint-
73 ment. The fire commissioner shall have charge of the engines
74 and apparatus, of hydrants and all movable property apper-
75 taining to the fire department, and the control and management
76 of all the affairs pertaining to the fire department of said city.

77 IV. A police department, to consist of a city marshal and
78 such number of patrolmen and other officers of the department
79 as the city council may determine. The city marshal shall hold
80 office for one year and until his successor is appointed and duly
81 qualified, unless sooner removed. The mayor shall have exclu-
82 sive power to appoint the city marshal, and to remove him
83 whenever in his judgment the interest of the city may require.
84 The order for his removal shall be filed in the office of the city
85 clerk. The mayor shall also have the exclusive power to
86 appoint all other members of the police department to hold
87 office during good behavior, but he may remove any such
88 member for cause in the manner provided in section twenty-
89 one of this act. The police department shall be under the
90 charge of the city marshal.

91 V. A board of health, to be elected as follows: In the month
92 of January next following the acceptance of this act, the city
93 council shall elect by ballot two qualified voters, one to serve
94 for the term of one year, and one to serve for the term of two
95 years, from the first Monday in February next following, who,
96 together with the city physician, ex officio, shall constitute the
97 board of health of the city of Gloucester; and thereafter annu-

98 ally in the month of January, the city council shall elect by
99 ballot, a qualified voter of the city to serve as a member of
100 the board of health for the term of two years, from the first
101 Monday in February next following. The board of health
102 shall also be commissioners of public cemeteries, and shall
103 have the general care, direction and control of public burying
104 places, and all work in and upon the same, and shall have
105 and exercise all the powers and duties incumbent upon boards
106 of health by the laws of the Commonwealth and the ordinances
107 of the city of Gloucester.

108 VI. The assessing department, to be under the charge of
109 three assessors to be elected by ballot by and from the
110 qualified voters at large at the annual municipal election, to
111 serve for the term of three years from the first Monday in
112 January next following their election. The present mem-
113 bers shall continue to hold their respective offices according
114 to the tenure thereof and at the first municipal election after
115 the acceptance of this act, the city council shall provide for
116 the election of the member to fill the vacancy occurring at the
117 end of the municipal year, so that the term of but one
118 assessor shall expire in the same year.

119 VII. The law department to be under the charge of the city
120 solicitor, who shall be elected annually by the city council
121 by ballot during the month of April, for the term of one year
122 from the first day of May next following. He shall perform
123 all legal services required by the city, and attend to all pro-
124 ceedings at law or in equity in which the city is a party, and
125 all claims presented to the city council. For said purposes
126 he shall have sole charge of all such matters and proceedings.
127 He shall give in writing his legal opinion upon any of the
128 municipal affairs of the city upon the request of the mayor
129 or the city council, and in addition, give his opinion of the
130 law relating to the municipal affairs in any department, upon
131 request made by the head of such department.

132 VIII. The engineer department, to be under the charge of
133 the city engineer.

134 IX. The city clerk department, to be under the charge of
135 the city clerk.

136 X. The treasury department, to be under the charge of the
137 city treasurer.

138 XI. The collecting department, to be under the charge of
139 the collector of taxes.

140 XII. The auditing department, to be under the charge of
141 the city auditor.

142 XIII. The charity department, to be under the charge of
143 three overseers of the poor. There shall be elected annually
144 in the month of January, by ballot of the city council, one
145 overseer of the poor for the term of three years from the first
146 Monday in February next following his election. The present
147 members of the board of overseers of the poor shall continue
148 to hold office for the term for which they were severally
149 elected.

150 XIV. The sinking fund department, to be under the charge
151 of three commissioners to be elected by the city council by bal-
152 lot, to have the control and management of the sinking funds
153 of the city of Gloucester subject to the laws relating thereto.

154 XV. A public park department, to be under the charge of
155 five park commissioners, as now established by law, who shall
156 have the control and management of the public parks of the
157 city of Gloucester subject to the laws relating thereto. Said
158 commissioners shall be appointed by the mayor subject to
159 confirmation by the city council, and the present commis-
160 sioners shall continue to hold office for the term for which
161 they were severally appointed.

162 XVI. A board of trustees of the Huntress home.

163 XVII. A city physician, who shall be appointed by the
164 mayor, with the approval of the city council, for a term of
165 three years.

166 XVIII. The city council may by ordinance establish addi-
167 tional administrative offices and define the duties of the
168 incumbents thereof, and such officers shall be subject to the
169 provisions of this act.

170 XIX. The above-named officers and members of boards
171 shall, unless otherwise provided by this act or law, be ap-
172 pointed annually in the month of January by the mayor, sub-
173 ject to confirmation by the city council, and shall hold office

174 for the term of one year from the first Monday of February
175 next following their appointment. All of said officers, in-
176 cluding members of said boards, whether elected at large, or
177 by the city council, or appointed by the mayor, shall be
178 sworn to the faithful discharge of their duties, and shall hold
179 office until their respective successors are elected or appointed
180 and qualified.

181 XX. All officers and boards shall, in the exercise of the
182 duties imposed upon them, be deemed to be public officers,
183 and for their acts the city shall not be liable, except so far as
184 liability may now exist for the acts of public officers perform-
185 ing the same duties.

TITLE SEVEN.

GENERAL PROVISIONS.

1 SECTION 27. Each of the above-named boards shall, at its
2 first meeting, on or after the first Monday in February in each
3 year, or as soon thereafter as may be, choose by ballot, a per-
4 manent chairman from among its members, unless otherwise
5 provided. No person shall be chosen permanent chairman un-
6 less he shall receive the votes of a majority of all the members
7 of the board, and he may be removed from such chairmanship
8 by the same vote. Each of said boards shall, unless it have a
9 clerk as hereinbefore provided, choose a secretary from among
10 its members in the same manner as above prescribed for the
11 choice of a chairman, and may remove him in the same manner.

1 SECTION 28. The city auditor shall, on the first business
2 day of every month, audit all accounts in which the city is con-
3 cerned as debtor or creditor, and shall report to the city coun-
4 cil as it may direct. He shall have access at all times during
5 business hours to all the books and vouchers of the city treas-
6 urer.

1 SECTION 29. The chairman of the board of public works,
2 chairman of the board of water commissioners, a member of
3 the school committee appointed for that purpose, fire commis-
4 sioner and city auditor, shall be respectively entitled to seats

5 with the city council, and shall have the right to discuss all
6 matters relating to their respective departments of city affairs,
7 but shall have no right to vote. They shall be notified in like
8 manner with the councilmen of all meetings of the city council.
9 The mayor may at any time address the city council in person.

1 SECTION 30. The administrative officers and boards above
2 named in this title, and all administrative officers and boards
3 established by the city council and not coming within the de-
4 partment of any officer or board so above named, shall have
5 the power except as herein otherwise provided to appoint or
6 employ, and to remove or discharge all clerks and employees
7 in their respective departments. Such appointments shall not
8 be for any specified term, but shall hold good until the incum-
9 bent is removed or discharged.

10 Orders of removal shall state the grounds thereof, and shall
11 be entered upon the records of the officer or board making the
12 same, and removals shall take effect upon the filing of the copy
13 of such order with the city clerk, who shall record the same in
14 a book provided for the purpose, which book shall be open to
15 public inspection.

1 SECTION 31. Every board, and every officer above named,
2 who is not a member of a board, shall keep a record of all
3 official transactions, and such record shall be open to public
4 inspection.

1 SECTION 32. The city council shall require the treasurer,
2 and such other officers as are entrusted with the receipt, care
3 and disbursement of public money, to give bonds with such
4 surety as it shall deem proper, for the faithful discharge of
5 their respective duties.

1 SECTION 33. No person shall be appointed to any office
2 established by this act unless at the time of such election or
3 appointment he has been a citizen of the United States for
4 at least one year, nor to any office except on the board of
5 public works, or in the fire department, or the office of city

6 marshal or superintendent of schools, unless at the time of
7 such election or appointment he has been a resident of the
8 city for at least one year.

1 SECTION 34. Any office established by or under this act
2 shall become vacant if the incumbent thereof ceases to be a
3 resident of the city. The conviction of the incumbent of any
4 office of a crime punishable by imprisonment shall operate to
5 create a vacancy in the office held by him.

1 SECTION 35. The school committee and every officer and
2 board having the expenditure of money shall annually, on or
3 before the first day of November, furnish to the mayor an
4 itemized estimate of the money required for the ensuing finan-
5 cial year. The mayor shall examine such estimate and shall,
6 on or before the fifteenth day of November, submit them, with
7 his itemized and detailed recommendation thereon, to the city
8 council. Said city council shall, on or before the fifteenth
9 day of December in each year, appropriate the amount neces-
10 sary to meet the expenditures of the following year, and such
11 appropriation shall not thereafter be increased, nor any subse-
12 quent appropriation made, unless by a vote of two-thirds of
13 all the members, taken by yea and nay. No expenditure of
14 public money from the annual appropriation order shall be
15 authorized except by a vote of a majority of all the members
16 of the city council taken by yea and nay. No expenditure of
17 public money shall be made by any officer or board, nor any
18 liability incurred by or on behalf of the city, beyond the
19 amount duly appropriated therefor, set forth and contained
20 in the annual or subsequent appropriation order of the city
21 council.

1 SECTION 36. The city council shall establish by ordinance
2 the regular salaries or remunerations of the officers provided
3 for by this act, in case the same is not fixed herein, and of such
4 other officers as may be hereafter provided for; and no ordinance
5 of the city council changing any such salary or remuneration
6 shall take effect until the municipal year succeeding that in

7 which the ordinance is passed. Such salary shall be in full
8 for all services rendered to the city by the officer receiving the
9 same.

1 SECTION 37. The city council shall take care that no money
2 is paid from the treasury unless granted or appropriated, and
3 shall secure a just and proper accountability by requiring bonds
4 with sufficient penalties and sureties from all persons entrusted
5 with the receipts, custody, or disbursement of money. It shall
6 as often as once a year cause to be published for the use of the
7 inhabitants a particular account of the receipts and expendi-
8 tures of said city for that year, and a schedule of all the
9 city property and of the city debt.

1 SECTION 38. No sum appropriated for a specific purpose
2 shall be expended for any other purpose, and no expenditure
3 shall be made nor liability incurred by or in behalf of the city,
4 until an appropriation has been duly voted by the city council
5 sufficient to meet such expenditure or liability, together with all
6 unpaid prior liabilities which are payable out of such appro-
7 priation.

1 SECTION 39. Nothing herein contained shall affect the en-
2 forcement of the provisions of chapter three hundred and
3 twenty of the acts of the year eighteen hundred and eighty-
4 four, being "An act to improve the civil service of the Com-
5 monwealth and the cities thereof," or any acts in amendment
6 thereof or in addition thereto, or of the rules made by the
7 commissioners appointed thereunder; and the city council
8 shall make sufficient and proper appropriations for carrying
9 out and enforcing said act and such rules in said city.

1 SECTION 40. Administrative boards, and officers having
2 charge of a department, shall, within their respective depart-
3 ments, employ all labor, make out and execute all necessary
4 contracts, purchase all materials and supplies and shall in gen-
5 eral have the immediate direction and control of all executive
6 and administrative business; and they shall at all times be ac-

7 countable for the proper discharge of their duties to the mayor,
8 as chief executive of the city. All contracts made by any offi-
9 cer or board shall, when the amount involved is three hundred
10 dollars or more, be in writing, and no such contract shall be
11 deemed to have been executed until the approval of the mayor
12 is affixed thereto. All such contracts shall be accompanied by
13 a bond with sureties satisfactory to the officer or board hav-
14 ing the matter in charge, or a deposit of money or other
15 securities for the faithful discharge of such contract, and such
16 bond, money or other securities shall be deposited with the
17 city clerk until the contract shall have been carried out in
18 every respect; and no such contract shall be altered except by
19 written agreement of the contractor, the sureties on his bond,
20 and the officer or board making the contract, with the approval
21 of the mayor affixed thereto.

1 SECTION 41. Whenever mechanical or other work is neces-
2 sary to be done or supplies are required for the city at a cost
3 amounting to one hundred dollars or more, the board or com-
4 mittee having the matter in charge shall invite proposals
5 therefor by advertisements in not more than two newspapers
6 published in said city, such advertisements to state the time
7 and place for opening the proposals in answer to such adver-
8 tisements, and the right reserved to said board or committee
9 to reject any or all proposals. Every proposal for doing such
10 work or making such sale shall be accompanied by a cer-
11 tificate of deposit for the sum of not less than twenty-five
12 dollars, and in no case for a less sum than five per cent. of
13 the amount of the proposal, for the faithful performance of
14 such proposal; and all such proposals shall be kept by the
15 officer or board inviting the same, and shall be open to pub-
16 lic inspection after said proposals have been accepted or re-
17 jected. Should the party to whom the award is made fail to
18 perform the obligations of his agreement, the amount of the
19 certificate of deposit shall thereby become forfeited to the city.

1 SECTION 42. The city council shall establish fire limits
2 within the city, and from time to time change or enlarge the

3 same; and may by ordinance regulate the construction of all
4 buildings erected within said fire limits, stipulating their loca-
5 tion, size and the material of which they shall be constructed,
6 and make such other rules and regulations as shall tend to pre-
7 vent damage by fire, provided the same are not inconsistent
8 with the laws of the Commonwealth.

1 SECTION 43. All acts or parts of acts inconsistent with
2 this act are hereby repealed, but the passage of this act shall
3 not affect any right, accruing or accrued, or any suit, prose-
4 cution or other legal proceeding pending at the time when it
5 shall take effect by acceptance, as herein provided, and no
6 penalty or forfeiture previously incurred shall be affected
7 thereby. All persons holding offices in said city, at the time
8 this act shall be accepted as aforesaid, shall continue to hold
9 such offices until the organization of the new city government
10 hereby authorized is effected, and until their respective suc-
11 cessors are chosen and qualified. All the by-laws and ordi-
12 nances of the city of Gloucester which are in force at the time
13 when said acceptance takes effect, and which are not incon-
14 sistent with the provisions of this act, shall continue in force
15 until the same are repealed by the city council. No act which
16 has been heretofore repealed shall be revived by the repeal of
17 the acts mentioned in this section.

1 SECTION 44. The question of the acceptance of this act shall
2 be submitted to the legal voters of the city of Gloucester at the
3 annual state election in the present year. The vote shall be
4 taken by ballot in accordance with the provisions of chapter
5 four hundred and seventeen of the acts of the year eighteen
6 hundred and ninety-three, and acts in amendment thereof and
7 in addition thereto so far as the same shall be applicable, in
8 answer to the question: "Shall an act passed by the General
9 Court in the year 1898, entitled 'An Act to revise the Charter
10 of the City of Gloucester,' be accepted?" and the affirmative
11 votes of a majority voting thereon shall be required for its ac-
12 ceptance. In case this act shall fail to be thus accepted by
13 the voters of said city at its first submission under this section,

14 it may, at the next annual State election, be again thus sub-
15 mitted for acceptance, but not after two years from the pas-
16 sage thereof.

1 SECTION 45. So much of this act as authorizes the submis-
2 sion of the question of its acceptance to the legal voters of the
3 said city shall take effect upon its passage, but it shall not take
4 further effect unless accepted by the legal voters of said city,
5 as above provided.

HOUSE OF REPRESENTATIVES, March 22, 1898.

Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

