

HOUSE No. 27

Accompanying the sixteenth recommendation of the Executive Office of Communities and Development (House, No. 11). Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT DEFINING AND CLARIFYING THE TERM CHARTER AND PROVIDING FOR THE INTERPRETATION OF THE PROCESSES OF CITY AND TOWN CHARTERS.

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. Chapter forty-three B of the General Laws, as
2 inserted by chapter seven hundred and thirty-four of the acts of
3 nineteen hundred and sixty-six, as amended, is hereby further
4 amended by inserting in section one, the following additional
5 definition:—

6 “charter” shall mean a written instrument which defines and
7 establishes the organization and structure of the municipal
8 government; distributes powers, duties and responsibilities
9 between and among the municipal officers; and which may define
10 certain procedures relating to the operation of the municipal
11 government.

1 SECTION 2. Chapter forty-three B of the General Laws, as
2 inserted by chapter seven hundred and thirty-four of the acts of
3 nineteen hundred and sixty-six, as amended, is hereby further
4 amended by inserting in section nine-B after the third sentence,
5 the following new sentence, as follows:—

6 No charter provision which relates to the term of office, or the
7 mode of selection, or, if a multiple-member body, the number of
8 members thereof, or which provides for the merger, or
9 consolidation of officers, powers, duties or responsibilities shall
10 be deemed to be in conflict with the laws of the commonwealth,

11 provided, however, that the members of the municipal legislative
12 body, except in the case of a town having an open town meeting,
13 shall be chosen by election of the voters and that no function
14 required to be performed by law shall be discontinued.

1 SECTION 3. Chapter forty-three B of the General Laws, as
2 inserted by chapter seven hundred and thirty-four of the acts of
3 nineteen hundred and sixty-six as amended, is hereby further
4 amended by inserting in section 10C, the following new sentence,
5 as follows:—

6 No charter provisions which relates to the term of office, or the
7 mode of selection, or, if a multiple-member body the number of
8 members thereof, or which provides for the merger, shall be
9 deemed to be in conflict with the laws of the commonwealth,
10 provided, however, that the members of the municipal legislative
11 body, except in the case of a town having an open town meeting,
12 shall be chosen by election of the voters and that no function
13 required to be performed by law shall be discontinued.

1 SECTION 3. Chapter forty-three B of the General Laws, as
2 inserted by chapter seven hundred and thirty-four of the acts of
3 nineteen hundred and sixty-six as amended, is hereby further
4 amended by inserting in section 10-C, the following new sentence,
5 as follows:—

6 No charter provisions which relate to the term of office, or the
7 mode of selection, or, if a multiple-member body the number of
8 members thereof, or which provide for the merger, shall be
9 deemed to be in conflict with the laws of the commonwealth,
10 provided, however, that the members of the municipal legislative
11 body, except in the case of a town having an open town meeting,
12 shall be chosen by selection of the voters and that no function
13 required to be performed by law shall be discontinued.

1 SECTION 4. Chapter forty-one of the General Laws, as most
2 recently amended, is hereby further amended by inserting in the
3 first sentence, after the word "law", the words "or by charter", so
4 that the sentence shall read as follows:—

5 Every town at its annual meeting shall in every year when the
6 term of office of any incumbent expires, and except when other

7 provision is made by law or by charter, choose by ballot from its
8 registered voters the following town officers for the following
9 terms of office:

1 SECTION 5. Section one, of said chapter forty-one, is hereby
2 further amended by inserting at the end thereof, the following
3 new sentence: —

4 The provisions of this section or any other section in this
5 chapter, which establishes a term of office, or a manner of
6 selection, or the number of members of a multiple-member body,
7 shall not be deemed to be applicable in any municipality which
8 adopts or amends a charter pursuant to the provisions of chapter
9 43B, provided, however, that no function which is required to be
10 performed by law shall be discontinued by such charter or charter
11 amendment.

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