

**CHARTER AND RELATED LAWS**

**SUBPART A - CHARTER<sup>1</sup>**

**Acts of 1883, Chapter 250  
An Act to Establish the City of Northampton**

**BE IT ENACTED** by the Senate and House of Representatives in General Courts assembled, and by the authority of the same as follows:

**Section 1 - Incorporation as City**

The inhabitants of the Town of Northampton shall continue to be a body politic and corporate under the name of the City of Northampton, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said Town as a municipal corporation.

**Section 2 - Repealed**

[The administration of all the fiscal, prudential and municipal affairs of the said City, with the government thereof, shall be vested in an officer to be called the Mayor, a council of seven to be called the Board of Aldermen, and a council of twenty-one (21) to be called the Common Council; the said councils, in their joint capacity, shall be denominated the City Council, and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.]<sup>2</sup>

**Section 3 - Division into Wards**

The Selectmen of said Town, as soon as may be after the

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<sup>1</sup>**Note** - The Charter consists of Chapter 250, Acts of Massachusetts, 1883, as amended. Amendments wither appear within the Charter and are indicated by historical notes or are indicated by an editor's note. In addition, the user should note that Chapter 123 of the Acts of 1954 provided for a unicameral city council, generally superseding references within the Charter to the "Board of Aldermen", the "Common Council" and "each" or "both branches of the City Council". Catchlines to the individual sections of the Charter were added by the editor to facilitate usage of this document. Such catchlines are unofficial, and should not be deemed to restrict, limit or affect the content of this Charter.

<sup>2</sup>**Note** - Amended by Chapter 123 of the Acts of 1954; accepted by the voters, November 8, 1955. See Subpart B, Art. 11.

acceptance of this act, shall divide said Town into seven (7) wards, so that the wards shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of voters, and they shall designate such wards by numbers.

**Section 4 - Date of Municipal Election;  
Municipal Year established**

The municipal election shall take place on the first Tuesday of December annually, and the municipal year shall begin on the first Monday of January following.<sup>3</sup>

**Section 5 - Warden, Clerk and Inspector of Elections**

On the first Tuesday of December, annually, there shall be elected, by ballot, in each of said wards, a Warden, Clerk, and three Inspectors of Elections, who shall be different persons, and shall be residents in the ward, and who shall hold their respective offices one year, and until others shall be elected and qualified in their stead. The Wardens shall preside at all ward meetings, with the powers of moderators at town meetings, and if at any meeting the Warden is not present, the Clerk shall preside until a Warden pro tempore is elected by ballot. If both Warden and Clerk are absent, the senior in age of the Inspectors present shall preside until a Warden pro tempore is so elected; and if all said officers are absent, any legal voter in said ward may preside until a Warden pro tempore is so elected. When any ward officer is absent or neglects to perform his duty, his office shall be filled pro tempore by ballot. The Clerk shall record all the proceedings, and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The Inspectors shall assist the Warden in receiving, assorting and counting the votes. All of said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the Clerk to the Warden, and by the Warden to the Clerk and to the Inspectors, or to either of said offices by any Justice of the Peace. Certificates of such oaths shall be made by the Clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the Mayor and Aldermen, and served and returned in such manner and at such times as the City Council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the City Council.

**Section 6 - Election of Mayor**

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<sup>3</sup>Note - Biennial municipal elections are provided for in Chapter 265, Acts of 1927. See Subpart B, Art. 8, Time for holding biennial municipal elections in the City changed in Chapter 245, Acts of 1946. See Subpart B, Art. 9.

The Mayor shall be elected by and from the qualified voters of the City, voting in their respective wards.

**Section 7 - Repealed**

[One Alderman shall be elected by and from the voters of each ward, and shall, at the time of his election, be a resident of the ward in which he is so elected.]<sup>4</sup>

**Section 8 - Repealed**

[Three Common Councilmen shall be elected by and from the voters of each ward, and shall, at the time of their election, be residents of the ward in which they are elected.]<sup>5</sup>

**Section 9 - Term of Mayor and City Council**

The Mayor shall hold office for the municipal year next following his election, and until his successor is chosen and qualified, and the members of each branch of the City Council shall hold office for the municipal year next following their election, and until a majority of the succeeding board is chosen and qualified. [In case of a vacancy in the office of Mayor, or of his inability to act, the president of the Board of Aldermen shall act as Mayor until the inability ceases or the vacancy is filled.]<sup>6</sup>

**Section 10 - Elections generally**

On the first Tuesday of December, annually, the qualified voters in the several wards shall give in their votes by ballot for Mayor, City Clerk, ~~City Treasurer~~, Aldermen and Common Councilmen, School Committees, an Elector under the Oliver Smith Will, and [three]<sup>7</sup> trustees under the will of Charles E. Forbes, in

*+ Charles E. Forbes*

<sup>4</sup>Note - Repealed by Chapter 123, Acts of 1954. See Subpart B, Art. 11.

<sup>5</sup>Note - Repealed by Chapter 123, Acts of 1954. See Subpart B, Art. 11

<sup>6</sup>Note - Last sentence of Section 9 repealed by Chapter 123, Acts of 1954. See Subpart B, Art. 11.

<sup>7</sup>Note - The number of trustees was reduced from three to one by Chapter 189, Acts of 1893. See Subpart B, Art. 1. The number of trustees was later increased to five by Chapter 67, Acts of 1984. See Subpart B, Art. 14. For procedure for election, see Chapter 21, Acts of 1985, in Subpart B, Art. 2. Biennial municipal elections are provided for in Chapter 265, Acts of 1927, Subpart B, Art. 8. Time for holding biennial municipal elections in the City changed by Chapter 245, Acts of 1946. See Subpart B, Art. 9.

accordance with the provision of this act. All the votes so given shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written in the ward record at length. The Clerk of the ward, within twenty-four (24) hours thereafter, shall deliver to the City Clerk a copy of the record of such election, certified by the Warden and Clerk and a majority of the Inspectors. The Board of Aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected Mayor to be notified in writing of his election; but if no person is elected, or if the person elected shall refuse to accept the office, the Board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of Mayor, and from time to time shall be repeated until a Mayor shall be elected and shall accept said office. Each Alderman and Councilman shall be notified in writing of his election by the City Clerk. The oath prescribed by this act shall be administered to the Mayor by the City Clerk or by any Justice of the Peace. The Aldermen and Common Councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the Mayor, City Clerk, or by any Justice of the Peace; and a certificate of such oath having been taken, shall be entered upon the journal of the Mayor and Aldermen and of the Common Council by their respective Clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the Common Council shall be organized by the election of one of its own members as president, and also a Clerk not one of its own members, to hold their offices respectively during that municipal year, and the Clerk shall be sworn to the faithful performance of all the duties of his office, and his compensation shall be fixed by concurrent vote of the City Council. In case of the absence of the Mayor elect on the first Monday of January, or if a Mayor shall not have then been elected, the City Council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the Mayor were present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the Mayor, and any member of the City Council who may have been absent at the organization. In the absence of the Mayor the Board of Aldermen may elect a presiding officer pro tempore, who shall also, in such case, preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings and judge of the elections of its own members; and in case of vacancy in either board the Mayor and Aldermen shall issue their warrants for a new election.

#### **Section 11 - Mayor's Powers and Duties Generally**

The Mayor shall be the chief executive officer of the City. He shall cause the laws and regulations of the City to be enforced

and keep a general supervision over the conduct of all subordinate officers, and he may, for a period not exceeding seven days, suspend, and with the consent of the appointing power, for cause remove any officer over whose appointment he, or his predecessor has, in accordance with the provisions of this Charter, exercised the power of nomination. He may call special meetings of the City Council, or either branch thereof when in his opinion the interests of the City require it, by causing notice to be left at the usual place of residence of each members of the branch to be convened. He may, from time to time, communicate to the City Council, or either branch thereof, such information, and recommend such measures, as the business and interests of the City may in his opinion require. He shall, when present, preside over the Board of Aldermen and over the City Council when in joint convention. He shall at all times have the control and direction of the police force, subject only to the ordinances of the City. His salary shall be fixed by the City Council [but shall not exceed eight hundred dollars]<sup>8</sup> and shall be payable at stated periods, but shall not be increased or diminished during the year for which he is elected. He shall receive no other compensation.

**Section 12 - Consideration of Ordinances, Orders, Resolutions, or votes by Mayor; Procedure When Objection Made**

Every ordinance, order, resolution or vote to which the concurrence of the Board of Aldermen and of the Common Council of said City may be necessary (except on a question of a convention of the two branches, or the election of an officer), and every order of either branch of the City Council, involving an expenditure of money, shall be presented to the Mayor of the City. If he approves thereof, he shall signify his approval by signing the same, but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the City Council in which it originated. Such branch shall enter the objections of the Mayor, at large, on its records, and shall proceed to reconsider such ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of the branch present and voting notwithstanding such objections, agree to pass such ordinance, order, resolution, or vote, it shall together with the objections of the Mayor, be sent to the other branch of the City Council (if it originally required concurrent action), where it shall also be reconsidered, and if approved by two-thirds of the number present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution, or vote is not returned by the Mayor within ten days after it has been presented to him, the same shall be in force; provided, that if any ordinance, order, resolution, or vote embraces distinct subjects the Mayor may approve the

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<sup>8</sup>Note - Amended by Acts of 1907, Chapter 147 by striking out clause in brackets. See Subpart B, Art. 4.

provisions relating to one or more of the subjects, and not approve of the other provisions, and so much of the same as the Mayor may not approve of shall be reconsidered as above provided.

**Section 13 - Executive Powers of Mayor and Aldermen**

The executive power of said City with all the powers heretofore vested by special statute in the Selectmen of the Town of Northampton, and in the Selectmen of towns by the laws of the Commonwealth, except as provided in this act, shall be vested in and exercised by the Mayor and Aldermen as fully as if the same were hereby specifically enumerated. The Mayor and Aldermen shall have full and exclusive power to appoint a Constable or Constables, a City Marshal, or Chief of Police, with all the powers and duties of a constable, and all other Police and subordinate officers whose election is not herein provided for, and the same to remove at pleasure; and they may require any person who may be appointed a Constable, City Marshal, or Chief of Police of the City, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in case of Constables' bonds taken by selectmen of towns. The compensation of the police and other subordinate officers not otherwise provided for shall be fixed by concurrent vote of the City Council. The City Council shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let what may be legally let, and to sell, purchase, or hire property, real or personal, in the name and for the use of the city, whenever the interests or convenience of the city may in their judgement require it; and they shall as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

**Section 14 - Appointments; Councilmen Not Eligible for Positions Salaried by City; Council Sessions to be Public**

In all cases in which appointments are directed to be made by the Mayor and Aldermen, the Mayor shall have the exclusive power of nomination, which nomination shall be subject, however, to confirmation or rejection by the Board of Aldermen; and no member of the City Council shall be eligible during the term for which he is elected, by appointment or election, to any office, the salary of which is payable out of the City treasury. All sessions of the City Council and Common Council shall be public.

**Section 15 - Election of Certain Officials by Council; Qualifications; Removal, Vacancies; Compensation**

The City Council shall annually, as soon after its organization as may be convenient, elect, by the concurrent ballot

of both a Superintendent or Superintendents of Streets<sup>9</sup> and Highways, a City Physician, [a City Solicitor]<sup>10</sup>, a City Auditor, and an agent to represent the City in the meetings of the Massachusetts Central Railroad Company<sup>11</sup> who shall be legal voters and hold their respective offices for the term of one year from the first Monday of March then next ensuing, and until their successors shall be elected and qualified; provided, however, that any of the officers named in this section may be removed at any time by the City Council for sufficient cause. Vacancies occurring in the above-named offices may be filled by concurrent ballot at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the City Council.

**Section 16 - City Clerk and ~~City Treasurer~~; Term, Vacancies, Compensations**

*Charter Change*

The City Clerk and ~~the City Treasurer~~ shall hold office for the municipal year next following their election and until their respective successors are elected and qualified. Any vacancy occurring in either of the said offices may be filled for the remainder of the term by concurrent ballot of the City Council. The said officer shall receive such compensation as the City Council shall determine.

**Section 17 - Powers and Duties of City Clerk Generally**

The City Clerk shall also be Clerk of the Board of Aldermen, and of the City Council when in convention, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the Board of Aldermen, and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all the records, journals, documents, papers and property held by him in his said capacity. In case of the temporary absence of the City Clerk, the Mayor, by and with the advice and consent of the Board of Aldermen, may appoint a City Clerk pro tempore.

**Section 18 - Fire Department Generally**

The City Council may establish a Fire Department for said City, to consist of a Chief Engineer, and of as many assistant

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<sup>9</sup>Note - See Chapter 389, Acts of 1961 in Subpart B, Art. 12 for establishment of Board of Public Works and Department of Public Works.

<sup>10</sup>Note - The position of solicitor was made appointive by Chapter 103, Acts of 1927. See Subpart B, Art. 7.

<sup>11</sup>Note - The Massachusetts Central Railroad no longer exists.

engineers, enginemen, hose men, hook and ladder men, and assistants, as the said City Council, by ordinance shall from time to time prescribe; and the City Council shall have authority to fix the time of their appointment and the time of their service, to define their offices and duties, and in general to make such regulations concerning the pay, conduct, and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may affix such penalties for any violation of such regulations as are provided for the breach of the ordinances of said City. The appointment of all the officers and members of such department shall be vested in the Mayor and Aldermen exclusively, who shall also have authority to remove from office any officer or member, for cause at their discretion. The engineers so appointed shall be the fire-wards of the City, but the Mayor and Aldermen may appoint additional fire-wards. The compensation of the members of the Fire Department shall be fixed by concurrent vote of the City Council.

**Section 19 - Authority to Establish Fire Limits and Construction Requirements within Limits**

The City Council may establish fire limits within said City, and may from time to time change the same: and may by, ordinance, regulate the construction and location of all buildings erected within said fire limits, and the size and material of which they shall be constructed and may make such other rules and regulations as shall tend to insure the same from damage by fire; provided, that such rules and regulations shall not be inconsistent with the laws of this Commonwealth.

**Section 20 - Board of Assessors Generally**

The City Council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot three persons, legal voters of said City, to be Assessors of Taxes in said City, to serve one for three years, one for two years, and one for one year, from the first Monday of March then next ensuing and until their respective successors are elected and qualified; and thereafter the City Council shall annually in the month of February elect in the same manner one person, a legal voter in said City to serve for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. The persons so elected shall constitute the Board of Assessors, and shall exercise the powers and be subject to the duties and liabilities of Assessors in towns. Any vacancy occurring in said Board may be filled by concurrent vote of the City Council at any time, and the member so elected shall hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned, and collected in the manner prescribed by law. The compensation of the Assessors shall be fixed by concurrent vote of the City Council.

## **Section 21 - Assistant Assessors Generally**

The City Council first elected under this act may, as soon after its organization as may be convenient, elect by concurrent ballot one legal voter from each ward to be Assistant Assessor, to serve one year from the first Monday of March then next ensuing, and until his successor is elected and qualified; and thereafter the City Council shall annually in the month of February elect in the same manner one legal voter from each ward to be Assistant Assessor for one year from the first Monday of March, then next ensuing, and until his successor is elected and qualified. Said Assistant Assessors shall furnish the Assessors with all necessary information relative to the persons or property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty. Any vacancy occurring in the number of Assistant Assessors may be filled by concurrent ballot of the City Council at any time. The compensation of the Assistant Assessors shall be fixed by concurrent vote of the City Council.

## **Section 22 - School Committee Generally**

The School Committee shall consist of the Mayor of said City, ex-officio, and nine other persons, inhabitants thereof, who shall be elected by the qualified voters of the City at large, voting in their respective wards. At the first election held under this act, there shall be elected three members of said Committee, one for each from the inhabitants of Wards One and Three and one from the inhabitants of the City at large, to serve for the term of three years, commencing on the first Monday of January next ensuing; one each from the inhabitants of Ward Two, Four and Six, to serve for the term of two years, commencing on the first Monday of January next ensuing; and one each from the inhabitants of Wards Five and Seven and one from the inhabitants of the City at large, to serve for the term of one year, commencing on the first Monday of January next ensuing; and at each subsequent election there shall be elected in the same manner as their predecessors three members of the School Committee, to hold office for the term of three [years] as Successors of those whose term of office expires at the expiration of the then current municipal year. [The members of the School Committee shall serve without compensation.]<sup>12</sup> [The Mayor shall be ex-officio chairman of the board, and shall have a casting vote,]<sup>13</sup> but the Committee may elect from their own number a

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<sup>12</sup>Note - Amended by the Acts of 1984, Chapter 252. See Subpart B, Art. 15.

<sup>13</sup>Note - Amended to read: "The Mayor shall be ex-officio Chairman of the Board, with the same right to vote as an elected member of the School Committee..." by order of the City Council, July 19, 1979, and acceptance by voters, November 6, 1979, to become effective on the first Monday of January, 1980.

chairman, who shall preside in the absence of the Mayor. The School Committee shall annually appoint a secretary who shall be under the direction and control of said Committee, and may annually appoint, but not from their own number, a Superintendent of the Schools; [and the compensation of such secretary and superintendent shall be fixed by concurrent vote of the City Council;]<sup>14</sup> and the School Committee may remove, for sufficient cause, such secretary or superintendent. Any vacancy occurring in the Board may be filled by the joint ballot of the City Council and School Committee in convention at any time, and the members so elected shall hold office for the unexpired term of the member who has ceased to hold office.

### **Section 23 - Board of Water Commissions Generally**

The City Council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot six persons, legal voters of said City, to be Water Commissioners, to serve two for three years, two for two years, and two for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the City Council shall annually in the month of February elect in the same manner two persons, legal voters of said City, to serve on said Board for the term of three years from the first Monday of March next ensuing, and until their respective successors are elected and qualified. Said Commissioners shall annually appoint a clerk, to be under the direction and control of said Commissioners, and may appoint, but not from their own number, a superintendent; said Commissioners may remove for sufficient cause, such clerk and superintendent. The compensation of such clerk and superintendent shall be fixed by the City Council. Any vacancy occurring in said Board may be filled by concurrent ballot of the City Council. The City Council may at any time remove any member of said Board. The members of said Board shall serve without compensation.

### **Section 24 - Board of Public Work<sup>15</sup>**

The City Council first elected under this act may, as soon as may be convenient, after its organization, elect by concurrent ballot three persons, legal voters of said city, to constitute the Board of Public Works; to serve one for three years, one for two

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<sup>14</sup>Note - Authority to fix superintendent's compensation transferred to the School Committee by Chapter 86 of the Acts of 1954, accepted by the voters, November 8, 1955. See Subpart B, Art. 10.

<sup>15</sup>Note - This section is repealed generally by Chapter 389, Acts of 1961 approved by referendum November 7, 1961. See Subpart B, Art. 12.

years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the City Council shall annually in the month of February elect in the same manner one person, a legal voter of said City, to serve on said Board for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. Any vacancy occurring in said Board may be filled by concurrent ballot of the City Council at any time. Said Board shall hold shall hold hearings, investigate and report on all matters referred to it by the City Council or Mayor and Aldermen, relating to the laying out, altering, widening, discontinuing, change of grade, or repairing of the street of said City; also relating to the laying out, establishing, change of grade, constructing, altering, paving or repaving and repairing of sidewalks therein; and also relating to the laying out, maintenance, construction, altering or repairing of sewers and drains therein. Said Board shall also perform such further duties relative to streets, bridges, sidewalks, sewers, drains or other public works, parks, squares, and public places including the estimation of damages and betterments as the City Council shall, by ordinance or order from time to time prescribe and direct. Any member of said Board may at any time be removed by the City Council for cause. The members of said Board shall serve without compensation.

#### **Section 25 - Overseers of the Poor Generally**

The City Council first elected under this act shall, as soon after its organization as may be convenient, elect, by concurrent ballot, three persons, legal voters of said City, to be Overseers of the Poor in said City, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the City Council shall annually, in the month of February, elect in the same manner one person, a legal voter of said City, to serve for the term of three years from the first Monday of March then next ensuing, and until his successors shall be elected and qualified. The persons so elected, shall with the Mayor and President of the Common Council, constitute the Board of the Overseers of the Poor. The Mayor shall be ex-officio Chairman of the Board. Any vacancy occurring in said Board may be filled by concurrent ballot of the City Council at any time. The City Council may at any time remove any elective member of said Board. The compensation of the Overseers of the Poor shall be fixed by concurrent vote of the City Council. Not more than one of the elective members of said Board shall be originally elected from any one ward, and no member of said Board shall afterwards be elected from any ward, a legal voter of which ward is at the time of such election an elective member of said Board.

## **Section 26 - Board of Almoners Generally**

The City Council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot six persons, all residents of said City, who, with the Mayor of said City, shall constitute the Board of Almoners of said City under the provisions of the Whiting Street Will, two of whom shall be elected to serve for three years, two for two years, and two for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the City Council shall annually in the month of February elect in the same manner two persons to serve as members of said Board for the term of three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified. The Mayor shall be ex-officio Chairman of said Board and shall have a casting vote. Any vacancies occurring in said Board may be filled by concurrent ballot of the City Council at any time. The members of said Board shall serve without compensation.

## **Section 27 - Board of Health Generally**

The City Council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot three persons, legal voters of said City, to constitute a Board of Health, to serve one for three years, one for two years, and one for one year from the first Monday of March then next ensuing, and until their respective successors are elected and qualified; and thereafter the City Council shall annually in the month of February elect in the same manner one person, a legal voter of said City, to serve as a member of said Board for the term of three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. Elections shall be so made that one member, at least, of said Board shall be a physician. Any vacancy occurring in said Board may be filled by concurrent ballot of the City Council at any time. The City Council may at any time remove any member of said Board. The members of said Board shall serve without compensation.

## **Section 28 - Library Committee Generally**

The City Council first elected under this act shall, as soon as may be convenient after its organization, elect by concurrent ballot nine persons, legal voters of said City, to constitute a Library Committee, who shall have the supervision, management, and care of the public library of said City. Said Committee shall be elected to serve three for three years, three for two years, and three for one year from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified; and thereafter the City Council shall annually in the month of February elect in the same manner three persons, legal voters of said City, to serve for three years from the first Monday

of March then next ensuing, and until their respective successors are elected and qualified. Said Committee shall annually appoint, but not from their own number, one or more librarians, to be under the direction and control of said Committee, and may for sufficient cause remove such librarians. The compensation of such librarians shall be fixed by the City Council. Any vacancy occurring in said Committee may be filled by concurrent ballot of the City Council at any time. The City Council may, at any time, remove any member of said Committee. The three<sup>16</sup> Trustees of the will of Charles E. Forbes shall be members ex-officio of the Library Committee. The members of said Library Committee shall serve without compensation.

#### **Section 29 - Trust Fund Committee Generally**

The City Council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot, a Trust Fund Committee, consisting of three persons, legal voters of said City, to serve one for one year, one for two years, and one for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified; and thereafter the City Council shall annually in the month of February elect by concurrent ballot one person, a legal voter of said City, to serve as a member of said Committee for three years from the first Monday of March then next ensuing, and until his successor shall be elected and qualified. Said Committee shall have charge of the investment and management of the trust funds and trust property held by said City, and not hereinbefore mentioned. Any member of said Committee may be removed from office by the City Council at any time. Any vacancy occurring in said Board may be filled at any time by concurrent ballot of the City Council. The members of said Committee shall serve without compensation.

#### **Section 30 - Commissioners of the Sinking Funds Generally**

The City Council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot a board of three persons, legal voters of said City, to be Commissioners of the Sinking Funds of said City, one of whom shall be elected to serve for one year, one for two years, and one for three years from the first Monday of March then next ensuing and until their respective successors are elected and qualified; and annually thereafter, in the month of February, the City Council shall elect one person, a legal voter of said City, as a member of said Committee to serve for three years from the first Monday of March then next ensuing, and until his successor shall be elected

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<sup>16</sup>Note - Changed to one trustee. See Chapter 289, Acts of 1893 and Chapter 21, Acts of 1895 in Subpart B, Arts. 1 and 2. Then later changed to five trustees. See Chapter 67, Acts of 1984 in Subpart B, Art. 14.

and qualified. Any member of said Board may be removed for a sufficient cause, and any vacancy occurring in said Board may be filled at any time by concurrent vote of the City Council. The members of said Board shall serve without compensation.

### **Section 31 - Cemetery Committee Generally<sup>17</sup>**

The City Council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot six persons, legal voters of said City, to constitute a Cemetery Committee, to serve two for one year, two for two years, and two for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified; and thereafter the City Council shall annually, in the month of February, elect by concurrent ballot two persons, legal voters of said City, to serve on said Committee for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified. The said Committee shall have charge and control of the cemeteries and burial places of said City. Any member may, at any time, be removed from office by the City Council. Any vacancy occurring in said Board may be filled at any time by concurrent ballot of the City Council. The members of said Committee shall serve without compensation.

### **Section 32 - City Improvement Committee**

The City Council first elected under this act shall, as soon after its organization as may be convenient, elect by concurrent ballot six person, legal voters of said City, to be a City Improvement Committee, to serve two for one year, two for two years, and two for three years from the first Monday of March then next ensuing, and until their respective successors shall be elected and qualified; and thereafter annually, in the month of February, the City Council shall elect in the same manner two persons, legal voters of said City, to serve for three years from the first Monday of March then next ensuing, and until their respective successors are elected and qualified. The said Committee shall have the care, superintendence and management of the public grounds belonging to said City, and also of all the shade and ornamental trees standing or growing in or upon any of the public streets and highways of said City, but subject, nevertheless, at all times to the control of the City Council by ordinance or otherwise. Any member of said Committee may be removed for cause by the City Council at any time. Any vacancy occurring in said Committee may be filled at any time by concurrent ballot of the City Council. The members of said Board shall serve without compensation.

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<sup>17</sup>**Note** - For authority of Department of Public Works over cemeteries, see Acts of 1961, Ch. 389 in Subpart B, Art. 12.

**Section 33 - Grant or Appropriation by Council Required for Expenditures; Bonds Required of Officers who Handle Money**

No money shall be paid from the City treasury unless granted or appropriated by the City Council, and said City Council shall require all officers interested with the receipt, custody, or disbursement of money to give bonds with sufficient penalties and sureties for the faithful performance of their duties.

**Section 34 - Damages Caused by Laying Out, Accepting, Altering or Discontinuing Streets Within City.**

The City Council shall have exclusive authority and power to lay out any new street, highway or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering, or discontinuing any street or way shall first be acted upon by the Mayor and Aldermen; and any person dissatisfied with the decision of the City Council in the estimate of damages may make complaint of the Superior Court or the County Commissioners for the County of Hampshire, in term time or vacation, within one year after such decision, whereupon the same proceedings shall be had as are now provided by law in cases where persons are aggrieved by the assessment of damages by Selectmen.

**Section 35 - Elections to be by Qualified Voters by Wards**

All elections of officers who are voted for by the people shall be held at meetings of the citizens qualified to vote at such elections in their respective wards.

**Section 36 - Duty of Mayor and Aldermen to Make and Deliver List of Qualified Voters by Ward**

Prior to every election, the Mayor and Aldermen shall make out lists of all the citizens of each ward qualified to vote in such election, in the manner provided by law; and, for that purpose, they shall have full access to the Assessors' books and lists, and may call upon any of the City officers for assistance; and they shall deliver the lists so prepared and corrected to the Clerks of the several wards, to be used at such election.

**Section 37 - General and Special Elections Generally**

General meetings of the citizens qualified to vote may, from time to time, be held according to the rights secured to the people by the Constitution of this Commonwealth; and such meetings may, and upon the request, in writing, of fifty qualified voters, setting forth the purposes thereof, shall be duly warned by the Mayor and Aldermen.

**Section 38 - Authority to Hold Election Outside Limits of Ward  
in Adjacent Wards**

The Mayor and Aldermen may, when no convenient ward room for holding the meeting of the citizens of any ward can be had within the territorial limits of such ward, direct in the warrant for calling such ward meeting that the same be held in some convenient place in an adjacent ward of said City, and for such purpose the place so assigned for the meeting of the citizens of any such ward shall be deemed a part of such ward.

**Section 39 - Repealed**

[All by-laws and regulations in force in the town of Northampton shall remain in force until they shall expire by their own limitations, or be revised or repealed by the City Council; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the City treasury, and any complaint for any violation thereof may be made by the Mayor, City Clerk, City Treasurer, City Marshal or Chief of Police.]<sup>18</sup>

**Section 40 - Authority of Council to Provide for Street  
Lighting**

The said City Council may cause the streets, lanes and avenues of said City to be lighted, and for that purpose may erect posts, construct lamps and electric lights or other circuits, lay gas pipes, or other apparatus in said streets, lanes and avenues, and do such other things as may be necessary to carry into effect such purpose.

**Section 40-A<sup>19</sup> What Constitutes an Initiative Referendum;  
"Measure" Defined**

A petition conforming to the requirements hereinafter provided and requesting the City Council to pass a measure, except an order granted under Section 70 or 71 of Chapter 164, or Chapter 166 of the General Laws, or requesting the School Committee to pass a measure, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided. In this and the seven following sections, "measure" shall mean an ordinance, resolution, order or vote passed by a City Council, or a resolution, order or vote passed by a School

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<sup>18</sup>Note - Amended by Chapter 287, Acts of 1895. See Subpart B, Art. 3.

<sup>19</sup>Note - Sections 40-A through 40-H were incorporated in the City Charter by Chapter 63 of the Acts of 1953. Chapter 63, Acts of 1953 was accepted by the voters of Northampton on November 3, 1953.

Committee, as the case may be.

**Section 40-B - Requirements for Initiative Petitions;  
Examination of Petition by Registrars;  
Transmission of Petition by City Clerk**

Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the City Clerk as one instrument, with the endorsement thereon of the names and addresses of three persons designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

Within five days after the filing of said petition the registrars of voters shall ascertain by what number of registered voters the petition is signed, and what percentage that number is of the total number of registered voters, and shall attach thereto their certificate showing the result of such examination.

The City Clerk shall forthwith transmit the said certificate with the said petition to the City Council or to the School Committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to one or more of the persons designated on the petition as filing the same

**Section 40-C - Authorized Actions by City Council or School  
Committee on Receipt of Initiative Petition with  
Signature of 20% of Registered Voters**

If any initiative petition is signed by registered voters equal in number to at least twenty percent of the whole number of registered voters, the City Council or the School Committee shall, within twenty days after the date of the certificate of the registrars to that effect:

- (1) Pass said measure without alteration, subject to the referendum vote provided by this chapter; or
- (2) The City Council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the registered voters of the City at that election; provided, that if any City election is otherwise to occur within ninety days after the date of said certificate, the City Council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

**Section 40-D - Submission of Proposed Measure at General Election when Initiative Petition Contains Signatures More Than 8% But Less Than 20% of Registered Voters; Vote Required for Approval in any Election**

If an initiative petition is signed by registered voters equal in number to at least 8% but less than 20% of the total number of registered voters, and said measure be not passed without alteration within twenty (20) days by the City Council or the School Committee, as provided in Section 40-C, such proposed measure, without alteration, shall be submitted by the City Council to a vote of the registered voters of the City at the next regular municipal election. A measure proposed under this section or Section 40-C shall become effective if it shall be approved by registered voters of the City equal in number to one third of the whole number thereof and also by a majority of the voters voting on such measures, but not otherwise.

**Section 40-E - Requirements for Ballot for Votes on Proposed or Protested Measure**

The ballots used when voting upon a proposed measure under Section 40-C or 40-D, or a measure or part thereof protested against under Section 40-F, shall state the nature of the measure in terms sufficient to show the substance thereof.

**Section 40-F - Referendum Petition to Protest Measures Passed by City Council or School Committee**

If, within twenty (20) days after the final passage of any measure, except a revenue loan order, by the City Council or by the School Committee, a petition signed by registered voters of the City equal in number to at least twelve (12%) percent of the total number of registered voters, is presented to the City Council or to the school Committee, as the case may be, protesting against such measure, or any part thereof, taking effect, the same shall thereupon and thereby be suspended from taking effect; and the City Council or the School Committee, as the case may be, shall immediately reconsider such measure or part thereof is not rescinded, the City Council shall submit the same, by the method herein provided, to a vote of the registered voters of the City, either at the next regular City election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the registered voters voting on the same at such election vote in favor thereof.

The petition described in this section shall be termed a referendum petition, and Section 40-B shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace

"measure" in said Section whenever it may occur, and "referendum" shall be understood to replace the work "initiative" in said Section.

**Section 40-G - Authority of City Council to Submit Questions at General or Special Elections**

The City Council may, of its own motion, and shall, upon request of the School Committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the registered voters of the City for adoption or rejection at a general or special City election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

**Section 40-H - Procedure When Conflicting Provisions Pass in Same Election**

If two or more proposed measures passed at the same election contain conflicting provisions, the one receiving the greater number of affirmative votes shall take effect.

**Section 41 - Continuation of Nonconflicting General and Special Laws**

All general laws in force in the said Town when this act shall be accepted as hereinafter provided, and all special laws then in force in said Town or fire district thereof, shall continue in force in said City so far as the same are consistent with this act.

**Section 42 - Effect on Accrued Rights, Legal Proceedings, Penalties or Forfeitures; Continuance of Current Office Holders**

The passage of this act shall not affect any right, accruing or accrued, or any suit, prosecution, or other legal proceeding pending at the time when this act shall go into operation, and no penalty or forfeiture previously incurred shall be affected hereby. All persons holding office in said Town at the time this act shall take effect shall continue to hold the same, notwithstanding the passage hereof, until the organization of the city government hereby authorized shall be affected, and until the successors of such officers shall be respectively elected and qualified.

**Section 43 - Election and Procedure after Acceptance of this Act.**

For the purpose of organizing the government hereby authorized, and of putting the same in operation, the Selectmen of said Town for the time being shall issue their warrants at least seven days previous to the first Tuesday of December next after the

acceptance of this act, calling a meeting of the legal voters of each ward on such first Tuesday of December at such place and hour as they may deem expedient, for the purpose of electing a Warden, Clerk, and Inspectors for each ward, and all other officers whose election is provided for in this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the Warden and Clerk of the ward at such meeting, shall be returned to said Selectmen, whose duty it shall be to examine and compare the said records and give notice of the result in the manner before provided, to the several persons elected. A list of the legal voters in each ward, prepared and corrected by the Selectmen for the time being, shall be delivered to the Clerk of each ward, when elected, to be used at such meeting as hereinbefore provided. The Selectmen shall appoint a time and place for the first meeting of the members of the City Council first elected under this act, and shall notify each member thereof by written notice left at his place of residence. The City Council shall immediately after its organization carry into effect the provisions of this act.

#### **Section 44 - Procedure for Acceptance of this Act**

This act shall take effect upon its acceptance by a majority of the legal voters of said town present and voting thereon, at a meeting duly called for that purpose, within two years from the passage of this act. at such meeting the vote shall be taken by ballot and the polls shall be used. If at any meeting called for the purpose this act shall fail to be accepted by a majority of the legal voters of said town, the act shall not again be submitted for acceptance to the legal voters of said town within four months of the date of such prior meeting. It is, however, provided, that a meeting may be called for the purpose of submitting the question of the acceptance of this act to the legal voters of said town any time after the passage hereof.

HOUSE OF REPRESENTATIVES - Passed to be enacted June 20, 1883

Approved June 23, 1883.

(The next page is 25.)

**SUBPART B - RELATED LAWS<sup>20</sup>**

- ARTICLE 1 - ACTS OF 1893, Chapter 289, Section 1
- ARTICLE 2 - ACTS OF 1895, Chapter 21, Section 1
- ARTICLE 3 - ACTS OF 1895, Chapter 287, Sections 1 - 3
- ARTICLE 4 - ACTS OF 1907, Chapter 147, Sections 1 - 2
- ARTICLE 5 - ACTS OF 1918, Chapter 151, Sections 1 - 4
- ARTICLE 6 - ACTS OF 1920, Chapter 14, Sections 1 - 2
- ARTICLE 7 - ACTS OF 1927, Chapter 103, Sections 1 - 3
- ARTICLE 8 - ACTS OF 1927, Chapter 265, Sections 1 - 6
- ARTICLE 9 - ACTS OF 1946, Chapter 245
- ARTICLE 10 - ACTS OF 1954, Chapter 86, Sections 1 - 2
- ARTICLE 11 - ACTS OF 1954, Chapter 123, Sections 1 - 4
- ARTICLE 12 - ACTS OF 1961, Chapter 389, Sections 1 - 7
- ARTICLE 13 - ACTS OF 1964, Chapter 96, Sections 1 - 4
- ARTICLE 14 - ACTS OF 1984, Chapter 67, Sections 1 - 2
- ARTICLE 15 - ACTS OF 1984, Chapter 252, Sections 1 - 2
- ARTICLE 16 - ACTS OF 1984, Chapter 253, Sections 1 - 3

**ARTICLE 1 - ACTS OF 1893, CHAPTER 289<sup>21</sup>**

AN ACT RELATING TO THE ELECTION OF CERTAIN OFFICERS IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

**Section 1.**

The legal voters of the City of Northampton shall elect at each annual city election, in the same manner in which the Mayor is elected, one trustee under the will of Charles E. Forbes, instead of three trustees as now provided by the Charter of said City, and such trustee shall serve for the term of three years; and said voters shall annually elect in the same way a secretary and treasurer of the trustees of Forbes Library, to serve for the term of one year.

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<sup>20</sup>**Note** - Included in Subpart B are special acts of the General Court which are current amendments to the Charter of special acts which may be of current interest to the user. It is by no means a comprehensive reproduction of all special acts related to the City and is presented merely for the convenience of the user. For a list of special acts related to Northampton, see Appendix A and for a list of general and special laws accepted by Northampton, see Appendix B.

<sup>21</sup>**Note** - This act was amended by Acts of 1895, Chapter 21. See Subpart B, Art. 2. This act was later amended by Acts of 1984, Chapter 67. See Subpart B, Art. 14.

ARTICLE 2 - ACTS OF 1895, CHAPTER 21<sup>22</sup>

AN ACT RELATIVE TO THE ELECTION OF THE TRUSTEES AND SECRETARY AND TREASURER OF THE TRUSTEES OF FORBES LIBRARY.

Be it enacted, etc., as follows:

**Section 1.**

Section 1 of Chapter 289 of the Acts of 1893 is hereby amended by striking out, in the seventh line, the word "annually", and inserting in place thereof the words: in the year eighteen hundred and ninety-five and every third year thereafter; also by striking out in the ninth line, the words "one year", and inserting in place thereof the words: three years from the first Wednesday of May following said election. A vacancy occurring in any of said offices may be filled for the residue of the unexpired term at the next annual city election, so as to read as follows:

**Section 1**

The legal voters of the City of Northampton shall elect at each annual city election in the same manner in which the Mayor is elected, one trustee, under the will of Charles E. Forbes, instead of three trustees as now provided by the Charter of said City, and such trustee shall serve for the term of three years; and said voters shall in the year 1895 and every third year thereafter elect in the same way a secretary and treasurer of the trustees of the Forbes Library, to serve for the term of three years from the first Wednesday of May following said election. A vacancy occurring in any of said offices may be filled for the residue of the unexpired term at the next annual city election.

Approved February 8, 1895.

ARTICLE 3 - ACTS OF 1895, CHAPTER 287

AN ACT RELATIVE TO THE POWER OF THE CITY COUNCIL OF THE CITY OF NORTHAMPTON, TO MAKE AND ESTABLISH ORDINANCES AND BY-LAWS FOR SAID CITY.

Be it enacted, etc. as follows:

**Section 1.**

The City Council of the City of Northampton shall have power to make and establish such ordinances and by-laws as

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<sup>22</sup>Note - This act was amended by Acts of 1984, Chapter 67. See Article 14 of this Subpart.

cities and towns have power by law to make and establish; such ordinances and by-laws to have force and effect within said city without approval by the Superior Court or any justice thereof, and without being entered and recorded in the office of the Clerk of the Courts in the county in which said City is situated; and said City Council shall have power to modify, amend or repeal the same, and to affix such penalties for the breach thereof as are not inconsistent with the laws of the Commonwealth provided, however, that all ordinances and by-laws heretofore enacted by said City Council which have not expired by their own limitation or have not been revised or repealed by said City Council, shall hereafter, until they expire by their own limitation, or until they are revised or repealed by said City Council, have the same force and effect as though they have been approved by the Superior Court or a justice thereof, and entered and recorded in the office of the Clerk of the Courts in the county in which said City is situated. All fines and forfeitures for the breach of any ordinance or by-law shall be paid into the City treasury, and any complaint for any breach thereof may be made by the Mayor, City Clerk, City Treasurer, City Marshal or Chief of Police.

**Section 2.**

Section 39 of Chapter 250 of the Acts of 1893 is hereby repealed.

**Section 3.**

This act shall take effect upon its passage.

Approved April 17, 1895.

**ARTICLE 4 - ACTS OF 1907, CHAPTER 147**

**AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF NORTHAMPTON**

Be it enacted, etc., as follows:

**Section 1.**

Section 11 of Chapter 250 of the Acts of 1893 being "An Act to Establish the City of Northampton" is hereby amended by striking out the words "but shall not exceed the sum of eight hundred dollars" in the twenty-second and twenty-third lines, so as to read as follows:

**Section 2**

The Mayor shall be the chief executive of the City. He shall cause the laws and regulations of the City to be enforced and keep general supervision over the conduct of all subordinate officers; and he may for a period not exceeding seven days, suspend

and, with consent of the appointing power, for cause remove any officer over whose appointment he, or his predecessor has, in accordance with the provision of this chapter, exercised the power of nomination. He may call special meetings of the City Council, or either branch thereof, when in his opinion the interests of the City require it, by causing notice to be left at the usual place of residence of each member of the branch to be convened. He may, from time to time, communicate to the City Council, or either branch thereof such information, and recommend such measures, as the business and interests of the City may in his opinion require. He shall, when present, preside over the Board of Aldermen and over the City Council when in joint convention. He shall at all times have the control and direction of the police force, subject only to the ordinances of the City. His salary shall be fixed by the City Council and shall be payable at stated periods, but shall not be increased or diminished during the year for which he is elected. He shall receive no other compensation.

**Section 2.**

This act shall take effect upon its passage.

Approved February 26, 1907

**ARTICLE 5 - ACTS OF 1918, CHAPTER 151**

**AN ACT ESTABLISHING SMITH'S AGRICULTURAL SCHOOL.**

Be it enacted, etc., as follows:

**Section 1.**

The City of Northampton is hereby authorized through Smith's Agricultural School and Northampton School of Industries, heretofore established in and by the said City, to carry out the provisions of the will of Oliver Smith, late of Hatfield, relative to the establishment of Smith's Agricultural School, which provisions were duly accepted by vote of the Town of Northampton passed on the thirtieth day of October in the year 1847, and to appropriate money for the support and maintenance of the said school, which hereafter [shall] be called Smith's Agricultural School.

**Section 2.**

The City of Northampton shall annually at its city election elect by ballot, as provided in said will, three superintendents who shall have the powers of a local board of trustees as provided in section four of Chapter 471 of the Acts

of 1911. The election of superintendent heretofore made is ratified and confirmed.<sup>23</sup>

**Section 3.**

In computing the net maintenance sum for the said school for purposes of state reimbursement under clause one of Section 9 of said Chapter 471, there shall be added to the sum raised by local taxation the sum annually received by the City of Northampton from the Smith Charities and expended for the maintenance of the School.

**Section 4.**

This act shall take effect upon its passage.

Approved May 10, 1918.

**ARTICLE 6 - ACTS OF 1920, CHAPTER 14**

AN ACT TO INCREASE THE NUMBER OF SUPERINTENDENTS OR TRUSTEES OF SMITH'S AGRICULTURAL SCHOOL AND NORTHAMPTON SCHOOL OF INDUSTRIES.

Be it enacted, etc., as follows:

**Section 1.**

Chapter 151 of the Special Acts of 1918 is hereby amended by striking out Section 2 and substituting the following:

**Section 2**

The City of Northampton shall annually at its City election elect by ballot, as provided in said will, three superintendents, who, together with the Mayor and Superintendent of Schools of said City, as Superintendents ex-officio, shall have the powers of a local board of trustees as provided in Section 4 of Chapter 471 of the Acts of 1911. The election of superintendents heretofore made is hereby confirmed.<sup>24</sup>

**Section 2.**

This act shall take effect upon its passage.

Approved February 9, 1920.

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<sup>23</sup>Note - This section was amended by Acts of 1920, Chapter 14, set out in Art. 6 of this subpart.

<sup>24</sup>Note - Acts of 1918, Chapter 151 is set out in Article 5 of this subpart.

**ARTICLE 7 - ACTS OF 1927, CHAPTER 103**

AN ACT RELATIVE TO THE APPOINTMENT OF THE CITY SOLICITOR OF THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

**Section 1.**

The City Solicitor of the City of Northampton shall be appointed by the Mayor, without confirmation by the City Council or either branch thereof, in the month of January following his election, or whenever a vacancy in the office of City Solicitor shall occur, and may be removed at any time by the Mayor in like manner. Except as hereinafter provided, the City Solicitor shall assume the duties of his office on the day following his appointment and shall serve until his successor assumes said duties. The first appointment under this Act shall be made by the Mayor elected at the municipal elections in the current year and said first appointee shall assume the duties of his office on the first Monday of March in the year 1928.

**Section 2.**

Such provisions of Chapter 250 of the Acts of 1883 and acts in amendment thereof and in addition thereto, as are inconsistent with this Act are hereby repealed.<sup>25</sup>

**Section 3.**

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.

Approved March 9, 1927.

Accepted by City Council May 19, 1927.

**ARTICLE 8 - ACTS OF 1927, CHAPTER 265**

AN ACT PROVIDING FOR BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

**Section 1.**

Municipal elections in the City of Northampton for the choice of Mayor, members of the City Council, members of the School Committee, City Clerk, City Treasurer, Trustees under

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<sup>25</sup>Note - Acts of 1883, Chapter 250, is set out in Subpart A.

the will of Charles E. Forbes, [Secretary and Treasurer of the Trustees of the Forbes Library]<sup>26</sup>, Elector under the Oliver Smith will and Superintendents of Smith's Agricultural School shall be held biennially commencing with the municipal election in the 1927.

**Section 2.**

At the biennial municipal election to be held in the year 1927 and at every biennial municipal election thereafter, the Mayor, members of the City Council, City Clerk, City Treasurer, Elector under the Oliver Smith will and the Superintendents of Smith's Agricultural School shall be elected to serve for two years from the first Monday of January, or in the case of said elector, from the first Wednesday of May, following their election and until their successors are qualified. The inauguration meeting of the City government shall be held on the first Monday of January following each biennial municipal election, or on the following day whenever said first Monday falls on a holiday. All appointments or elections provided to be made by the City Council of said City as soon after its organization as may be convenient shall, after the effective date of this Act, be made as soon after the beginning of the municipal year as may be convenient.

**Section 3.**

At the biennial municipal election to be held in the year 1927 and at every biennial municipal election thereafter, except as otherwise provided in this section, all members of the School Committee to be shall be chosen for terms of four years. The members of said Committee elected in the year 1925 shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year 1929. At the biennial municipal election to be held in the year 1929 six members of the School Committee shall be elected to fill the vacancies occurring in the following January, and of the members so to be elected, the members from the City at large shall be elected for terms of two years and the other four members for terms of four years.

**Section 4.**

At the biennial municipal election to be held in the year 1927 and at every biennial municipal election thereafter, all Trustees under the will of Charles E. Forbes then to be elected and the Secretary and Treasurer of the Trustees of the Forbes Library if then to be elected shall be chosen for terms of four years from the first Monday of January following their election. The Trustees under said will and the Secretary and

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<sup>26</sup>Note -Bracketed positions made appointive rather than elective by Acts of 1984, Chapter 67. See Article 14 of the Subpart.

Treasurer of the Trustees of the Forbes Library elected in the year 1925 shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year 1929. The terms of office of the Trustees under said will whose terms would expire under existing law on the first Wednesday of May in 1928 and 1930, respectively, shall terminate on the first Monday in January in 1928 and 1930 respectively. The salary of any official whose term of office is extended as aforesaid shall continue at the same rate theretofore so long as he continues to serve during the period of such extension.

**Section 5.**

Such provisions of chapter two hundred and fifty of the acts of eighteen hundred and eighty-three, of chapter two hundred and eighty-nine of the acts of eighteen hundred and ninety-three, and of chapter one hundred and fifty-one of the Special Acts of nineteen hundred and eighteen, and acts in amendment thereof and in addition thereto, as are inconsistent with this act are hereby repealed.

**Editor's note---**The acts referred to in Section 5 above are set out in Subpart A and Arts. 1 and 5 of this subpart.

**Section 6.**

This act shall be submitted for acceptance to the qualified voters of said city at the annual city election in the current year in the form of the following question, which shall be placed upon the official ballot to be used at said election;--"Shall an act passed by the general court in the current year, entitled 'An act providing for biennial municipal elections in the City of Northampton,' be accepted?"

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[NO]

[YES]

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If a majority of the votes cast on said question are in the affirmative, the act shall thereupon take full effect; otherwise it shall be of no effect and the persons elected at said election to the various offices and positions mentioned in Section One shall respectively hold office for the terms now provided by law.

Approved April 18, 1927.

Accepted by voters on referendum December 6, 1927.

**ARTICLE 9. CHAPTER 245, ACTS OF 1946**

**AN ACT CHANGING THE TIME FOR THE HOLDING OF THE BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF NORTHAMPTON.**

Be it enacted, etc., as follows:

Biennial municipal election in the City of Northampton for the choice of Mayor, members of the City Council, members of the School Committee, City Clerk, City Treasurer, Trustees under the will of Charles E. Forbes, [Secretary and Treasurer of the Trustees of the Forbes Library,] elector under the Oliver Smith will, and superintendents of Smith's Agricultural School shall be held on the Tuesday next after the first Monday of November, commencing with the biennial municipal election in the year nineteen hundred and forty-seven.

**Editor's note**---Bracketed positions made appointive rather than elective by the Acts of 1984, Chapter 67. See Art. 14 of this subpart.

Approved April 25, 1946.

**ARTICLE 10. CHAPTER 86, ACTS OF 1954**

**AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF THE CITY OF NORTHAMPTON TO FIX THE COMPENSATION OF THE SUPERINTENDENT OF SCHOOLS AND THE SECRETARY OF THE SCHOOL COMMITTEE.**

Be it enacted, etc., as follows:

**Section 1.**

Section 22 of Chapter 250 of the Acts of 1883 is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:--The School Committee shall annually appoint a secretary who shall be under the direction and control of said committee, and may annually appoint, but not from their own number, a Superintendent of the Schools; and shall fix the compensation of such secretary and superintendent; and the School Committee may remove for sufficient cause such secretary or superintendent.

**Editor's note**---Acts of 1883, Chapter 250, is set out in Subpart A of this part.

**Section 2.**

This act shall be submitted for acceptance to the legal voters of the City of Northampton at the regular municipal election to be held in said city in the year nineteen hundred and fifty-five, in the form of the following question, which shall be placed upon 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 fifty-four, entitled 'An

Act authorizing the School Committee of the City of Northampton to fix the compensation of the Superintendent of Schools and the secretary of the School Committee, ' be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall take full effect, but not otherwise.

Approved February 8, 1954.

Accepted by the voters, November 8, 1955.

#### ARTICLE 11. CHAPTER 123, ACTS OF 1954

AN ACT PROVIDING FOR A UNICAMERAL CITY COUNCIL OF THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

##### Section 1.

Sections seven and eight and the last sentence of section nine of chapter two hundred and fifty of the acts of eighteen hundred and eighty-three are hereby repealed.

Editor's note---Acts of 1883, Chapter 250, is set out in Subpart A of this part.

##### Section 2.

Said Chapter 250 of the Acts of 1883 is hereby further amended by striking out Section 2 and inserting in place thereof the following sections:

Section 2. The administration of all the fiscal, prudential, and municipal affairs of the said city, with the government thereof shall be vested in an officer to be called the Mayor, and a council of nine members to be called the City Council who shall be sworn to the faithful performance of their duties. A majority of the City Council shall constitute a quorum for the transaction of business. The Mayor and each member of the City Council shall receive for his services such salary as the City Council shall by ordinance determine, and shall receive no other compensation from the city. One member of the City Council shall be elected by and from the qualified voters of each ward, and shall, at the time of election, be a resident of the ward in which elected. Two members of the City Council shall be elected by and from the qualified voters of the City, voting their respective wards, and shall be known as Councilors-at-large. The members of the City Council shall hold office for the term of two years from the First Monday in January next following their election, and until a majority of the succeeding Council is chosen and qualified. After being sworn to the faithful performance of their duties, the members of the City Council shall be organized by electing from among their own number a president, who shall preside at all meetings of the City Council in the absence of the Mayor, and shall act

as Mayor in case of a vacancy in the office of Mayor or his inability to act until the inability ceases or the vacancy is filled. If a vacancy occurs through the death, resignation, or removal from the City of a member of the City Council, the City Council shall forthwith order an election to fill such vacancy, unless less than six months remains of the term for which such member has been elected. The City Clerk shall serve as Clerk of the City Council and shall receive no extra compensation therefor.

**Note---**See note following Section 1 hereof.

**Section 3.**

The City Council elected in accordance with Section two of said chapter two hundred and fifty of the acts of eighteen hundred and eighty-three, as amended by section two of this act, and their successors, shall thereafter be vested with all the privileges, powers and rights and be subject to all the duties and obligations conferred or imposed by law upon the Common Council and Board of Aldermen, acting separately or together, as existing prior to the effective date of this act.

**Note---**See note following Section 1 hereof.

**Section 4.**

Upon petition of ten percent of the registered voters of the City of Northampton certified by the Registrars of Voters and filed with the City Clerk not later than sixty days prior to the municipal election in the year nineteen hundred and fifty-five, this act shall be submitted to the registered voters of said City at the regular municipal election in the year nineteen hundred and fifty-five, in the form of the following question, which shall be placed upon 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 fifty-four, entitled, 'An Act providing for a unicameral City Council in the City of Northampton,' be accepted?" If a majority of the voters thereon vote in the affirmative in answer to said question, then this act shall take full effect for the nomination and election of municipal officers in said City in the year nineteen hundred and fifty-seven, but not otherwise.

Approved February 16, 1954

Accepted by the voters, November 8, 1955.

**ARTICLE 12, CHAPTER 389, ACTS OF 1961**

**AN ACT ESTABLISHING A BOARD OF PUBLIC WORKS AND A DEPARTMENT OF PUBLIC WORKS IN THE CITY OF NORTHAMPTON.**

Be it enacted, etc., as follows:

**Section 1.**

There shall be established in the City of Northampton a board of public works, hereinafter called the board, to consist of seven members, who shall be legal voters of the City, to be appointed by the Mayor subject to confirmation by the City Council; and a Department of Public Works which shall be under the direction and control of the City Engineer as hereinafter provided.

**Section 2.**

On the first Monday of January following the acceptance of this act as herein provided, the board shall, except as herein otherwise provided, have all of the duties, responsibilities, powers and functions now or from time to time vested by general law, special act or ordinance in the following presently existing boards, departments and offices, to wit:--

Board of Engineers, Department of Engineering, Board of Public Works, Cemetery Committee, Board of Water Commissioners, Board of Sewer Commissioners, Board of Park Commissioners, and those duties and functions of the Recreation Commission involving the maintenance of recreation equipment, facilities and areas, but not including the operation of any recreation program, and such boards, departments and offices, except the Recreation Commission, shall thereupon be abolished. No contracts or liabilities shall be affected by such abolition, but the Board shall in all respects be the lawful successor of the boards, departments and offices so abolished.

Members of the Board of Public Works shall serve, without compensation as determined by the City Council, for a term of three years, or until their successors shall be appointed and qualified. Two members shall be appointed annually in the month of February except that on each third year, three members shall be appointed, and further excepted that at its inception, two members shall be appointed for one year, two members for two years, and three members for three years, said members at inception to be appointed forthwith after acceptance of this act, and to take office on the first Monday of January next following. The Mayor and the City Council, by majority vote, may at any time remove any member of said board for cause by written charges preferred by the Mayor or any members of the City Council. In the event of any vacancy in said board, a person shall be appointed by the Mayor and confirmed by the City Council for the remainder of the unexpired term. The

members of the Board upon its formation shall elect one of their members to act as chairman for the ensuing year, or until his successor is elected and qualified, and thereafter such election shall be held annually in March.

The Board shall keep a written record of all of its proceedings. It shall annually make a written report with recommendations to the City Council. It shall prepare jointly with the City Engineer annual budget estimates for the Department of Public Works and each division thereof, and submit them to the Mayor in accordance with law. All funds collected for the sewer and water tax and use are to be used for sewage disposal and water supply purposes, respectively. The Board shall establish for each fiscal year a master plan for all major public works for the city, giving priority to the projects in accordance with their necessity and importance, and shall also establish a five-year public works plan and any further long-range planning it may deem to be in the best interests of the city.

**Section 3.**

The City Engineer, who shall be a registered professional engineer in the Commonwealth, shall be in charge of, and shall have direction and control of, the Department of Public Works established under this act, and shall cause to be performed all the work of construction, reconstruction, alteration, repair, maintenance and upkeep, and all other work incidental thereto, of the present Department of Engineering, Board of Public Works, Board of Water Commissioners, Board of Sewer Commissioners, Cemetery Committee, Board of Park Commissioners, and Recreation Commission in accordance with policies, long-range plans, priority of major projects, and capital outlay requirements as may be authorized and established by the Board of Public Works. He shall establish within the Department of Public Works the following divisions;

|   |                               |
|---|-------------------------------|
| Streets   | Engineering                   |
| Water   | Equipment Maintenance         |
| Sewer   | Administration and Purchasing |
| Parks and Cemeteries (including recreation grounds) |                               |

Each division shall assume such management and control as shall be determined by the City Engineer. He may, from time to time, combine and consolidate supervision of any of the divisions and may, with the approval of the Board of Public Works, establish other divisions. He shall have the power to make rules and regulations for the government of the Department of Public Works and divisions thereof, and shall attend to the proper enforcement of the same. He shall have jurisdiction over the divisions and over each member of each division, and shall fix all salaries of the personnel within his jurisdiction within

the wage scales established by the City Council. He shall appoint all employees of the Department of Public Works in accordance with the Civil Service regulations. He shall perform all other duties and exercise all other powers as may be lawfully assigned to the Department of Public Works by ordinance of the City Council. He shall have all of the powers and duties now or from time to time vested by general law, special act or ordinance, in the City Engineer.

The Board shall have the authority to expend any sum appropriated for the use of the Department of Public Works, and shall have power to enter into contracts for the performance of work and the purchase of supplies and materials subject to the applicable provisions of general law and city ordinance.

**Section 4.**

The City Engineer shall be appointed by the Board to hold office at the pleasure of said Board. He shall receive a salary to be determined by the Mayor on recommendation of the Board with the approval of the City Council, except that the incumbent of the office of the City Engineer shall, upon the effective date of this act, be transferred to the Department of Public Works without loss of Civil Service status, rating, seniority, retirement and pension rights, or any other privileges under any provision of law or ordinance.

**Section 5.**

All persons employed by or under the supervision of the Department of Engineering, Board of Public Works, Board of Water Commissioners, Board of Sewer Commissioners, Cemetery Committee, Board of Park Commissioners, and those employed by or under the supervision of the Recreation Commission as affected by this act, shall upon the effective date of this act, be transferred to the Department of Public Works. All such transfers of employees shall be made without loss of pay and without change of rating, seniority, retirement or pension rights, or any other privileges under any provision of law or ordinance. The incumbent Superintendents of the aforesaid Boards, departments and offices affected by this act, when transferred to the Department of Public Works as hereinbefore provided, shall become the Superintendents of the corresponding divisions of the said Department of Public Works.

**Section 6.**

Any provision of the charter of the City of Northampton or any ordinance of said City which is inconsistent with the provisions of this act is hereby repealed.

**Section 7.**

This act shall be submitted to the registered voters of the City of Northampton at the next regular municipal election

in the form of the following question which shall be placed upon the official ballot to be used at said election:--"Shall an act passed by the General Court in the year nineteen hundred and sixty-one, entitled, 'An Act establishing a Board of Public Works and a Department of Public Works in the City of Northampton,' be accepted?" If a majority of the votes in answer to said question is in the affirmative, this Act shall take full effect, but not otherwise.

Approved April 20, 1961.

Accepted by the voters November 7, 1961.

**ARTICLE 13. CHAPTER 96, ACTS OF 1964\***

**AN ACT PROVIDING FOR PARTY NOMINATIONS FOR ELECTIVE MUNICIPAL OFFICERS IN THE CITY OF NORTHAMPTON.**

Be it enacted, etc., as follows:

**Section 1.**

Primaries for the nomination of candidates of political parties to be voted for at city elections shall be held in the City of Northampton under the provisions of Sections 23 to 40A, inclusive, and 58-64, inclusive, of Chapter 53 of the General Laws, except as hereinafter provided.

**Section 2.**

Notwithstanding the provisions of Section 28 of said Chapter 53, city primaries shall be held on the twenty-eighth day preceding biennial or special City elections.

**Section 3.**

Notwithstanding the provisions of Section 62 of said Chapter 53, if a person nominated to be voted for at a City primary dies before the day of the primary, or withdraws his name from nomination, or is found ineligible, and there is no other candidate for the party nomination for the office, the vacancy may be filled by the City Committee. In cases of vacancies caused by withdrawal, nominations to fill such vacancy shall be filed with the City Clerk within twenty-four week-day hours after the last day and hour for such withdrawal, by a certificate filed by the chairman and secretary of said Committee. No vacancy caused by withdrawal shall be filled before the withdrawal has been filed. If there is a failure to make a nomination at a city primary by reason of a tie vote, the vacancy shall be filled by the City Committee within seventy-two week-day hours, by the choice of one of the candidates receiving the tie vote.

**Section 4.**

This act shall be submitted for acceptance to the voters of the City of Northampton at the biennial state election in the current year in the form of the following question, which shall be placed 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 sixty-four, entitled, 'An Act providing for party nominations for elective municipal officers in the City of Northampton,' be accepted?" If a majority of the votes in answer to said question is in the affirmative, this Act shall thereupon take full effect, but not otherwise. \*Editor's note---This Act was repealed by the Acts of 1984, Chapter 253. See Art. 16, Section 2 of this subpart.

Approved February 24, 1964

Accepted by voters November 3, 1964.

**ARTICLE 14. CHAPTER 67, ACTS OF 1984**

AN ACT RELATIVE TO FORBES LIBRARY IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

**Section 1.**

Notwithstanding the provisions of any general or special law to the contrary, there shall be five Trustees of the Forbes Library in the City of Northampton, and the Secretary and Treasurer of said library shall not be an elective position but shall be a position appointed by the Trustees of said library.

**Section 2.**

This act shall take effect upon its passage.

Approved June 15, 1984.

**ARTICLE 15. CHAPTER 252, ACTS OF 1984.**

AN ACT RELATIVE TO THE COMPENSATION OF SCHOOL COMMITTEE MEMBERS IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

**Section 1.**

Notwithstanding the provisions of any general or special law to the contrary, members of the School Committee in the City of Northampton may be compensated by a majority vote of the City Council.

**Section 2.**

This act shall take effect upon its passage.

Approved October 16, 1984.

**ARTICLE 16. CHAPTER 253, ACTS OF 1984.**

**AN ACT PROVIDING FOR THE NOMINATING OF ELECTIVE MUNICIPAL OFFICERS IN THE CITY OF NORTHAMPTON.**

Be it enacted, etc., as follows:

**Section 1.**

In the City of Northampton, candidates for elective municipal offices shall be nominated as follows:

(1) **Preliminary Elections; Nomination.** Not less than twenty-eight days nor more than forty-two days preceding every regular city election and every special election at which any municipal office is to be filled, there shall be held, except as otherwise provided in Section 7, a preliminary election for the purpose of nominating candidates therefor. Notices or warrants for regular, preliminary and special elections shall specify by name all the offices to be voted for and state, in the form in which it will appear upon the ballot, any question submitted to the voters. They shall specify the time when the polls shall be opened and when the polls shall be closed. The polls at such elections shall be open during such hours as the City Council may prescribe, provided, that they shall be opened not earlier than fifteen minutes before six o'clock in the forenoon nor later than ten o'clock in the forenoon and shall be kept open at least six hours, but in no event later than eight o'clock in the evening. The ballots to be used at such elections shall be governed by the provisions of Section eight.

(2) **Prerequisites for Inclusion of Name on Official Ballot.** Except as otherwise provided in Section seven, there shall not be printed on the official ballot to be used at any regular or special election 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 in Sections one to seven, inclusive. There shall not be printed on the official ballot for use at such preliminary election the name of any candidate for nomination at such election, unless he shall have filed, within the time limited by Section three the statement and petition therein described.

(3) **Candidates for Nomination, Persons Eligible; Statement and Petition.** Any person who is qualified to vote for a candidate for any elective municipal office 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, provided, that within the time prescribed by Section 10 of Chapter 53 of the General Laws in the case of preliminary elections in cities, he shall file with the City Clerk a statement in writing of his candidacy, and with it the petition of at least fifty voters, qualified to vote for a candidate for the said office. Said statement and petition shall be substantially in the following form:

STATEMENT OF CANDIDATE

Form of Statement - I, ( ) on oath declare that I reside at (number, if any) on (name of street) in the City of ; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; 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

Subscribed and sworn to on this

ss.

day of , nineteen hundred and  
before me,

(Signed)

Justice of the Peace,  
or Notary Public

PETITION ACCOMPANYING STATEMENT OF CANDIDATE

Form of petition - Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state term) we, the undersigned, voters of the City of 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 of said office be printed on the official ballot to be used at the preliminary election to be held on the Tuesday 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. No acceptance by the candidate for nomination named in the said petition shall be necessary to its validity or its filing, and the petition, which may be on one or more papers, need not be sworn to.

(4) **List of Candidates; Official Ballots.** On the first day, other than Sunday or a legal holiday, following the expiration of the time for filing the above described statement and petition, the City Clerk shall post in a conspicuous place in

the City Hall, the names and residences of the candidates for nomination who have duly qualified as candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, and shall cause the ballots which shall contain said names, in their order as drawn by the Clerk, and no others, with a designation of residence, and of the office and term of service, to be printed, and the ballots so printed shall be official and no others shall be used at the preliminary election. In drawing for position on the ballot, the candidates shall have an opportunity to be present in person or by one representative each. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices equal to the number to be nominated therefor, in which 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. There shall be printed on such ballots such directions as well and the voter, as for example "vote for one," "vote for two," and the like, and the ballots shall be headed as follows:

#### OFFICIAL PRELIMINARY BALLOT

Candidates for nomination for the offices of (                    ), in the City of Northampton, at a preliminary election to be held on the                    day of                    in the year nineteen hundred and                    .  
(The heading shall be varied in accordance with the offices for which nominations are to be made).

**(5) Counting, etc., of Votes; Duties of Election Officers and Clerk.** The election officers shall, immediately upon the closing of the polls at preliminary elections, 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 City Clerk who shall canvass said returns and shall forthwith determine the result thereof, insert the same in one or more newspapers published in the city, and post the same in a conspicuous place in the City Hall.

**(6) Candidates for Election, How Determined.** The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by Section 7, 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, and no acceptance of a nomination at a preliminary election shall be necessary to its validity. If two or more persons are to be elected to the same office, at such regular or special election the several persons in number equal to twice the number so to be elected receiving, at such preliminary election the highest number of voters for nomination for that office shall, except

as provided by Section 7 be the sole candidates for that office whose names may be printed on the official ballot. If the preliminary election results in the vote among candidates for nomination 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, although in consequence there be printed thereon candidates to a number exceeding twice the number stated.

(7) **Candidates for Nomination, When Deemed Nominated; Preliminary Election, When Unnecessary.** If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election not more than twice as many such statements have been filed with the City Clerk for all offices as are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the City Clerk 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 the city, no preliminary election shall be held in any such ward or wards.

**Section 2.**

Chapter 96 of the Acts of nineteen hundred and sixty-four is hereby repealed.

**Section 3.**

This act shall take effect upon its passage.

Approved October 16, 1984.

(The next page is 50.)