

**THE CHARTER  
AND RELATED ACTS**

## Chapter C

### CHARTER AND RELATED ACTS

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- § C-45. An Act Relating to the Election of Certain Officers in the City of Northampton.
- § C-46. 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.
- § C-47. An Act Establishing Smith's Agricultural School.
- § C-48. An Act Relative to the Appointment of the City Solicitor of the City of Northampton.
- § C-49. An Act Providing for Biennial Municipal Elections in the City of Northampton.
- § C-50. An Act Changing the Time for the Holding of the Biennial Municipal Elections in the City of Northampton.
- § C-51. An Act Establishing a Board of Public Works and a Department of Public Works in the City of Northampton.
- § C-52. An Act Providing for the Nominating of Elective Municipal Officers in the City of Northampton.
- § C-53. An Act Authorizing the Establishment of Residents Only Parking Areas in the City of Northampton.

§ C-54. An Act Establishing a Board of Public Works and a Department of Public Works in the City of Northampton.

§ C-56. An Act Exempting Certain Positions in the Fire Department in the City of Northampton From the Civil Service Law.

§ C-55. An Act Relative to Civil Service Positions in the City of Northampton.

[HISTORY: Adopted by the House of Representatives 6-20-1883 (Acts of 1883, Chapter 250), approved 6-23-1883. Amendments noted where applicable.]

## ARTICLE I Charter

### § C-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.

### § C-2. Administration of government. [Amended Acts of 1954, Ch. 123, approved at referendum 11-8-1955.]

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 in 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

1. Editor's Note: This enactment also provided that the City Council elected in accordance with 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.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Six

AN ACT RELATIVE TO THE CHARTER OF THE CITY OF NORTHAMPTON.

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

SECTION 1. Section 10 of chapter 250 of the acts of 1883 is hereby amended by striking out, in lines 5 to 6, the words "and three trustees under the will of Charles E. Forbes" and inserting in place thereof the following words:- 3 trustees under the will of Charles E. Forbes and 2 at large members of the community preservation committee.

SECTION 2. Section 1 of chapter 265 of the acts of 1927 is hereby amended by striking out, in lines 6 to 7, the words "and superintendents of Smith's agricultural school" and inserting in place thereof the following words:- , superintendents of Smith's agricultural school and 2 members of the community preservation committee.

SECTION 3. Said chapter 265 is hereby further amended by adding the following section:-

Section 7. At the biennial municipal election to be held in the year 2007 and every fourth year after 2007, except as otherwise provided in this section, 2 members of the community preservation committee shall be chosen at large for a term of 4 years, in accordance with chapter 253 of the acts of 1984, and shall continue to hold office until their successors are qualified.

House of Representatives, December 28, 2006.

Passed to be enacted,

Acting Speaker.

In Senate, December 28, 2006.

Passed to be enacted,

Acting President.

January 3, 2007

Approved, at 3:56 PM

W. W. Flannery  
Governor.

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.

**§ C-3. Division into wards.**

The Selectmen of said town, as soon as may be after the acceptance of this act, shall divide said town into seven 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.

**§ C-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>2</sup>

**§ C-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.

**§ C-6. Election of mayor.**

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

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2. Editor's Note: Biennial municipal elections are provided for in Chapter 265, Acts of 1927. See Art. II, § C-49, of this chapter. Time for holding biennial municipal elections in the city changed in Chapter 245, Acts of 1946. See Art. II, § C-50, of this chapter.

**§ C-7. (Reserved)**<sup>3</sup>**§ C-8. (Reserved)**<sup>4</sup>**§ C-9. Term of mayor and city council. [Amended Acts of 1954, Ch. 123, approved at referendum 11-8-1955]**

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.]

**§ C-10. Elections generally. [Amended Acts of 2005, Ch. 166]**

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, Aldermen and Common Councilmen, School Committees, an Elector under the Oliver Smith will, and three trustees<sup>5</sup> under the will of Charles E. Forbes, in 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 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

3. Editor's Note: Former Sec. 7, regarding the election of Aldermen, was repealed by Acts 1954, Ch. 123, approved at referendum 11-8-1955.
4. Editor's Note: Former Sec. 8, regarding the election of Common Councilmen, was repealed by Acts 1954, Ch. 123, approved at referendum 11-8-1955.
5. Editor's Note: The number of trustees was reduced from three to one by Chapter 289, Acts of 1893. See Art. II, § C-45, of this chapter. For procedure for election, see Chapter 21, Acts of 1895, in § C-45. Biennial municipal elections are provided for in Chapter 265, Acts 1927, § C-49. Time for holding biennial municipal elections in the city changed by Chapter 245, Acts of 1946. See § C-50.

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.

**§ C-11. Mayor's powers and duties generally. [Amended Acts of 1907, Ch. 147]**

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 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.

**§ C-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 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.

**§ C-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 judgment 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.

**§ C-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.

**§ C-15. Election of certain officials by council; qualifications; removal; vacancies; compensation. [Amended Acts of 2004, Ch. 45; Acts of 2005, Ch. 166]**

The City Council shall annually, as soon after its organization as may be convenient, elect, by the concurrent ballot of both branches of the City Council, and may elect a Superintendent or

Superintendents of Streets<sup>6</sup> and Highways, a City Physician, a City Solicitor,<sup>7</sup> and an agent to represent the city in the meetings of the Massachusetts Central Railroad Company,<sup>8</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. The City Council shall appoint a clerk of the council to carry out the duties assigned by the president of the city council and to perform the duties specified by law.

**§ C-16. City clerk; term, vacancies, compensation. [Amended Acts of 2005, Ch. 166]**

The City Clerk shall hold office for the municipal year next following the Clerk's election and until the Clerk's successor is elected and qualified. Any vacancy occurring in this office may be filled for the remainder of the term by concurrent ballot of the City Council. The City Clerk shall receive such compensation as the City Council shall determine.

**§ C-17. Powers and duties of city clerk generally. [Amended Acts of 2004, Ch. 45]**

The city clerk shall be sworn to the faithful performance of his duties and shall perform all the duties and exercise all the powers incumbent by law upon him. 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.

**§ C-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 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 firewards. The compensation of the members of the Fire Department shall be fixed by concurrent vote of the City Council.

6. Editor's Note: See Chapter 389, Acts of 1961 in § C-51, for establishment of Board of Public Works and Department of Public Works.

7. Editor's Note: The position of Solicitor was made appointive by Chapter 103, Acts of 1927. See § C-48.

8. Editor's Note: The Massachusetts Central Railroad no longer exists.

**§ C-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.

**§ C-19.A. Finance Director. [Added Acts of 2005, Ch. 166]**

The Finance Director of the City of Northampton shall be appointed by the Mayor with confirmation by the City Council whenever a vacancy in the office of Finance Director shall occur, and may be removed at any time by the Mayor in like manner. Except as otherwise provided in this section, the Finance Director shall assume the duties of the office on the day following appointment and shall serve until removal by the Mayor.

The Finance Director shall be responsible to the Mayor. Upon recommendation by the Mayor and majority vote of the City Council, the Finance Director may serve, ex officio, as the accountant, auditor, comptroller, treasurer, collector or treasurer-collector, but the Finance Director shall not serve, ex officio, as both accountant, auditor or comptroller and treasurer, collector or treasurer-collector. In addition, upon recommendation of the Mayor and approval by majority vote of the City Council, the positions of collector and treasurer may be combined into a single collector-treasurer position, to be filled by appointment of the Finance Director.

The Finance Director shall provide professional financial management advice to the Mayor and to the City Council as needed to ensure sound short-term and long-term fiscal health for the City. The City Council may at any time request from the Finance Director specific information on any financial matters within its jurisdiction and may request the Finance Director to be present to answer questions about these financial matters at a meeting to be held not earlier than one week after the date of the request by the Mayor and Finance Director of the request. The Finance Director shall personally attend the meeting and publicly answer all questions.

**§ C-19.B. Finance Director appointments. [Added Acts of 2005, Ch. 166]**

The Finance Director shall appoint the Treasurer, Tax Collector, Auditor and Principal Assessor whenever a vacancy in those offices occurs. Thereafter all appointees to those positions shall be subject to the rules and regulations for management positions in the City.

~~§ C-20. Board of assessors generally. [Amended Acts of 2005, Ch. 166]~~

There shall be a Board of Assessors consisting of a Principal Assessor and two Associate Assessors. The Board of Assessors shall have all the powers, duties and obligations of assessors under the laws of the commonwealth.

The Principal Assessor shall be appointed by the Finance Director and shall be subject to the rules and regulations for management positions in the City.

The Associate Assessors shall be appointed by majority vote of the City Council. The first appointments under this section shall be made by the City Council at its first meeting after the effective date of this section, and the appointees shall assume the duties of their office immediately upon their appointment. The Associate Assessors may receive such compensation as the City Council may determine.

§ C-21. (Reserved) <sup>9</sup>

§ C-22. School committee generally. [Amended Acts of 1954, Ch. 86, approved at referendum 11-8-1955; Acts of 1991, Ch. 343, approved at referendum 11-2-1993]

The School Committee of the City of Northampton 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. One member of the school committee shall be elected by and from the qualified voters of each of the seven wards of the city and shall, at the time of election, be a resident of the ward in which elected. Members representing a ward of the city shall be elected for a term of four years. Two members shall be elected by and from all the qualified voters of said city, and shall be known as school committee members-at-large. Members-at-large shall be elected for a term of two years.

The members of the school committee shall be elected so that their terms shall be staggered, with the four members of said committee representing wards one, three, five, and seven and the three members of said committee representing wards two, four, and six, elected at alternate biennial municipal elections. The two members-at-large shall be elected at each biennial municipal election.

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9. Editor's Note: Former § C-21, Assistant assessors generally, was repealed Acts 2005, Ch. 166. See now § C-20.

The mayor shall be ex-officio chairman of the committee with the same right to vote as an elected member of the school committee, but the committee may elect from its own number a vice-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 its own number, a superintendent of schools, and shall fix the compensation of such secretary and superintendent. The school committee may remove, for sufficient cause, such secretary or superintendent. Any vacancy occurring in the committee shall be filled as follows: (1) if the vacancy is for a ward seat and more than two years of the term remain at the time of the vacancy, then a special election shall be held in that ward to fill the seat; (2) if the vacancy is for a ward seat and less than two years of the term remain at the time of vacancy or if the vacancy is for an at-large seat, then vacancy shall be filled by the joint ballot of the city council and school committee in convention at any time. A member so elected shall hold office for the unexpired term of the member who has ceased to hold office. Members of the school committee may be compensated by a majority vote of the city council.

**§ C-23. Board of water commissioners 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.

**§ C-24. Board of public work. <sup>10</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 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 hearings,

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10. Editor's Note: This section is repealed generally by Chapter 389, Acts of 1961 approved by referendum November 7, 1961. See § C-51.

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.

**§ C-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 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.

**§ C-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.

**§ C-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.

**§ C-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 Trustees<sup>11</sup> 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.

**§ C-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

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11. Editor's Note: Changed to one trustee. See Chapter 289, Acts of 1893 (§ C-45) and Chapter 21, Acts of 1895 in § C-45.

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.

**§ C-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 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.

**§ C-31. Cemetery committee generally.** <sup>12</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.

**§ C-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 persons, 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

<sup>12</sup> Editor's Note: For authority of department of public works over cemeteries, see Acts of 1961, Ch. 389 in § C-51.

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.

**§ C-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.

**§ C-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 to 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.

**§ C-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.

**§ C-36. Duty of mayor and alderman 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 Assessor's 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.

**§ C-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.

**§ C-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.

**§ C-39. (Reserved)** <sup>13</sup>

**§ C-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.

**§ C-40.A. What constitutes an initiative referendum; "measure" defined. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

A petition conforming to the requirements hereinafter provided and requesting the City Council to pass a measure, except an order granted under section seventy or seventy-one of chapter one hundred and sixty-four, or chapter one hundred and sixty-six 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 Committee, as the case may be.

**§ C-40.B. Requirements for initiative petitions; examination of petition by registrars; transmission of petition by city clerk. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

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.

13. Editor's Note: Former Sec. 39, regarding the expiration of bylaws and regulations, payment of fines and forfeitures into the City Treasury, and complaints, was repealed Acts of 1895, Ch. 287. See § C-46.

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.

**§ C-40.C. Authorized actions by city council or school committee on receipt of initiative petition with signature of 20% of registered voters. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

If any initiative petition is signed by registered voters equal in number to at least twenty per cent 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.

**§ C-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. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

If an initiative petition is signed by registered voters equal in number to at least eight per cent but less than twenty per cent of the total number of registered voters, and said measure be not passed without alteration within twenty days by the City Council or the School Committee, as provided in section C-40C, 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 C-40C 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.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Six

AN ACT RELATIVE TO THE CHARTER OF THE CITY OF NORTHAMPTON.

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

SECTION 1. Section 10 of chapter 250 of the acts of 1883 is hereby amended by striking out, in lines 5 to 6, the words "and three trustees under the will of Charles E. Forbes" and inserting in place thereof the following words: - 3 trustees under the will of Charles E. Forbes and 2 at large members of the community preservation committee.

SECTION 2. Section 1 of chapter 265 of the acts of 1927 is hereby amended by striking out, in lines 6 to 7, the words "and superintendents of Smith's agricultural school" and inserting in place thereof the following words: - superintendents of Smith's agricultural school and 2 members of the community preservation committee.

SECTION 3. Said chapter 265 is hereby further amended by adding the following section: -

Section 7. At the biennial municipal election to be held in the year 2007 and every fourth year after 2007, except as otherwise provided in this section, 2 members of the community preservation committee shall be chosen at large for a term of 4 years, in accordance with chapter 253 of the acts of 1984, and shall continue to hold office until their successors are qualified.

House of Representatives, December 28, 2006.

Passed to be enacted:

Acting Speaker.

In Senate, December 28, 2006.

Passed to be enacted:

Acting President.

January 3, 2007  
Approved:

at 3:56 PM  
Governor.

**§ C-40.E. Requirements for ballot for votes on proposed or protested measures. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

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

**§ C-40.F. Referendum petition to protest measures passed by city council or school committee. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

If, within twenty 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 per cent 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 C-40B 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 word "initiative" in said section.

**§ C-40.G. Authority of city council to submit questions at general or special elections. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

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.

**§ C-40.H. Procedure when conflicting provisions pass in same election. [Added Acts of 1953, Ch. 63, approved at referendum 11-3-1953]**

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.

**§ C-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.

**§ C-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.

**§ C-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.

**§ C-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 kept open not less than six hours, and the check lists 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.

ARTICLE II  
Related Laws <sup>14</sup>

**§ C-45. An Act Relating to the Election of Certain Officers in the City of Northampton.**  
[Acts of 1893, Ch. 289]

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 in the year eighteen hundred and ninety-five 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.  
[Amended Acts of 1895, Ch. 21]

**§ C-46. 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.** [Acts of 1895, Ch. 287, approved 4-17-1895]

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 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 had 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.

14. Editor's Note: Included in Art. II are special acts of the General Court which are current amendments to the Charter or 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 Ch. A355 of the Code and for a list of general and special laws accepted by Northampton, see Ch. A360.

Section 2. Section 39 of Chapter 250 of the acts of the year eighteen hundred and eighty-three is hereby repealed. <sup>15</sup>

Section 3. This act shall take effect upon its passage.

**§ C-47. An Act Establishing Smith's Agricultural School. [Acts of 1918, Ch. 151, approved 5-10-1918]**

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, 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 four of chapter four hundred seventy-one of the acts of 1911. The election of superintendents heretofore made is hereby confirmed. [Amended Acts of 1920, Ch. 14]

Section 3. In computing the net maintenance sum for the said school for purposes of state reimbursement under clause one of section nine of said chapter four hundred and seventy-one, 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.

**§ C-48. An Act Relative to the Appointment of the City Solicitor of the City of Northampton. [Acts of 1927, Ch. 103, approved 3-9-1927, accepted by City Council 5-19-1927]**

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 nineteen hundred and twenty-eight.

15. Editor's Note: Chapter 250 of the Acts of 1883 is Art. I.

~~Section 2. Such provisions of chapter two-hundred-and-fifty of the acts of eighteen-hundred and eighty-three, and acts in amendment thereof and in addition thereto, as are inconsistent with this act are hereby repealed. <sup>16</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.

**§ C-49. An Act Providing for Biennial Municipal Elections in the City of Northampton.**  
[Acts of 1927, Ch. 265, approved 4-18- 1927, accepted by voters on referendum 12-6-1927; amended Acts of 2005, Ch. 166]

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, 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 biennially commencing with the municipal election in the year nineteen hundred and twenty-seven.

Section 2. At the biennial municipal election to be held in the year nineteen hundred and twenty-seven and at every biennial municipal election thereafter, the Mayor, members of the City Council, City Clerk, 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. (Reserved) <sup>17</sup>

16. Editor's Note: Acts 1883, Chapter 250, is Art. I.

17. Editor's Note: Former Section 3, providing for four-year terms of office for members of the School Committee, was repealed Acts of 1991, Ch. 343, Section 2. See § C-22 of Art. I.

Section 4. At the biennial municipal election to be held in the year nineteen hundred and twenty-seven 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 treasurer of the trustees of the Forbes Library elected in the year nineteen hundred and twenty-five shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and twenty-nine. The terms of office of the trustees under said will whose terms would expire under existing law on the first Wednesday of May in nineteen hundred and twenty-eight and nineteen hundred and thirty, respectively, shall terminate on the first Monday of January in nineteen hundred and twenty-eight and nineteen hundred and thirty respectively. The salary of any official whose term of office is extended as aforesaid shall continue at the same rate as 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. <sup>18</sup>

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?"

NO

YES

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.

**§ C-50. An Act Changing the Time for the Holding of the Biennial Municipal Elections in the City of Northampton.** [Acts of 1946, Ch. 245, approved 4-25-1946; amended Acts of 2005, Ch. 166]

Be it enacted, etc., as follows:

18. Editor's Note: The acts referred to in Section 5 above are set out in Art. I and §§ C-45 and C-47.

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, 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.

**§ C-51. An Act Establishing a Board of Public Works and a Department of Public Works in the City of Northampton.** <sup>19</sup> [Acts of 1961, Ch. 389, approved 4-20-1961, accepted by the voters 11-7-1961]

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.

19. Editor's Note: See also § C-54.

Members of the board of public works shall serve, with or 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 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 provisions 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.

**§ C-52. An Act Providing for the Nominating of Elective Municipal Officers in the City of Northampton. [Acts of 1984, Ch. 253, approved at referendum 11-8-1983]**

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 seven, 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 ten of chapter fifty-three 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 in substantially 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 seven, 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 votes for nomination for that office shall, except as provided by section seven 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 for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon candidates to a number exceeding twice the number to be elected.

(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.

(8) Party or Political Designations Abolished. No ballot used at any biennial or special city election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating the candidate's views or opinions.

SECTION 2. Chapter ninety-six 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.

**§ C-53. An Act Authorizing the Establishment of Residents Only Parking Areas in the City of Northampton. [Acts of 1992, Ch. 63, approved 6-12-1992]**

Be it enacted, etc., as follows:

SECTION 1. The city council of the City of Northampton is hereby authorized to enact ordinances which shall establish one or more parking districts within said city in which parking on public ways shall be restricted to residents only. Said residents only parking districts shall be created in areas of high population concentration where the proximity of public, educational, religious, or health facilities make the parking of vehicles by parties other than residents common, convenient and consistent. Factors such as the lack of off-street parking, width and grade of a street and concentration of multi-unit buildings shall be considered in determining areas where parking shall be so restricted to residents only.

SECTION 2. Any such ordinance may (1) designate one or more districts in which resident only parking shall be in effect; (2) authorize the issuance of permits, stickers, placards or other means of identification of resident vehicles, including an application process for the same; (3) set fees for said permits and fines for violations of residents only district parking regulations; (4) include provisions for visitor parking, delivery vehicles, service and repair vehicles and other temporary parking categories; (5) describe signage and other methods of identifying residents only parking districts; (6) designate hours and dates when residents only parking will be effective; and (7) address such other administrative or enforcement issues as the city council may deem necessary. Any such ordinance may delegate all the powers enumerated above except that contained in clause (1) to a board, committee or officer of the city of Northampton.

SECTION 3. Any such ordinance shall provide that the city council shall refer any ordinance restricting parking on a public way, or any portion thereof, to the planning board, the board of public works, the parking commission and the city council committee under whose jurisdiction parking issues have been placed. No such ordinance shall be enacted until each of the above entities has filed a recommendation with the city council or forty-five days have elapsed since the referral by the council.

SECTION 4. No ordinance shall be adopted until a public hearing has been held by the city council or a committee thereof. Notice of such hearing shall be posted in a public place and published in a newspaper of general circulation in the city at least twice in two separate weeks, the first of which shall be not less than fourteen days before the scheduled date of such hearing. Actual notice shall be given by certified mail to all owners of property, as shown on the latest assessors' records, abutting the portion of a public way for which said residents only parking restriction will be effective. If the city council is presented with a petition signed by fifty percent or more of such property owners, a two-thirds majority shall be required to enact the proposed ordinance.

SECTION 5. For the purposes of this act, a motor vehicle qualifying for resident status permitting parking in an area restricted to residents only parking by an ordinance enacted hereunder shall be registered under chapter ninety of the General Laws as principally garaged in the city of Northampton and owned or used by a person residing in said area. Nothing herein shall be construed to authorize the assignment of a specific space to any person or vehicle nor shall any ordinance enacted hereunder supersede any statute related to handicapped parking.

**§ C-54. An Act Establishing a Board of Public Works and a Department of Public Works in the City of Northampton. [Acts of 2002, Ch. 328]**

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

SECTION 1. There shall be in the city of Northampton a board of public works, hereinafter called the board, whose members shall 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 director of public works, hereinafter called the director.

SECTION 2. On the first Monday of the first month following the effective date of this act, and except as otherwise provided in this act, the board shall have all of the duties, responsibilities, powers and functions previously vested in the board of public works by the General Laws, special act, city charter or ordinance.

No contract or liability shall be affected by any revision of the duties of the board but, in all respects, the board shall be the lawful successor of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton. <sup>20</sup>

SECTION 3. The mayor shall appoint the members of the board who shall be registered voters of the city and the appointment shall be subject to confirmation by the city council. The initial board shall be comprised of the membership of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton. The term of each member of the board shall coincide with such members term as a member of the board of public works established under said chapter 389. The mayor and the city council, by majority vote, may remove any member of the board for cause by written charges proffered by the mayor or any 2 members of the city council. In the event of a vacancy in the board, the mayor shall appoint a registered voter of the city to fill the vacancy for the remainder of the unexpired term, subject to confirmation by the city council. The members of the board upon its formation shall elect 1 of its members 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 prepare annually and file with the city council a written report of its activities and its recommendations, if any. The board shall establish for each fiscal year a master plan for all major public works in the areas falling under the jurisdiction of the department of public works, giving priority to the projects in accordance with their necessity and importance, and shall also establish a 5-year public works plan and any further long-range planning it may deem to be in the best interests of the city.

SECTION 4. The director of public works shall be appointed by the mayor to hold office at the pleasure of the mayor.

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20. Editor's Note: See § C-51.

The director of public works shall be in charge of and have direction and control of the department of public works, and shall cause to be performed all the work of construction, reconstruction, alteration, repair, maintenance and upkeep, and all other work incidental thereto, 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. The director may establish divisions within the department of public works, including but not limited to, those encompassing the following responsibilities: streets; engineering; water; equipment maintenance; administration and purchasing; parks and cemeteries, including recreation grounds.

Each division shall assume management and control as determined by the director. The director, from time to time, after consultation with the board, may combine and consolidate supervision of any of the divisions and, with the approval of the mayor, may establish other divisions. The director may 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. The director shall have jurisdiction over the divisions and over each member of each division, and shall after approval by the mayor fix all salaries of the personnel under his jurisdiction within the wage scales established by the mayor. The director shall appoint all employees of the department of public works. The director 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. The director shall have all of the powers and duties previously vested in the city engineer under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton, by General Law, special act or ordinance, or which may from time to time be vested in the director.

SECTION 5. Except as otherwise provided in this act, the board shall have all of the powers and responsibilities of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton.

The board shall have the following powers and duties:

- (1) establish for each fiscal year a master plan for all major public works in the areas falling under the jurisdiction of the department of public works giving priority to the projects in accordance with their necessity and importance;
- (2) establish a 5-year public works plan, set other long-range planning it may deem to be in the best interests of the city;
- (3) respond to citizen inquiries and conduct public hearings related to planning and policy of the department of public works;
- (4) oversee Water and Sewer Enterprise Funds, and have the following duties related to the same, that is to set water and sewer rates, to act on water and sewer claims and any other powers or duties granted to the department of public works under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton;
- (5) set policies, rules and regulations related to the functions of the department of public works;
- (6) issue permits and set fees for all permits assigned by law, ordinance or regulation to the department of public works;
- (7) sign and approve all contracts and change orders for goods and services purchased by the department of public works, except for those goods and services purchased pursuant to other city procurement policies);

- (8) serve in an advisory capacity to the mayor and city council as follows:
- (i) advise the mayor on decisions related to the department of public works;
  - (ii) review candidates for the position of director of the department of public works and advise the mayor regarding appointment;
- (9) provide advice as requested by the director on water, sewer, street and other city infrastructure issues; and
- (10) provide information to the mayor, the city council, city departments and the public on all matters related to the department of public works.

SECTION 6. Except for the director, all persons employed by or under the supervision of the board of public works established under chapter 389 of the acts of 1961 as incorporated in article 12 of the charter of the city of Northampton, shall be supervised by the director.

SECTION 7. This act shall take precedence over any provision of the charter or any ordinance of the city of Northampton which is inconsistent with the provisions of this act.

**§ C-55. An Act Relative to Civil Service Positions in the City of Northampton. [Acts of 2004, Ch. 500, approved 1-7-2005]**

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

SECTION 1. (a) Definitions, The mayor of the city of Northampton shall be the appointing authority for all sworn police officers positions set forth in paragraph (b).

(b) Pursuant to the appended Memoranda of Understanding between the city of Northampton and the International Brotherhood of Police Officers, effective July 1, 2003, the following employees shall be covered by this act and the code of ordinances of the city of Northampton: (a) all police sergeants, (b) all police lieutenants, (c) all police captains of the city of Northampton, and (d) the police chief of the city of Northampton.

SECTION 2. Notwithstanding any general or special law, chapter 250 of the acts of 1883<sup>21</sup> or any ordinance of the city of Northampton to the contrary, appointments, promotions, disciplinary actions and terminations of all sworn police personnel in the city of Northampton set forth in paragraph (b) of section 1 shall be conducted in conformity with such requirements as may be set forth in: a collective bargaining agreement; an employment contract in effect between the city and the individual; or the personnel policies of the city of Northampton and the Northampton police department.

SECTION 3. Each incumbent employee who has the present status of permanent civil service employee in his present position shall retain his civil service status until such time as he no longer serves in that position.

<sup>21</sup> Editor's Note: See Art. I, § C-1 et seq.

**§ C-56. An Act Exempting Certain Positions in the Fire Department in the City of Northampton From the Civil Service Law. [Acts of 2005, Ch. 68, approved 8-11-2005]**

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

SECTION 1. (a) The mayor of the city of Northampton shall be the appointing authority for all sworn firefighter positions including the fire chief. All firefighter positions in the city of Northampton covered by this act shall be exempt from chapter 31 of the General Laws.

(b) Pursuant to the collective bargaining agreements between the city of Northampton and the International Association of Fire Fighters (I.A.F.F.) and the Northampton Deputy Fire Chiefs' Association (N.D.F.C.A.), effective July 1, 2004, the following employees shall be covered by this act and the code of ordinances of the city of Northampton:

- (1) all firefighters, firefighter/EMT's, fire inspectors,
- (2) all fire captains, and
- (3) all deputy fire chiefs.

SECTION 2. Notwithstanding chapter 250 of the acts of 1883, any other general or special law or any ordinance of the city of Northampton to the contrary, appointments, promotions, disciplinary actions and terminations of all sworn fire personnel in the city of Northampton shall be conducted in conformity with such requirements as may be set forth in: (a) a collective bargaining agreement; (b) an employment contract in effect between the city and the individual; or (c) the personnel policies of the city of Northampton and the Northampton fire department.

SECTION 3. Each incumbent employee who has the present status of permanent civil service employee in the fire department shall retain this civil service status until the employee no longer serves in that position.