

CHARTER

[NOTE: The City of Lowell adopted the Plan E form of government effective January 1, 1944. For the provisions of Plan E see MGL c. 43, §§ 93 to 116. For city charters generally see MGL c. 43, §§ 1 to 45. Prior to the adoption of Plan E the City was governed by the Charter adopted by referendum on October 18, 1921 (Acts of 1921, Chapter 383). The 1921 Charter is printed here for reference purposes. To the extent of any inconsistencies or conflicts between the 1921 Charter and Plan E, the 1921 Charter is superseded.]

ACTS OF 1921, CHAPTER 383

AN ACT TO AMEND THE CHARTER OF THE CITY OF LOWELL

Be it enacted, etc., as follows:

Section 1. The inhabitants of the city of Lowell shall continue to be a body corporate and politic, under the name of the City of Lowell, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations provided for herein or by statute or otherwise pertaining to cities as municipal corporations.

Section 2. The territory of the city shall continue to be divided into nine (9) wards, which shall retain their present boundaries until the same shall be changed in accordance with general law, but the number of wards shall never be less than nine (9).

Section 3. The chief executive officer of the city shall be a mayor, elected by and from the qualified voters of the city, for the term of two (2) years from the first Monday of January following his election and until his successor is elected and qualified, except as provided in section forty-three. The mayor shall receive in full compensation for all services to the city a salary of five thousand dollars (\$5,000.00) a year.

Section 4. The legislative powers of the city shall be vested in a city council, composed of fifteen (15) members, of whom one (1) shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected at large by and from the qualified voters of the whole city, for the term of two (2) years from the first Monday of January following their election and until their successors are elected and qualified. The members of the city council shall each receive in full compensation for all services to the city a salary of three hundred dollars (\$300.00) a year. The city council

shall annually from its membership elect a president. The city clerk shall act as clerk of the council.

Section 5. The municipal year shall begin at ten o'clock in the forenoon on the first Monday of January, and shall continue until ten o'clock in the forenoon of the first Monday of the January next following.

Section 6. The mayor and city council shall, except as otherwise provided herein, have and exercise such powers and authority as are vested in mayors and city councils by the general laws of the commonwealth.

Section 7. The first city election under this act shall be held on the second Tuesday of December in the year nineteen hundred and twenty-one, and thereafter city elections shall be held biennially in every odd-numbered year. On the third Tuesday preceding every election at which any office mentioned in this act is to be filled, except as otherwise provided herein, there shall be held a preliminary election for the purpose of nominating candidates therefor. No special election for mayor or any other officer shall be held until after the expiration of forty (40) days from the calling of a preliminary election therefor, except as otherwise provided herein. At every biennial and special election the polls shall be opened at six o'clock in the forenoon, and shall close not earlier than four o'clock in the afternoon, and the laws of the commonwealth relative to city elections shall apply thereto, except as is otherwise specifically provided herein. At every preliminary election the polls shall open at twelve o'clock noon, and close not earlier than eight p.m.

Section 8. Except as otherwise provided herein, there shall not be printed on the official ballot to be used at any biennial 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 nominations, held as provided herein. There shall not be printed on the official ballot for use at such preliminary election the name of any candidate for nomination at such preliminary election, unless he shall have filed, within the time limited by section nine, the statement therein described.

Section 9. Any person who is qualified to vote for a candidate for any elective municipal office, and who is a candidate for nomination therefor, shall be entitled to have his or her name as such candidate printed on the official ballot to be used at a preliminary election; provided that at least ten (10) days prior to such preliminary election he or she shall file with the election commission a statement in writing of his or her candidacy, and with it the petition of at least fifty (50) 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.

I (_____), on oath declare that I reside at (number if any) on (name of street) in the city of Lowell; 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.

Middlesex, ss.

Subscribed and sworn to on this _____ day of _____, nineteen hundred and _____ before me.

(Signed) _____

Justice of the Peace
(or Notary Public)

My commission expires _____

PETITION ACCOMPANYING STATEMENT
OF CANDIDATE.

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we, the undersigned voters of the city of Lowell, 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 for 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.

Every voter qualified as aforesaid may sign as many petitions for nomination for each office as there are persons to be elected thereto, and no more. No acceptance by a 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 (1) or more papers, need not be sworn to.

Section 10. 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 election commission 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 election commission, 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 drawings for position on the ballot the candidates shall have an opportunity to be present in person or by one (1) 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 will aid the voters, 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 Lowell, 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.)

Section 11. No ballot used at any preliminary, special or biennial election shall have printed thereon, or appended to the name of any candidate, any party or other political designation or mark, or anything showing how any candidate was nominated, or indicating his views or opinions.

Section 12. The election officers shall, immediately upon the closing of the polls at a preliminary election, 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 biennial elections, to the election commission, who shall canvass said returns and shall forthwith determine the result thereof, publish the same in one (1) or more newspapers published in the city, and post the same in a conspicuous place in the city hall.

Section 13.

Part 1. The two (2) persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office, whose names may be printed on the official ballot to be used at the biennial 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.

Part 2. If two (2) or more persons are to be elected to the same office at such biennial or special election, the several persons in number equal to twice the number to be so elected receiving at such preliminary election the highest number of votes for nomination for that office, or all such persons, if less than twice the number of those so to be elected,

shall be the sole candidates for that office whose names may be printed on the official ballot.

Part 3. If the preliminary election results in a tie 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 on the official ballot for the election, all candidates participating in said tie votes 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.

Section 14. 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 election commission for the office of mayor, councillor or school committee as are to be elected to said offices, respectively, the candidates whose statements have thus been filed shall be deemed to have been nominated to said offices, respectively, and their names shall be used at such biennial or special election, and the election commission shall not print said names upon the ballot to be used at said preliminary election, and no other nomination to said offices shall be made.

Section 15. At ten o'clock in the forenoon of the first Monday of January, nineteen hundred and twenty-two, the term of office of the present mayor, aldermen and school committee shall terminate. The term of office of the present city auditor, city solicitor, chief of the fire department, superintendent of police, superintendent of streets, superintendent of waterworks, city physician, city engineer, city clerk, city treasurer and collector of taxes, purchasing agent, city messenger, superintendent of charities, superintendent of wires, superintendent of state aid, inspector of public buildings, city bacteriologist, smoke inspector, fish and game warden, inspector of animals, poundkeeper, members of the board of assessors and members of the board of health, shall terminate at ten o'clock in the forenoon of the first Monday in January, nineteen hundred and twenty-two. They shall continue in office, however, until their successors have been appointed, confirmed and qualified. Nothing in this section shall affect the present terms of office of the members of the board of park commissioners, members of the board of sinking fund commissioners, members of the library trustees, members of the board of license commissioners, members of the board of election commissioners, members of the board of cemetery commissioners, the sealer of weights and measures, the moth superintendent or the inspector of milk and vinegar. The sealer of weights and measures, the moth superintendent and the inspector of milk and vinegar shall be subject to the provisions of the civil service laws and regulations, but no examination shall be required of the present incumbents of said offices.

Section 16. On the first Monday in January, nineteen hundred and twenty-two, and every second year thereafter, the mayor-elect and the councillors-elect shall meet and be sworn to the faithful discharge of their respective duties. The oath may be administered by the

city clerk or by any justice of the peace, and a certificate thereof shall be entered on the journal of the city council. At any subsequent meeting of the council, the oath may be administered to the mayor or to any councillor not in attendance at the initial meeting.

Section 17. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, order, resolution or ordinance, except a motion to adjourn, and except as otherwise provided herein.

Section 18. Special meetings shall be called in the manner, and held at the time and place, fixed by ordinance. Notice stating the time and place of the meeting and, in substance, the matters then to be considered shall be given each councillor by service in hand, or by leaving the same at his last and usual place of abode not less than six (6) hours before the time fixed therefor.

Section 19. Neither the mayor nor any member of the city council shall, during the term for which he or she is elected, hold any other office or position the salary or compensation for which is payable from the city treasury; nor shall he or she act as counsel or attorney before the city council or any committee thereof, or before any board or department of the city.

Section 20. There shall be the following administrative officers, who shall perform the duties prescribed by law or by ordinance, and such further duties, not inconsistent with the nature of their respective offices or with the general law, as the city council may prescribe, except as otherwise provided herein; a city auditor, a city solicitor, a chief of the fire department, a superintendent of police, a city clerk, a city treasurer and collector of taxes, a purchasing agent, a city physician, a city messenger, a superintendent of charities, a superintendent of wires, a sealer of weights and measures, a superintendent of state aid, an inspector of public buildings, an inspector of milk and vinegar, a city bacteriologist, a moth superintendent, a smoke inspector, a fish and game warden, an inspector of animals, a poundkeeper, a board of public service consisting of three (3) members, a board of assessors consisting of three (3) members, a board of health consisting of three (3) members, a board of park commissioners consisting of five (5) members, a board of sinking fund commissioners consisting of three (3) members, a board of library trustees consisting of five (5) members, with the mayor a member ex officio, a board of license commissioners consisting of three (3) members, a board of election commissioners consisting of four (4) members, a board of cemetery commissioners consisting of five (5) members, and a budget and auditing commission consisting of three (3) members.

Section 21. The city clerk, city treasurer and collector of taxes and the city auditor shall be elected by a majority vote of all the members of the city council. The city clerk shall be elected for the term of three (3) years and the city treasurer and collector of taxes and the city auditor for terms of two (2) years, the first term to begin at ten o'clock in the forenoon of the first Monday in January, nineteen hundred and twenty-two.

Section 22.

Part 1. The city solicitor shall be appointed by the mayor without confirmation by the city council, for the term of two (2) years, the first term to begin at ten o'clock in the forenoon of the first Monday in January, nineteen hundred and twenty-two. The chief of the fire department and the superintendent of police shall be nominated by the mayor, subject to confirmation by a majority vote of all the members of the city council for terms of three (3) years, the first term to begin at ten o'clock in the forenoon of the first Monday in January, nineteen hundred and twenty-two.

Part 2. The purchasing agent, the city physician, the superintendent of charities, the city messenger, the superintendent of wires, the superintendent of state aid, the inspector of public buildings, the city bacteriologist, the smoke inspector, the fish and game warden, the inspector of animals and the poundkeeper, shall be nominated by the mayor, subject to confirmation by a majority vote of all the members of the city council for the term of two (2) years, the first term to begin at ten o'clock in the forenoon on the first Monday of January, nineteen hundred and twenty-two. When a vacancy occurs in the office of sealer of weights and measures, the moth superintendent or inspector of milk and vinegar, the mayor shall nominate, subject to confirmation by a majority vote of all the members of the city council, a successor in compliance with civil service laws and regulations.

Section 23.

Part 1. The board of health, consisting of three (3) members, shall be nominated by the mayor and confirmed by a majority vote of all the members of the city council, for terms of one (1), two (2) and three (3) years, respectively, and thereafter their successors shall be nominated and confirmed for the term of three (3) years. The board of health shall have supervision and control of the city bacteriologist, the inspector of milk and vinegar, the inspector of animals, and all matters pertaining to the general health of the city and shall make rules and regulations not inconsistent with the ordinances of the city and the general laws of the commonwealth for the preservation of the public health. It shall appoint an agent and health inspectors under provisions of civil service, and exercise supervision and administrative control of the isolation hospital, including appointments of all administrative officers and employees. It shall have and exercise all the powers and duties conferred or imposed by general laws upon boards of health. The members of the board of health shall select their own chairman.

Part 2. All powers and duties now exercised by the school committee relative to the health and medical inspection and supervision of schools and schoolchildren are hereby transferred to the board of health, and said board shall henceforth exercise and perform, in addition to its other duties as a board of health, a thorough health and medical inspection and supervision of all schools and schoolchildren of the city, and make and provide rules and regulations for safeguarding the health of the schoolchildren.

Part 3. For the purpose of this section, the board of health shall organize and establish a sub-department to be known as the department of school hygiene. The board shall appoint and may remove for any cause which it may deem sufficient a director of school hygiene, who shall be a physician of reputable standing and possessed of special training and experience in public health service. Said director of school hygiene shall devote his entire time to the service of the city. He shall exercise, under the direction of the board of health, supervision of school nurses and other physicians that may be appointed for special school work, shall execute and put into effect all instructions issued by the board of health, and recommend from time to time to the board of health regulations which in his opinion will tend to minimize and prevent the spread of communicable diseases among schoolchildren of the city.

Part 4. It shall be the duty of the director of school hygiene to keep a record of the names of all schoolchildren affected with communicable diseases as the same are reported to the board of health, and to issue after an examination a certificate of health certifying that said child is free from communicable disease before he or she shall be eligible to return to school.

Part 5. For the purpose of preventing the spread of communicable diseases among schoolchildren of the city, the board of health shall require the superintendent of schools to furnish to the department of school hygiene a report of all schoolchildren who may absent themselves from school for a period of three (3) days by reason of sickness or for causes unknown to the principal of the school where they attend. The board of health shall also adopt other safe and reasonable measures which in its opinion will be helpful in preventing the spread of communicable diseases among schoolchildren.

Part 6. The board of health shall establish the salary of the director of school hygiene, subject to the approval of the mayor, and the compensation of all others employed in the department of school hygiene. The board of health shall also appoint and may remove from office, subject to civil service laws and rules, all nurses of the department. It may also appoint and remove from office for any cause which it may deem sufficient one (1) or more temporary or permanent physicians to assist the director of school hygiene in special work in the conduct of the department.

Section 24. A board of assessors consisting of three (3) members shall be nominated by the mayor and confirmed by a majority vote of all the members of the city council for terms of one (1), two (2) and three (3) years, respectively, and thereafter their successors shall be nominated and confirmed for the term of three (3) years. They shall have the

power to appoint such assistant assessors, temporary assistant assessors and permanent and temporary clerks as are now authorized or may hereafter from time to time be authorized by the mayor. They shall perform all the duties prescribed by the general laws of the commonwealth for boards of assessors, shall keep records of all assessments and abatements, and submit annually to the city council a report of the conduct of their department.

Section 25. The present board of park commissioners is hereby continued, and as the terms of the present members expire, the mayor shall nominate their successors, subject to confirmation by a majority vote of all the members of the city council, for terms of five (5) years. They shall have full charge, supervision and control of all public parks, commons, playgrounds, public recreation centers and all buildings now or hereafter erected thereon. They shall have charge of the removal of trees within the city limits and shall appoint and have charge of all officers and employees of the department.

Section 26. The present board of license commissioners is hereby continued, and as the terms of the present members expire, the mayor shall nominate their successors, subject to confirmation by a majority vote of all the members of the city council, for terms of six (6) years. They shall continue to exercise all powers and duties now conferred upon them by statute.

Section 27. The present election commission is hereby continued, and it shall continue to exercise the powers and duties conferred upon it by chapter one hundred and fifty-four of the acts of nineteen hundred and twenty, as amended, by chapter one hundred and fifteen of the acts of the current year.

Section 28. The present board of library trustees is hereby continued, and as the terms of the present members expire, the mayor shall nominate their successors, subject to confirmation by a majority vote of all the members of the city council, for terms of five (5) years. The mayor shall be a member ex officio and chairman of said board. It shall have and exercise all supervision, control and management of all public libraries of the city and select and have charge of all its officers and employees.

Section 29.

Part 1. There shall be a budget and auditing commission of three (3) citizens, not members of the city council or employees of the city, nominated by the mayor and confirmed by a majority vote of all of the mayors of the city council, who shall hold office for terms of one (1), two (2) and three (3) years, respectively, beginning on the first Monday of January in the year nineteen hundred and twenty-two, and thereafter their successors shall be nominated and confirmed for the term of three (3) years.

Part 2. The members of said budget and auditing commission shall assist the mayor in making up the budget for each year, and in the performance of their duties may examine all books and expenses of the different departments and submit to the mayor in writing their recommendations as to the respective amounts for each department which make up the budget, before the same is submitted for approval to the city council by the mayor. They shall also assist the mayor in the scrutiny and certification of all invoices, bills and payments due or presented for payment by the several departments. If, in the opinion of a majority of said commission, any bill or invoice under any contract presented for payment appears irregular or improper, said commission shall recommend in writing to the mayor that payment of the same be withheld pending investigation.

Part 3. If payment of any bill or invoice under contract be withheld, the mayor shall immediately notify the city auditor, who shall not approve such bill or invoice without the approval of a majority of said budget and auditing commission.

Part 4. The members of the budget and auditing commission shall each be paid a salary not exceeding five hundred dollars (\$500.00) annually. Its members shall elect their own chairman.

Section 30.

Part 1. A board of public service consisting of three (3) members, one (1) of whom shall be a civil engineer of at least five years' practice, shall be nominated by the mayor and confirmed by a majority vote of all the members of the city council for terms of one (1), two (2) and three (3) years, respectively, and thereafter their successors shall be nominated and confirmed for the term of three (3) years. Their compensation shall be fixed by the city council and shall not exceed one thousand dollars (\$1,000.00) each per annum.

Part 2. They shall organize by the choice of a chairman from their own members, and shall appoint a city engineer whom they may remove for cause deemed by them sufficient. The city engineer shall be a subordinate officer of the board of public service, and shall be subject to the orders and directions of the board. He shall act as engineer and construction inspector to all the city departments requiring said service, except in such special cases in which the board may authorize him to secure the advice or counsel of one (1) or more engineers having an established reputation in the particular problems in question.

Part 3. The board shall also appoint and remove for cause which it may deem sufficient a superintendent of street and sewer work, who shall have charge, under the direction of the board of public service and the city engineer, of the construction and repairs of streets, sewers, drains and sidewalks. They shall also appoint and remove for cause which they may deem sufficient a superintendent of waterworks, who shall have

charge, under the direction of the board of public service and city engineer, of the waterworks of the city.

Part 4. The board of public service shall have the general direction through their executive officers of all assistants, clerks and laborers who shall be employed in one (1) or more departments at the pleasure of the board, so as to form one (1) or more city labor units which may be available for any city work which may become necessary in the departments under control of said board.

Part 5. The aforesaid executive officers shall be appointed for unlimited terms, but may be removed by a majority vote of the board for cause which it may deem sufficient. They shall be recognized experts in such work as may devolve upon the incumbents of such offices or be persons specially fitted by education, training or experience to perform the same.

Part 6. Said board shall have cognizance and general directly of the construction, repair and care of streets, ways and sidewalks, and of all poles, conduits and wires in or over the same; of the construction, alteration, repair and care of main drains, common sewers and catchbasins; of the construction, alteration, repair, care and maintenance of public bridges; and building and maintenance of filters and the laying of water pipes; the collection of ashes and waste, except house offal; the care, superintendence and management of the public grounds, except the commons and public parks and playgrounds, and of such grounds as are appurtenant to buildings in charge of other departments, as is provided elsewhere herein. The said board shall, except as otherwise provided herein, be exclusively vested with the powers and shall be subject to the liabilities and penalties conferred or imposed by law on surveyors of highways. No person, department of the city or corporation, except in case of emergency, shall dig up or open for any purpose any public street or way in said city without first obtaining permission in writing from said board.

Part 7. All persons, firms, corporations, departments or others opening a street with the permission of said board shall restore the street to its former condition to the satisfaction of said board, or shall make such restoration at the expense of the delinquent person, firm, corporation, department or others who make such opening, and said board may require a bond or other security for the performance of any contract relative thereto.

Part 8. The said board shall also annually, on or before the third Tuesday in January, submit to the mayor and city council a budget of all moneys required for the regular operation and maintenance of the three (3) departments of engineering, streets and waterworks for the current fiscal year.

Part 9. The said board shall also annually, not later than the second Monday in March, prepare and furnish the mayor and city council with a complete and detailed report containing its recommendations relative to new highway and sewer improvements in the city for the current fiscal year, which shall also include its recommendation as to the acceptance, laying out and construction of new streets and general sidewalk

improvements, and its recommendations as to the location, installation and construction of new sewers during the said fiscal year, all of which shall be accompanied by estimates of costs and outline plans of the proposed work. The recommendations for new sidewalks, street and sewer construction shall be accompanied by specific data as to the material to be used and the method of construction; said report shall include also plans for the installation of new water pipes for mains, other than house connections, in any streets or ways in said city during the said fiscal year, and for that purpose the superintendent of waterworks shall furnish the said board with the necessary information upon which to base so much of the report as relates to water pipes or mains.

Part 10. All petitions and orders not reported by the said board for the laying out and acceptance of streets, the construction of sidewalks and sewer construction shall in the first instance be referred by the city council to said board, which shall return the same to the city council with its recommendations thereon not later than one (1) month from the time of reference, unless the time is extended by the city council upon the written request of said board stating sufficient cause therefor. If in any such report the board shall recommend new construction work or the taking of land within the fiscal year in which the report is made, estimates of cost shall be included therein. Before authorizing the direct execution of any new work or improvements, detailed plans and estimates thereof shall be submitted to the board by the department which is to execute such work or improvement, and there shall be a separate accounting as to the work or improvement so executed.

Part 11. All contracts for more than five hundred dollars (\$500.00) shall be awarded to the lowest responsible bidder, after such public advertisement and competition as may be described by ordinance or by other provisions of this act, but the board shall have power to reject any and all bids and advertise again. All advertisements as to contracts shall contain a reservation of the foregoing rights. Contracts for public work shall be signed by the board and the mayor.

Part 12. The city engineer shall be clerk of said board and serve without extra compensation. The city engineer shall perform the usual duties in relation to laying out, locating, altering or discontinuing streets, or altering or establishing the grade thereof, or laying out or altering main drains, common sewers and sidewalks, laying out or altering water pipes or laying out, changing or enlarging filters or other purification work.

Part 13. The office of the city engineer shall contain originals or copies of all plans of streets, sidewalks, sewers, drains, catchbasins, poles, conduits, wires, bridges, water pipes, filters and all other structures built or changed by labor or contract, in sufficient detail and so kept that they may be available at any time for the said board, all city departments and the public.

Section 31.

Part 1. The purchasing agent shall purchase and contract for all materials or supplies for all departments of the city, subject to approval by the mayor. He shall make no purchase of material or supplies, except in cases of extreme emergency, exceeding in cost a sum of fifty dollars (\$50.00) without first calling for bids thereon by public advertisement, and allowing a period of not less than forty-eight (48) hours to elapse between the time of calling for bids and the closing thereof. The entire unit of quantity specified by requisition shall first be submitted to competitive bids when the purchase price amounts to or exceeds the sum of fifty dollars (\$50.00). No splitting of a requisition to avoid calling for bids as specified in this section shall be lawful, unless in cases of extreme emergency, or after failure to obtain a competitive bid for the entire unit of quantity called for in the requisition. The mayor shall be the sole authority to determine a case of extreme emergency, under the provisions of this section, and the purchasing agent shall not purchase any material or supplies otherwise than as provided in this section without first obtaining the approval of the mayor in writing. The mayor shall approve all contracts for the purchase of material and supplies by the mayor before the same shall be considered accepted by the city.

Part 2. The heads of the several departments of the city for which purchases of material or supplies have been made by the purchasing agent shall not be compelled to accept delivery of said purchases if in the judgment of the head of the department the same are not up to the standard of weight, quantity or quality as specified in the original requisition, or excessive in price. They may appeal to the mayor whose decision as to acceptance or rejection shall be final. No requisition shall specify a particular trademark or brand of material or supplies, the effect of which would be to prevent or stifle competitive bidding in accordance with the provisions of this section. All invoices for materials or supplies shall show the date of purchase, date of delivery, the unit of price, the quality and quantity of articles purchased and received, the number and date of the order for purchase and, if the purchase is under contract, the number and date of the contract, and shall be entered in full in an invoice book which shall always be open to public inspection. The purchasing agent shall sell or dispose of the personal property of the city by public advertisement and competitive bid upon recommendation of the mayor and of the head of the department to which such property belongs, except the products of the Chelmsford Street Hospital, which the superintendent of charities shall have the right to dispose of. Failure to conform strictly to the provisions of this section by the purchasing agent shall be deemed sufficient cause for his removal from office.

Section 32. All heads of departments, members of boards and commissions shall be sworn to the faithful discharge of their respective duties and certificates of their oaths shall be made and kept in the office of the city clerk. All heads of departments, boards and commissions shall keep a record of their official transactions, and such records shall be open to public inspection.

Section 33. All heads of departments and members of boards and commissions shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training or experience to perform the same and, except the election commissioners who shall be appointed subject to the provisions of existing laws, shall be appointed without regard to party affiliation. In making such appointments the mayor shall sign a certificate in the following form:

CERTIFICATE OF APPOINTMENT.

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion he is a recognized expert in the work which will devolve upon him, and that I make the appointment solely in the interest of the city.

Mayor.

Or, in the following form, as the case may be:

CERTIFICATE OF APPOINTMENT.

I appoint (name of appointee) to the position of (name of office), and I certify that in my opinion he is a person specially fitted by education, training or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.

Mayor.

The certificate shall be filed with the city clerk.

Section 34. Every head of a department and all members of boards and commissions may appear before the city council, and at the request of the city council shall appear before it, and give information in relation to anything connected with the duties of their respective departments and shall have the right to speak upon all matters under consideration affecting the same.

Section 35. The mayor shall require the city treasurer and collector of taxes to give bond in the amount of fifty thousand dollars (\$50,000.00), the city auditor to give bond in the amount of ten thousand dollars (\$10,000.00) and the purchasing agent to give bond in the amount of five thousand dollars (\$5,000.00), within fifteen (15) days from the date of their appointment or confirmation, and with such surety or sureties as the mayor shall deem proper conditioned on the faithful discharge of their respective duties, and may require any other municipal officer entrusted with the receipt, care or disbursement of money to give such a bond. The premium on said bonds shall be paid by the city. No city money shall be deposited in any national bank or trust company of which the treasurer of said city is an officer, director or agent, and no part of the sinking fund of said city shall be deposited in any national bank or trust company of which any member of the board of sinking fund commissioners is an officer, director or agent.

Section 36.

Part 1. The mayor shall have the power to suspend or remove from office any administrative head of a department or any member or members of boards or commissions for cause which in his judgment he may deem sufficient, and shall file with the city council, through the city clerk, his reasons therefor. The administrative head of a department or any member or members of boards or commissions suspended or removed by the mayor, may, within forty-eight (48) hours after said notice of suspension or removal has been received, file with the city clerk a demand for a public hearing before the city council, and shall be privileged to be represented by counsel and present witnesses at said hearing.

Part 2. If, after a hearing, the city council shall by a two-thirds vote of all its members vote to reinstate the officer so suspended or removed, the order of suspension or removal shall be invalid. The city council may by a two-thirds vote of all its members, but only after granting a public hearing, suspend or remove from office, without the consent of the mayor, each and every administrative head of a department, or any member or members of boards or commissions for such cause as the city council voting, by yeas and nays, may in its judgment deem sufficient. Section five of chapter one hundred and thirty-eight of the General Laws, insofar as conflicting with this section, shall not apply to the city of Lowell. This section shall not apply to members of the school committee or its administrative offices. Suspension or removal from office of the sealer of weights and measures, the moth superintendent or the inspector of milk and vinegar shall be made in accordance with the civil service laws and rules.

Section 37. The city council may at any time request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one (1) week from the date of the receipt of said questions, in which case the mayor shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council, in person or through the head of a department or a member of a board, upon such subject as he may desire.

Section 38. Administrative heads of departments, boards and commissions shall have the power to appoint and employ and to suspend or discharge all subordinate officers and employees in their respective departments, subject to civil service regulations, and laws relating thereto, and shall cause to be kept in their respective departments a record subject to public inspection of all persons appointed or employed therein, and of all persons suspended or discharged, and in case of suspension or discharge the reason therefor; provided, however, that subordinate officers and employees of the police and fire departments may appeal to the city council for a hearing within forty-eight hours after notice of suspension or removal, and the city council may, after a hearing and by a two-

thirds vote of all its members, revoke said order of suspension or removal, and reinstate any officer or employee suspended or removed by the administrative head of the police or fire department.

Section 39. The city council shall not directly or indirectly take part in the employment of labor, the purchase of material, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the expenditure of public money, or in the conduct of the executive or administrative business of the city, except as may be necessary for defraying the contingent and incidental expenses of the city council, nor shall it take part in the making of contracts.

Section 40. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability shall be incurred by or on behalf of the city until the city council has duly and legally voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, except in cases of extreme emergency involving the health or safety of persons or property, and then only after a two-thirds vote of the city council approved by the mayor; and provided, that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities may be incurred during said interval not to exceed in any month the sum expended for similar purposes during any one (1) month of the preceding year. Nothing herein contained shall be construed to restrict or limit the school committee in any expenditure which it is now or may be hereafter legally authorized to make under any general law of the commonwealth, or to restrict or limit payments on account of the permanent or temporary debt, or such as are required by law to be made to the commonwealth.

Section 41. All appropriations or loans shall be made in accordance with the provisions of chapter forty-four of the General Laws. The vote of the city council thereon shall be taken by yeas and nays. All meetings of the council shall be public.

Section 42.

Part 1. Every proposed ordinance or loan order except emergency measures, as hereinafter defined, shall at least seven (7) days before its final passage be published once in full in at least one (1) newspaper of the city, and in any additional manner that may be provided for by ordinance. If amended, it shall be treated as a new resolution and published again as amended.

Part 2. No ordinance, resolution or loan order shall be considered by the council as an emergency measure unless accompanied by a statement of the emergency from the head of the department, board or commission from which it emanates, and supplemented by a

written certification from the mayor, that an emergency involving the health or safety of the people or the financial credit of the city exists.

Part 3. No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure; and except as provided in chapter one hundred and sixty-six and sections seventy and seventy-one of chapter one hundred and sixty-four of the General Laws, no such grant, renewal or extension shall be made otherwise than by ordinance.

Part 4. No ordinance, order or resolution, except an emergency measure, shall be passed through all its stages of legislation at one (1) session, nor within seven (7) days after it is first presented to the city council.

Section 43.

Part 1. All executive powers which are now by law vested in the municipal council of the city of Lowell shall hereafter be vested in and exercised by the mayor of said city except as otherwise provided herein.

Part 2. The mayor may suspend or remove from office the administrative head of any department, or any member or members of boards or commissions in accordance with section thirty-six of this act, and may make nominations and temporary or permanent appointments as hereinafter provided.

Temporary appointments may be made by the mayor, without confirmation by the city council, to any administrative office, board or commission made vacant by resignation, death, suspension or removal from office either by the mayor or the city council, or by any other cause, of the administrative head of any department or of any member or members of boards or commissions.

Part 3. Said temporary appointments, in case of a suspension or removal, shall be in effect only for the period of time allowed for the filing of notice of demand for and during a public hearing before the city council, and pending a decision thereon, or in other cases pending confirmation by the city council of a permanent nomination.

Part 4. All nominations made by the mayor that are subject to confirmation by the city council to fill expired or unexpired terms of office shall be considered by the city council, and confirmation or rejection of said nominations shall be acted upon within a period of thirty (30) days. If no action is taken by the city council within said period, the mayor shall withdraw said nomination, and file another nomination either of the person first nominated, or of a different person; provided, however, that the mayor shall not nominate any person more than twice in the same year for the same office.

Part 5. Every order, ordinance, resolution or vote adopted or passed by the city council relative to the affairs of the city, except the budget submitted by the mayor and

votes upon questions of confirmation of nominations made by the mayor or votes directing heads of departments, members of boards or commissions to appear before the city council, shall be presented to the mayor for his approval. If he approves it, he shall sign it; if he disapproves it, he may return it with his objections thereto in writing to the city council, which shall enter his objections at large upon its records, and again consider it; but if he fails to return it to the council with his written objections within ten (10) days after it was presented to him, then it shall be deemed approved and be in force without further action. If the city council notwithstanding the written disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds yea and nay vote of its entire membership, it shall then be in force, but the vote thereon shall be taken within thirty (30) days from the date of its return to the city council. Failure to act upon any order, ordinance, resolution or vote returned by the mayor with his objection thereto in writing by the city council within a period of thirty (30) days shall make valid the objection of the mayor, and said order, ordinance, resolution or vote shall not be in force. Filing by the mayor with the clerk of the city council of his objections in writing to any order, ordinance, resolution or vote shall be considered as filing with the city council for the purposes of this section.

Part 6. No increase in the salary or wages of any subordinate official or employee in any department of the city shall take effect unless approved by the mayor.

Part 7. At the beginning of each municipal year but not later than sixty (60) days thereafter, the mayor shall make and transmit to the city council a budget of the expenditures required for the year. Such budget shall be framed and itemized so as to show separately the amounts required by each department, office, board, commission or subdivision of the government, in a manner not inconsistent with the General Laws. The amounts required for labor shall, when practicable, be stated separately from those for materials and supplies. Such budget shall be in such form as to show in parallel columns, opposite each item, the corresponding amount paid for the previous year, and the amount thereof unexpended at the close of such year. The mayor shall make or cause to be made, and shall transmit to the city council with the budget, an itemized estimate of the revenues of the year from all sources except taxation from real and personal property and polls; a statement of the balance unpaid at the close of the previous year on account of temporary and permanent loans, and the amount due, by financial years, as unpaid taxes on real and personal property and polls; an itemized statement of the debt with interest becoming due during the year; and the margin available for loans within the debt limit for the year. In all cases the finances of the water department shall be shown separately.

The city council shall consider the recommendations as submitted in the annual budget presented by the mayor, and make therefrom the annual appropriations for all departments of the city, and may reduce or reject any item, but, without the approval of the mayor, shall not increase any item in or the total of the budget, nor add any item thereto. If the city council fails to approve or disapprove any item in said budget, within thirty (30) days after its receipt, such item shall, without any council action, become a part of the budget for the year, and the sum named shall be available for the purpose designated.

Part 8. At the end of the municipal year the mayor shall cause a complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner provided for the publication of monthly statements, as provided in section forty-four.

Part 9. The civil service laws and regulations shall not apply to the appointment of the mayor's secretaries, or to the stenographers, clerks, telephone operators and messengers connected with the mayor's office, and the mayor may remove such appointees without a hearing, and without making a statement of the cause for their removal.

Part 10. If a vacancy occurs in the office of the mayor prior to the last six (6) months of his term, the city council shall order a special election to fill the same for the unexpired term; and if a vacancy occurs in said office during the last six (6) months of his term, the president of the council shall succeed thereto for the remainder of the term.

Part 11. If the mayor is absent or temporarily unable from any cause to perform his duties, they shall be performed by the president of the city council, who shall for the time being be designated "acting mayor," and shall possess the power of mayor only in matters not admitting of delay; and shall have no power to make permanent appointments. If the president of the city council is also absent, or unable to serve, the city council shall elect an acting mayor from its own membership. Should the administrative head of a department, or member of a board or commission, be temporarily unable for any cause to perform his duties, the mayor may designate, without confirmation by the city council, a temporary appointee until such official shall resume his duties.

Section 44. The city auditor shall each month have printed in pamphlet form a statement of all cash receipts and expenditures of the city during the preceding month, and of all bills and accounts owed by the city at the end of the preceding month, in such a manner as to show the gross monthly revenue, and expense of each department, and shall furnish copies thereof to the public library, to the newspapers published in said city, and to persons who shall apply therefor at his office. The provisions of this section shall apply to the school department, and the school committee shall furnish the city auditor with such information, facts, figures and data as may be necessary to carry out the provisions of this section so far as it applies to the said department.

Section 45.

In addition to the duties prescribed by this act, by statute or by ordinance, it shall be the duty of the mayor and the city solicitor, or of some other person by them duly authorized, to appear and represent the city and the citizens before committees of the general court, the department of public utilities, or persons appointed to hear evidence in cases involving the price of gas, electricity, railroad or street railway fares, and so to all other matters affecting the public.

They shall make a report in writing to the city council of the business at each hearing, with such recommendations as a study of the conditions appears to them to warrant. Such report and recommendations shall be made at the meeting of the city council next following. The mayor and the city solicitor, or some person by them duly authorized, shall by vote of the council take such further action in said matters as the city council may authorize.

Section 46.

Part 1. All contracts for more than five hundred dollars (\$500.00) involving material or labor shall be awarded to the lowest responsible bidder, after competition and public advertisement in at least one (1) daily newspaper published in the city at least seven (7) days before the opening of bids.

Part 2. All advertisements shall be based upon plans and specifications furnished by the city, and shall state the amount and quality of the proposed work, and the requirements imposed by the city for the successful completion of the same.

Part 3. There shall be a clause inserted in all advertisements for contracts reserving the right to the city to reject any or all bids.

Part 4. All contracts shall be signed for the city by the administrative head of the department making the contract and by the mayor.

Section 47. The city council shall establish by ordinance the salary or compensation of every paid administrative head of a department. Any such salary or compensation shall be established or changed only at the time of the making of the budget appropriation. No increase in salary or compensation of any paid administrative head of a department, made after the acceptance of this act, shall be effective after the beginning of the fiscal year nineteen hundred and twenty-two.

Section 48. If a vacancy occurs among the city councillors elected at large, the city council by a majority vote shall immediately fill such vacancy for the unexpired term from the list of qualified voters of the city. If a vacancy occurs among the city councillors elected by wards, the city council by a majority vote shall immediately fill such vacancy for the unexpired term from the list of qualified voters of the ward in which the vacancy occurred. A person elected to fill any such vacancy shall before entering upon the duties of the office, take oath before the city clerk faithfully to perform the same.

Section 49. Less than a quorum of the city council and of the school committee may adjourn to a fixed day earlier than the next regular meeting, and shall have power to

compel the attendance of absent members, in such manner as the city council may by ordinance provide.

Section 50. The city treasurer and collector of taxes shall have printed upon the face of each tax bill a summary of the appropriations for which the tax levy is made, the same to be in such form as the city council by vote may determine.

Section 51.

Part 1. The management and control of the public schools of the city shall be vested in a school committee composed of nine (9) members, elected at large by and from the qualified voters of the whole city and in accordance with the provisions of this act, for the term of two (2) years from the first Monday of January following their election and until their successors are elected and qualified. Five (5) of its members shall constitute a quorum and its meetings shall be public. All final votes of the school committee involving the expenditure of fifty dollars (\$50.00) or over shall be by yeas and nays, and on request of one (1) member any vote shall be by yeas and nays, and shall be entered upon the records. The affirmative vote of at least five (5) members shall be necessary for the passage of any order, resolution or vote.

Part 2. The school committee shall meet for organization on the Tuesday next after the first Monday in January in each year, and on that day or so soon thereafter as may be, shall elect from their members a chairman, who shall, unless sooner removed, hold his office until the Tuesday next after the first Monday of the following January, and until his successor is elected and qualified. In the absence of the chairman so elected, a chairman for the time being shall be chosen. The school committee shall determine rules for its proceedings not inconsistent with this act or the general laws. The members of the school committee shall be sworn to the faithful discharge of their duties.

Part 3. Subject to chapter seventy-one of the General Laws, the school committee shall elect a superintendent of schools, and may under the laws regulating civil service appoint, suspend or remove at pleasure such subordinate officers or assistants, including janitors of school buildings, as it may deem necessary for the proper discharge of its duties, and the conduct of its business. It shall, subject to said chapter seventy-one, define their terms of service and their duties and shall fix their compensation. No member of the school committee shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable out of the city treasury.

Part 4. The school committee, in addition to the powers and duties pertaining by law to school committees, shall have power to provide, when necessary, temporary accommodations for school purposes, and shall have the control of all school buildings and of the grounds connected therewith.

Part 5. No site for a school building shall be acquired by the city unless its approval by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on such construction or alteration unless the approval of the school committee therefor is first obtained. Nothing herein contained shall require such approval for the making of ordinary repairs.

Part 6. If a vacancy occurs in the membership of the school committee, the city council and school committee sitting in joint convention and by a majority vote of said convention shall immediately fill said vacancy for the unexpired term from the list of the qualified voters of the city.

Section 52.

If a petition signed by a number of the voters of said city qualified to vote at city elections, equal to at least twenty-five (25) percent of the aggregate number of votes cast for candidates for mayor at the last preceding city election at which a mayor was elected, and requesting the city council to pass any measure therein set forth or described, except an order granted under chapters one hundred and sixty-four and one hundred and sixty-six of the General Laws, shall be filed in the office of the city clerk, the city council, provided said measure is one which it has a legal right to pass, shall (a) Pass said measure without alteration within twenty (20) days after the attachment of the election commission's certificate of sufficiency to such petition, or (b) Forthwith, after the expiration of twenty (20) days following the attachment of the said certificate of sufficiency, call a special election unless a biennial city election is to be held within ninety (90) days after the attachment of such certificate, and at such special or biennial election, submit said measure without alteration to the voters of the city qualified as aforesaid. The date of said election shall be fixed by the city council which shall be not less than forty (40) nor more than fifty (50) days after the date when the petition was presented by the election commission to the city council.

If, however, a petition like the above described petition, and signed by a number of qualified voters equal to at least ten (10) percent but less than twenty (20) percent of the aggregate number of votes cast as aforesaid, is filed as aforesaid, the city council shall (c) Pass the measure therein set forth or described without alteration, within twenty (20) days after such attachment of the certificate of sufficiency, or (d) Submit the same to the qualified voters of the city at the next biennial city election.

The vote upon the said measure at a biennial city election or at a special election taken by ballot in answer to the question "Shall the measure (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed measure shall vote in favor thereof, it shall thereupon become a valid and binding measure of the city; and no such measure passed as aforesaid by the municipal council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such biennial city election or

special election, shall be repealed or amended, except by the qualified voters of the city at a biennial city election.

Any number of measures requested by petition as aforesaid may be voted upon at the same election, in accordance with the provisions of this section. The city council may submit a proposition for the repeal of any such measure or for amendment thereof, to be voted upon at any succeeding biennial city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, the measure shall thereby be repealed or amended accordingly. The vote upon such repeal or amendment at the biennial city election shall be taken by ballot in answer to the question "Shall the measure (stating the nature of the same) be repealed or amended (stating the nature of the amendment)?" which shall be printed on the ballots after the list of candidates if there be any. Whenever any such measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the daily newspapers published in said city, such publication to be not more than twenty (20) nor less than five (5) days before the submission of the measure or proposition to be voted upon. Petitions under the provision of this section may consist of one (1) or more distinct papers. In each of such papers, the measure, the passage of which is requested, shall be set forth or described, and all such papers filed in any one (1) day in the office of the city clerk shall be deemed to be part of the same petition. Such petition shall be signed, sworn to as to signatures, examined, re-examined and presented to the city council, and shall have the election commission's certificate of sufficiency or insufficiency attached thereto. If from the election commission's certificate the petition appears not to be signed by the requisite number of voters, it may be supplemented within ten (10) days after the date of such certificate, by other papers signed and sworn to as aforesaid, and all other papers containing a like demand and statement, and signed and sworn to as aforesaid, shall be deemed supplemental to the original petition. The election commission shall, within ten (10) days after the expiration of the time allowed for the filing the supplementary petition, make a like examination of such petition if any is filed and shall attach thereto a new certificate, and if it appears from such new certificate that the petition is still insufficient as to the number of signers as aforesaid it shall be returned to the person or persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. Any measure passed under the provisions of this section by the city council or by the voters may prescribe such penalties for its violation as the city council might prescribe in passing a similar measure.

Section 53.

If, during the ten (10) days, or in case of granting, renewing or extending any general franchise or general right to occupy or use the streets, highways, bridges or public places of the city, thirty (30) days, next following the passage of any measure by the city council, except an order, resolution or vote for the immediate preservation of the public health, safety, or financial credit of the city as provided in section forty-two, and except an order granted under chapters one hundred and sixty-four and one hundred and sixty-six of the General Laws, a petition signed by a number of voters of said city qualified to

vote at city elections equal to at least twenty-five (25) percent of the aggregate number of votes cast for candidates for mayor at the last preceding city election at which a mayor was elected, and protesting against the passage of such measure, shall be filed in the office of the city clerk, the operation of such measure shall be suspended, and it shall be the duty of the city council to reconsider the same; and if it is not wholly repealed, the city council shall submit it as is provided in subdivision (b) of section fifty-two, to the qualified voters of the city, and the said measure shall not go into effect or become operative unless a majority of the voters qualified as aforesaid voting on the same shall vote in favor thereof. The vote upon such measure at a biennial or special city election shall be taken by ballot in answer to the question "Shall the measure (stating the nature of the same) take effect?" which shall be printed on the ballot after the list of candidates if there be any. Whenever any such measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the daily newspapers published in said city, said publication to be not more than twenty (20) nor less than five (5) days before the submission of the measure or proposition to be voted on.

In each of such papers the measure, the passage of which is protested, shall be set forth as described, and all such papers filed in any one (1) day shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, presented to the municipal council, shall have the election commission's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section fifty-two.

Section 54. It shall not be necessary for the validity of any petition or statement provided for or required by the provisions of this act that any signer thereof add to his signature any residence other than the name of the street and the street number, if there be any, at which he resided on the previous first day of April.

Section 55. All special acts and parts of special acts inconsistent herewith are hereby repealed, and no general act or part of a general act inconsistent herewith shall hereafter apply to the city of Lowell; provided, however, that such repeal shall not affect any act done or any right accruing or accrued or established or any suit or proceeding begun in any civil case before the time when the repeal takes effect, and that no offense committed and no penalty or forfeiture incurred under the acts or parts of acts hereby repealed, shall be affected by such repeal; and provided also, that all persons who at the time when said repeal takes effect shall hold any office under said act, shall continue to hold the same, except as otherwise provided herein; and provided, further, that all by-laws and ordinances of the city of Lowell in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in office, except as otherwise provided herein.

Section 56. When a legal holiday shall fall on the first Monday of January, the government of the city of Lowell for that municipal year shall begin at ten o'clock of the forenoon of the next business day.

Section 57. This act shall be submitted to the qualified voters of the city of Lowell at a special election to be held on the third Tuesday of October in the current year, in answer to the question, which shall be placed upon the official ballot: "Shall an act passed by the general court in the year nineteen hundred and twenty-one, entitled 'An Act to amend the charter of the city of Lowell', be accepted?" And the affirmative votes of a majority voting thereon shall be required for its acceptance. If so accepted, it shall thereupon take effect for the regular city election to be held on the second Tuesday of the following December and for the preliminary election for nominations to be held on the third Tuesday preceding the aforesaid city election, for the statement of candidates and petitions accompanying statement of candidates to be filed by persons whose names are to be printed on the official ballot to be used at such preliminary election, for the election of political committees, and for all things which appertain and relate to said regular city election, preliminary election, statements of candidates, petitions accompanying said statements, and election of political committees; and it shall take effect for all other purposes at ten o'clock in the forenoon of the first Monday of January, nineteen hundred and seventy-two.

Approved May 11, 1921