

## **Chapter C**

### **CHARTER**

#### **§ 1. Definitions**

The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

"Officer", "officers" and "administrative officers", when used without further qualification or description, any person or persons in charge of any department or division of the city. The said words when used in contrast with a board or members of a board, or with division heads, shall mean any of the persons in sole charge of a department of the city.

"Ordinance", a vote or order of the city council entitled "ordinance" and designed for the permanent regulation of any matter within the jurisdiction of the city council as laid down in this chapter.

"Plan A", a city government and legislative body composed of the mayor and a city council, the councillors being elected at large.

"Plan B", a city government and legislative body composed of a mayor and city council, the councillors being elected partly at large and partly from districts or wards of the city.

"Plan C", a city government and legislative body composed of a mayor and commissioners as hereinafter specified.

"Plan D", a city government and legislative body, to be known as the city council, composed of seven or nine members, one of whom shall be mayor and shall be the official head of the city, and an administrative officer, called the city manager.

"Plan E", a city government and legislative body, to be known as the city council, composed of seven or nine members, one of whom shall be elected as mayor by and from such members and shall be the official head of the city, and an administrative officer, called the city manager; the members of the city council and the elective members of the school committee to be elected at large by proportional representation.

"Plan F", a city government and legislative body composed of a mayor and a city council, the councillors being elected partly at large and partly from wards of the city, with the mayor and city councillors to be nominated in party primaries.

"An optional plan of a city council and a school committee organization in certain large cities", a legislative body, to be known as the city council, composed of at least nine members or a school committee composed of at least nine members, or both, elected from equally populous districts and one member of the city council or of the school committee elected at large for every one hundred and twenty thousand residents of the city in excess of one hundred and fifty thousand residents, notwithstanding its plan of government or charter.

"Elected at large", elected by and from all the voters of the city.

"Proportional representation", any proportional representation method of election authorized by sections ninety-three to one hundred and sixteen, inclusive.

"Regular municipal election", the annual or biennial election of municipal officers for which provision is made in this chapter.

## **§ 2. Authorization to adopt a plan of government**

Any city, except Boston, which shall adopt, in the manner hereinafter prescribed, one of the plans of government provided in this chapter shall thereafter be governed by the provisions thereof; and the inhabitants of such city shall continue to be a municipal corporation under the name existing at the time of such adoption, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties, liabilities and obligations provided for in this chapter, or otherwise pertaining to or incumbent upon said city as a municipal corporation; provided, however, that sections one hundred and twenty-eight to one hundred and thirty-four, inclusive, shall apply to all cities of one hundred and fifty thousand or more inhabitants, as enumerated by the most recent federal decennial census except any city which has adopted the Plan E method of city government.

## **§ 3. Effect of chapter on legislative powers of cities**

None of the legislative powers of a city shall be abridged or impaired by this chapter; but all such legislative powers shall be possessed and exercised by such body as shall be the legislative body of the city under this chapter.

## **§ 4. Effect of adoption of governmental plan on ordinances, etc.**

Ordinances, resolutions, orders or other regulations of a city or of any authorized body or official thereof, existing at the time when such city adopts a plan of government set forth in this chapter, shall continue in full force and effect until repealed, modified or superseded.

## **§ 5. Existing organization to continue until superseded**

Until superseded under this chapter, the organization of the executive and administrative departments, and the powers and duties of the officers and employees of any city adopting any of the plans provided for in this chapter, and the fiscal year of such city shall remain as constituted at the time of the adoption of such plan; but the city council or other legislative body may at any time by ordinance, consistent with general laws, reorganize, consolidate or abolish departments, in whole or in part; transfer the duties, powers and appropriations of one department to another, in whole or in part; establish new departments; and increase, reduce, establish or abolish salaries of heads of departments or members of boards. This section shall not authorize any action in conflict with chapter thirty-one.

This section shall not authorize the city council in any city which adopts Plan D or E to take any action to accomplish any result not contemplated by the provisions of the said plans.

## **§ 6. Wards, number and boundaries to continue until changed under law**

The territory of a city adopting any of the plans of government provided for in this chapter shall continue to be divided into the same number of wards existing at the time of such adoption, which shall retain their boundaries until changed in accordance with general law.

**§ 7. Adoption of plan; filing of petition calling for vote**

A petition addressed to the city council, signed by qualified voters of the city to a number equal at least to ten per cent of the registered voters at the state election next preceding the filing of the petition and in the form provided in section eight may be filed with the city clerk who shall forthwith transmit the same to the registrars of voters, who shall within sixty days certify the signatures thereon in accordance with the provisions of law and return the petition to the city clerk.

The petition shall be filed with the city clerk at least one hundred and forty days before the date of the election at which the question proposed by the petition is to be submitted to a vote of the voters.

**§ 8. Adoption of plan; form of petition**

The petition shall be substantially in the following form:

*To the city council of the city of*

We the undersigned, qualified voters of the city, respectfully petition your honorable body to cause to be submitted to a vote of the voters the following question: — "Shall the city of adopt the form of government defined as Plan (A, B, C, D, E or F, as it is desired by petitioners), and consisting of (describe plan briefly, as government by a mayor and nine councillors elected at large; or government by a mayor and councillors elected partly at large and partly from wards or districts; or government by five commissioners, one of whom shall be the mayor; or government by a city council, one member of which shall be the mayor, and having a city manager; or government by a city council to be elected at large by proportional representation, one member of which shall be the mayor, and having a city manager; or government by a mayor and councillors elected partly at large and partly from wards or districts with the mayor and city councillors to be nominated in party primaries and elected in party elections, as the case may be), with elections to be held (in the case of Plan A, B, or C, annually, or biennially in every odd numbered year, as it is desired by petitioners, or, in the case of Plan D, E or F, biennially in every odd numbered year) (and in the case of Plan F) and the mayor and the members of the city council to receive for their services such salary, not exceeding (in the case of a city having a population of less than fifty thousand, \$15,000 annually, or, in the case of a city having a population of fifty thousand or more, \$20,000 annually) for the mayor and (in the case of a city having a population of less than fifty thousand, \$2,000 annually, or, in the case of a city having a population of fifty thousand or more, \$3,000 annually) for a member of the city council, as the city council may by ordinance determine, according to chapter forty-three of the General Laws relating to city charters?"

The petition may be in the form of separate sheets, each sheet containing at the top thereof the heading above set forth, and when attached together and offered for filing the several papers shall be deemed to constitute one petition, and there shall be endorsed thereon the name and address of the person presenting the same for filing.

**§ 9. Plan A, B, C, D or E; proceeding after filing of petition; submission to electorate**

In the case of a petition for the adoption of Plan A, B, C, D or E, within seventy days after the petition has been filed with him by the petitioners the city clerk shall, except as provided in section ten, transmit a certified copy thereof to the city council, except that the signatures

upon the petition need not be copied but in place thereof the city clerk shall state the number of signatures of registered voters thereon, certified as such by the registrars of voters. If any question arises as to the validity or sufficiency of the petition or of the signatures thereon, any registered voter of the city may appeal for a determination of said question to the applicable board referred to in section twelve of chapter fifty-three, by filing a notice of such appeal with the city council and with the clerk of the board of registrars of voters within eighty days after the date the petition was filed with the city clerk by the petitioners, and the board so appealed to shall within thirty days render a decision thereon. The board shall submit notice of its decision forthwith to the city council.

Any person aggrieved by the decision of the board under this section may appeal to the superior court sitting in equity, for the county in which the city is located; provided, that such appeal is filed in said court within ten days after such decision is rendered. It shall hear all pertinent evidence and determine the facts and, upon the facts as so determined, annul such decision if found to be erroneous in law or not warranted by the evidence, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases.

No costs shall be allowed against the board unless the court finds that it acted with gross negligence or in bad faith.

Within ten days after the expiration of said period of eighty days, if no appeal has been taken, or after receipt of a decision on any appeal in favor of the validity or sufficiency of such petition or signatures, as the case may be, the city council shall, unless the number of valid signatures certified to it is found to be less than the number required by section seven, transmit such certified copy to the city clerk. If said certified copy is so transmitted to the city clerk at least thirty days before the regular city election, the question proposed by the petition shall be submitted upon the official ballot to a vote of the registered voters of the city at said regular city election, otherwise it shall be submitted at the regular city election next following the aforesaid election.

#### **§ 9A. Repealed, 1961, 146, Sec. 2**

#### **§ 9B. Plan F; proceeding after filing of petition; submission to electorate**

In the case of a petition for the adoption of Plan F, within seventy days after such petition has been filed with him by the petitioners, the city clerk shall, except as provided in section ten, transmit a certified copy thereof to the city council, except that the signatures upon the petition need not be copied but in place thereof the city clerk shall state the number of signatures of registered voters thereon, certified as such by the registrars of voters or the election commission.

If any question arises as to the validity or sufficiency of the petition or of the signatures thereon, any registered voter of the city may appeal to the state ballot law commission for a determination of said question, by filing a notice of such appeal with the city council and with the clerk of the election commission or the board of registrars of voters within eighty days after the date the petition was filed with the city clerk by the petitioners, and the state ballot law commission shall give such petitioner a hearing on said question and shall within thirty days render a decision thereon. Said commission shall submit notice of its decision forthwith to the city council.

Any person aggrieved by the decision of the state ballot law commission may appeal to the superior court sitting in equity for the county in which the city is located; provided, that such

appeal is filed in said court ten days after such decision is rendered. The court shall hear all pertinent evidence and determine the facts and, upon the facts as so determined, annul such decision if found to be erroneous in law or not warranted by the evidence, or make such other decree as justice and equity may require.

Within ten days after the expiration of said period of eighty days, if no appeal has been taken, or after receipt of a decision on any appeal in favor of the validity or sufficiency of such petition or signatures, as the case may be, the city council shall, unless the number of valid signatures certified to it is found to be less than the number required by section seven, transmit such certified copy to the city clerk. If the said certified copy is so transmitted to the city clerk at least thirty days before the regular city election in the odd year, the question proposed by the petitioner shall be submitted upon the official ballot to a vote of the registered voters of the city at said regular city election; otherwise the city clerk shall forthwith transmit such certified copy to the state secretary who shall cause it to be placed upon the official ballot for use in said city at the state election in the even year, next following the aforesaid city election.

If the said certified copy is so transmitted to the city clerk and then transmitted by him to the state secretary at least sixty days before the regular state election in the even year, the question proposed by the petitioner shall be caused to be placed by the state secretary upon the official ballot for use in said city at the state election in the even year; otherwise, the city clerk shall cause it to be placed upon the official ballot for use in said city at the regular city election in the odd year, next following the aforesaid state election.

#### **§ 10. Number of plans considered at election; procedure on subsequent petitions**

The question of the adoption of not more than one plan may be submitted at an election. If, pending the determination of the question proposed by petition already filed, another petition presenting the question of the adoption of a different plan shall be presented for filing with the city clerk, no action shall be taken upon the later petition, except to file it, until after the submission to a vote of the question proposed by the earlier petition. Should the result of such vote be adverse thereto, proceedings shall then be had upon the later petition as though it had been filed upon the day when such vote on the earlier petition was cast.

If, pending the determination of the question proposed by a petition already filed under chapter fifty-four A, a petition presenting the question of the adoption of one of the plans provided for in this chapter shall be presented for filing with the city clerk, no action shall be taken upon the later petition, except to file it, until after the submission to a vote of the question proposed by the petition under said chapter fifty-four A. Should the result of such vote be adverse thereto, proceedings shall then be had upon the later petition as though it had been filed upon the day when such vote on the petition under said chapter fifty-four A was cast.

#### **§ 11. Majority vote required for adoption of plan; effect of adoption; election of officers**

If a majority of the total number of votes cast at a regular city election for and against the adoption of one of the plans of government provided for in this chapter shall be in favor of its adoption, this chapter, so far as applicable to the form of government under the plan adopted by the city, shall supersede the provisions of its charter and of the general and special laws relating thereto and inconsistent herewith, but not, however, until officers provided for under such plan shall have been duly elected and their terms of office shall have begun. The officers provided for under the plan so adopted shall be elected in accordance with the provisions of this chapter

relating to such plan and in accordance with section fifteen, and their terms of office shall begin at ten o'clock in the forenoon of the first Monday of January following their election.

### **§ 12. Petition for other plans after unfavorable election**

Should a majority of the votes cast be against the adoption of the plan proposed, no petition proposing the same plan shall be filed within four years thereafter; but a petition proposing the adoption of one of the other plans provided for in this chapter may be filed at any time thereafter, and, subject to section ten, proceedings thereon shall be had as though no prior petition under this chapter had been filed.

### **§ 13. Duration of plan adopted**

Should any plan provided for in this chapter be adopted, it shall continue in force for at least four years from the beginning of the terms of office of the officials elected thereunder; and no petition proposing a different plan shall be filed until after three years and six months from such adoption.

### **§ 14. Officials to expedite transition to adopted plan**

The mayor, the aldermen and the common council, the city council or other legislative body, and the city clerk in office when any plan set forth in this chapter has been adopted, or is proposed for adoption, shall comply with all requirements of this chapter relating to such proposed adoption and to the election of the officers specified in said plan, in order that all things necessary for the nomination and election of the officers first to be elected under the provisions of this chapter and of the plan so adopted may be done.

### **§ 15. Dates of elections under adopted plan; municipal year defined**

After the adoption by any city of any plan provided for by this chapter

- (a) If the plan adopted provides for annual elections, regular municipal elections under said plan shall take place in the year following its adoption, and thereafter, on the Tuesday next following the first Monday of December in each year; provided, that if said city accepts or has accepted section one hundred and three A of chapter fifty-four all regular municipal elections under such plan following such acceptance shall take place on the third Tuesday of December in each year;
- (b) If the plan adopted provides for elections to be held biennially in every even-numbered year, the regular municipal election next succeeding the adoption of such plan shall take place on the Tuesday following the first Monday of December in the even-numbered year next succeeding the year of its adoption, and regular municipal elections thereafter shall take place on the Tuesday next following the first Monday of December in every even-numbered year; provided, that in any such city which accepts or has accepted said section one hundred and three A all regular municipal elections under said plan following such acceptance shall take place biennially on the third Tuesday of December in every even-numbered year; and
- (c) If the plan adopted provides for elections to be held biennially in every odd-numbered year, the first regular municipal election following its adoption shall take place in the odd-numbered year next succeeding the year of its adoption on the day fixed for the holding of

such elections under the laws in effect in such city immediately prior to such adoption, and regular municipal elections thereafter shall take place in every odd-numbered year on the day fixed as aforesaid; provided, that in any city which adopts Plan E all regular municipal elections shall take place as provided in section one hundred and nine.

In each city adopting any plan provided for by this chapter, the municipal year shall begin and end at ten o'clock in the morning of the first Monday of January in each year.

#### **§ 16. Primaries and caucuses prohibited**

No primary or caucus for municipal officers shall be held, except in a city under Plan F. Candidates for mayor, city council and school committee, and assessors, if elected by the people, shall, except in a city under Plan F, be nominated in accordance with section six of chapter fifty-three.

#### **§ 16A. Plan F; primaries and caucuses**

The city primary and election under Plan F shall, except as otherwise provided in this chapter, be conducted under the provisions of the statutes of the commonwealth relating to party primaries and elections. The city primary shall be held on the sixth Tuesday preceding the regular city election. At said primary each political party shall place in nomination a candidate for mayor, six candidates for school committeeman, as many candidates for councillor-at-large as there are councillors-at-large to be elected, and a candidate for councillor from each ward of the city. There shall not be printed on the ballot at such city primary the name of any person as a candidate for nomination for the office of mayor, school committee, or city councillor, unless a certificate from the registrars of voters of the city wherein such person is a registered voter that he is enrolled as a member of the political party whose nomination he seeks is filed with the city clerk on or before the last day for filing nomination papers.

Nominations of candidates, other than party nominations for any offices to be filled at a city election may be made by nomination papers containing the name of the candidate, his residence with street and number, if any, the office for which he is nominated and the principle, if any, which he represents in not more than three words. If a candidate is nominated otherwise than by a political party, the name of a political party shall not be used in his political designation, nor shall the name of any organization which has been adjudicated subversive under section 18 of chapter 264, be used in his political designation.

Such nomination papers shall be signed in the aggregate by not less than such number of voters as will equal three per cent of the entire vote cast for governor at the preceding biennial state election in the electoral district or division for which the officers are to be elected, but in no event by less than fifty voters.

A nomination paper for city office shall be filed with the city clerk by a responsible person who shall sign his name and address. The written acceptance of the candidate shall be filed therewith.

Such independent nomination papers for city offices shall be filed not later than the last day fixed for the filing of party nomination papers for the city primaries.

#### **§ 17. Oath of office; time of taking**

On the first Monday in January following a regular municipal election, at ten o'clock in the forenoon, the mayor-elect if elected by the people, the councillors-elect, and the assessors-elect

if elected by the people, shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by a justice of the peace, and a certificate thereof shall be entered in the journal of the city council. At any regular council meeting thereafter the oath may be administered in the presence of the city council to the mayor, or to any councillor absent from the meeting on the first Monday in January; provided, that, under Plan E, the oath may be so administered to the mayor and vice-chairman at the same meeting at which they are respectively elected.

**§ 17A. Salaries of mayor, city manager and council**

The mayor or city manager and the members of the city council shall receive for their services such salary as the city council shall by ordinance determine, and they shall receive no other compensation from the city, except that a member of a city or town council in a municipality with a city or town council form of government may receive a salary for serving as a municipal employee of said municipality in lieu of receiving compensation for serving as a member of said council. No increase or reduction in the salaries of mayor or city councillors shall take effect during the year in which such increase or reduction is voted, and no change in such salaries shall be made between the election of a new council and the qualification of the new council. The provisions of this section shall not be applicable in a city under Plan F.

**§ 17B. Compensation of mayor and city council**

In a city under Plan F the mayor and the members of the city council shall receive for their services such salary as the city council shall by ordinance determine, and they shall receive no other compensation from the city. The compensation for the mayor shall not exceed fifteen thousand dollars annually in cities having a population of less than fifty thousand or twenty thousand dollars annually in cities having a population of fifty thousand or more. The compensation for city councillors shall not exceed two thousand dollars annually in cities having a population of less than fifty thousand, or three thousand dollars annually in cities having a population of fifty thousand or more.

**§ 17C. Four-year term for mayors in certain cities; acceptance by election; application of section**

Upon the filing with the city clerk of a petition, which petition shall be subject to the provisions of section seven or section seven A of chapter fifty-three, signed by at least five per cent of the number of registered voters residing in the city at the last regular city election, the city clerk shall place upon the ballot for the next regular city election to be held not less than sixty days after the date of the filing of such petitions the following question: —

YES.

"Shall the term of office of mayor of the city of \_\_\_\_\_ be four years?"

NO.



If a majority of the votes cast in answer to said question is in the affirmative, the term of office of the mayor of said city shall thereafter be for four years and until the election and qualification of his successor, beginning with the next regular city election following the acceptance of this question.

This section shall apply only in cities which have adopted Plan A, Plan B or Plan F under this chapter and in cities which have, under the provisions of any special act or any charter adopted under the provisions of Article LXXXIX of the Amendments to the Constitution, a mayor, as defined in subsection (a) of section ten of chapter forty-three B.

The provisions of this section shall be applicable notwithstanding the provisions of section eighteen of said chapter forty-three B. Nothing contained herein shall be construed to prevent the amendment of a city charter by any method available under said Article LXXXIX of the Amendments to the Constitution or under said chapter forty-three B.

**§ 17D. Two-year term for mayors in cities under Sec. 17C; acceptance by election**

In any city in which the term of office of mayor is four years under the provisions of section seventeen C, upon the filing with the city clerk of a petition, which petition shall be subject to the provisions of section seven or section seven A of chapter fifty-three, signed by at least five per cent of the number of registered voters residing in said city at the last regular city election, the city clerk shall place upon the ballot for the next regular city election to be held not less than sixty days after the date of the filing of such petitions the following question: —

YES.

"Shall the term of office of mayor of the city of \_\_\_\_\_ be four years?"

NO.

If a majority of the votes cast in answer to said question is in the affirmative, the term of office of the mayor of said city shall thereafter be for two years and until the election and qualification of his successor, beginning with the next regular city election following the acceptance of this question.

**§ 18. City council; powers and duties**

Except as otherwise provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Every member of the council may vote on any question coming before it. 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, resolution or ordinance.
2. The city council shall, from time to time, establish rules for its proceedings. Regular and special meetings of the council shall be held at a time and place fixed by ordinance. Except as otherwise authorized by section twenty-three A of chapter thirty-nine, all sessions of the council shall be open to the public and to the press, and every matter coming before the council for action shall be put to a vote, the result of which shall be duly recorded. A full and accurate journal of the proceedings of the council shall be kept, and shall be open to the inspection of any registered voter of the city.

3. The council shall, by a majority vote, elect a city clerk to hold office for three years and until his successor is qualified. He shall have such powers and perform such duties as the council may prescribe, in addition to such duties as may be prescribed by law. He shall keep the records of the meetings of the council.

The person holding the office of city clerk at the time when any of the plans set forth in this chapter has been adopted by such city shall continue to hold office for the term for which he was elected and until his successor is qualified.

4. The council in any city adopting Plan D or E shall, by a majority vote, elect a city auditor to hold office for three years and until his successor is qualified. He shall keep and have charge of the accounts of the city and from time to time audit the books and accounts of all departments, commissions, boards and offices of the city, and shall have such other powers and perform such other duties as the council may prescribe, in addition to such duties as may be prescribed by law.

#### **§ 19. Duties of mayor or city manager; attendance at council meetings; disclosure of information**

The city council at any time may request from the mayor, or, under Plan D or E, from the city manager, specific information on any municipal matter within its jurisdiction, and may request him to be present to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the mayor, or, under Plan D or E, by the city manager, of said questions. The mayor, or, under Plan D or E, the city manager, shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor, or, under Plan D or E, the city manager, may attend and address the city council in person or through the head of a department, or a member of a board, upon any subject.

#### **§ 20. Passage of ordinances**

No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of two thirds of the members of the city council.

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 sections seventy and seventy-one of chapter one hundred and sixty-four and in chapter one hundred and sixty-six, no such grant, renewal or extension shall be made otherwise than by ordinance.

#### **§ 21. Amendments and repeals of ordinances**

No ordinance shall be amended or repealed except by an ordinance adopted in accordance with this chapter.

**§ 22. Ordinances, etc.; passage at one session**

Any ordinance, order or resolution may be passed through all its stages of legislation at one session, provided that no member of the council objects thereto; but if any member of the council objects, the measure shall be postponed for that meeting.

**§ 23. Ordinances; publication**

Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance, at least ten days before its final passage, provided, that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances, shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet, and if so published in full at least ten days before its final passage, said publication shall be deemed sufficient without the newspaper publication as herein required.

**§ 24. Adoption of plan; effect on obligations, taxes and legal acts**

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the city before its adoption of a plan provided by this chapter, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this chapter; and no legal act done by or in favor of the city shall be rendered invalid by its adoption of a plan provided by this chapter.

**§ 25. Employees in mayor's office not subject to civil service**

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

**§ 26. Vacancies in office of mayor or city council; acting mayor**

Except as otherwise provided in sections fifty A, fifty-nine A, eighty-six, one hundred and two and one hundred and twenty-one, if a vacancy occurs in the office of the mayor or city council before the last six months of the term of office, the city council shall order an election for a mayor or a member of the council to serve for the unexpired term; and if such vacancy occurs in the office of mayor in the last six months of the term, the president of the city council shall succeed to said office for the unexpired term. If the mayor is absent or unable from any cause temporarily to perform his duties they shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

Whenever, under Plan C, any councillor shall be temporarily unable for any cause to perform the duties of his office, the council may appoint one of its members to exercise his powers and perform his duties during such disability. Should an appointive officer of the city be temporarily

unable for any cause to perform his duties, the council or the mayor, having the power of original appointment, may make a temporary appointment of some person to act until such official resumes his duties.

**§ 27. Interest in public contracts by public employees prohibited; penalty**

No mayor or member of the city council or school committee and no officer or employee of the city shall directly or indirectly make a contract with the city, or receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person making or performing such contract, unless the mayor, such member, officer or employee, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of his interest in such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign such contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest, by the city clerk; provided, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

**§ 28. Repealed, 1984, 484, Sec. 42**

**§ 28A. Repealed, 1984, 484, Sec. 42**

**§ 29. Public contracts; form; required approvals; bond, etc.**

All contracts made by any department, board or commission where the amount involved is five thousand dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor under Plan A, B, C or F, or of the city manager under Plan D or E, and also of the officer or the head of the department or of the chairman of the board, as the case may be, making the contract is affixed thereto. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board or official having the matter in charge, or by a deposit of money, certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, if any, and the officer, department or board, as the case may be, making the contract, with the approval of the mayor under Plan A, B, C, D or F, or of the city manager under Plan E, affixed thereto. Any cash deposit or check payable to a city received as security for performance under this section may be deposited by said treasurer in any bank or trust company under a separate account to be known as a performance deposit account.

The provisions of this section shall be deemed to have been complied with on all purchases made under the provisions of sections twenty-two A and twenty-two B of chapter seven when one municipality acting on behalf of other municipalities complies with the provisions of this section, or when purchases are made from a vendor holding a contract with the commonwealth for the item or items being purchased.

### **§ 30. Purchase or taking of land**

At the request of any department, and with the approval of the mayor and city council under Plan A, B, C or F, or with the approval of the city manager and the city council under Plan D or E, the city council may, in the name of the city, purchase, or take by eminent domain, under chapter seventy-nine, any land within its limits for any municipal purpose, and, without the request of any department, but with like approval, the city council may, in the name of the city, purchase or take by eminent domain, under chapter seventy-nine, any land within its limits for the purpose of conveying the same, with or without consideration, to the commonwealth for the use of a regional community college. Whenever the price proposed to be paid for land for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years the land shall not be purchased, but shall be taken as aforesaid. No land shall be taken or purchased until an appropriation by loan or otherwise for the general purpose for which land is needed has been made by the city council, by a two thirds vote of all its members; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. All proceedings in the taking of land shall be under the advice of the law department, and a record thereof shall be kept by said department.

### **§ 31. School committee; membership; tenure**

The school committee shall consist of the mayor, who shall be the chairman, and six members elected at large. At the first regular municipal election held in any city after its adoption of one of the plans provided in this chapter, there shall be elected, except as provided in this section, two members to serve for one year, two for two years and two for three years, and annually thereafter there shall be elected two members to serve for three years. If the plan adopted provides for elections to be held biennially, there shall, except under Plan E or F, be elected at the first regular municipal election held under the provisions of such plan, three members to serve for two years and three members to serve for four years, and biennially thereafter three members to serve for four years. After the adoption of Plan E by a city, the six members other than the mayor shall be elected at large for terms of two years each by proportional representation as hereinafter provided.

### **§ 32. Superintendent of schools; election; appointment of other school employees.**

The school committee shall elect a superintendent of schools annually, except as provided in section forty-one of chapter seventy-one, and may, under chapter thirty-one, 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 define their terms of service and their duties, and shall fix their compensation. No member of the school committee shall, while a member thereof, hold any other office or position in the school department the salary or compensation for which is payable out of the city treasury. The committee shall organize annually on the first Monday in January, and shall elect one of its members as vice chairman, who shall preside at all meetings of the committee at which the mayor is not present.

**§ 33. School committee; powers and duties**

Except as otherwise provided in this chapter and subject to any laws which limit the amount of money that may be appropriated in any city for school purposes, the school committee, in addition to the powers and duties conferred and imposed by law on school committees, may provide, when necessary, temporary accommodations for school purposes, may make all repairs, the expenditures for which are made from the regular appropriation for the school department, shall have control of all school buildings and grounds connected therewith and shall make all reasonable rules and regulations, consistent with law, for the management of the public schools of the city and for conducting the business of the committee.

**§ 34. Location and erection of schools; approvals required**

No site for a school building shall be acquired by the city unless the approval of the site 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 the construction or alteration of a school building, unless with the approval of the school committee and the mayor under Plan A, B, C or F or with the approval of the school committee and the city manager under Plan D or E. The mayor or, in a city under Plan D or E, the city manager shall notify the school committee in writing prior to or at the time of each change in plans after work is begun. This section shall not require such approval for the making of ordinary repairs.

**§ 35. Open and public meetings; yea and nay vote**

All meetings of the school committee shall be open to the press and to the public, except as otherwise authorized by section twenty-three A of chapter thirty-nine. The vote on any particular measure shall be by yeas and nays, when requested by two members.

**§ 36. School committee; filling vacancies**

Except as provided in this section, if a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the first Monday in January following the next regular municipal election; and, if there would be a vacancy on said first Monday, it shall be filled at such regular municipal election for the balance of the unexpired term. The mayor, if present, shall preside at the convention.

Whenever under Plan E a vacancy occurs in the school committee by failure to elect, or otherwise, such vacancy shall be filled as provided in section one hundred and two.

**§ 37. Initiative petition; measure defined**

A petition conforming to the requirements hereinafter provided and requesting the city council to pass a measure, except an order granted under section seventy or seventy-one of chapter one hundred and sixty-four or chapter one hundred and sixty-six, 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 eight 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.

**§ 38. Initiative petitions; validity of signatures; objections**

Signatures to initiative petitions need not be all on one paper. The papers constituting a petition shall be filed in the office of the city clerk, with the endorsement thereon of the names and addresses of three persons designated as filing the same, but all the papers need not be filed at the same time. The petition shall be considered filed whenever the designated persons notify the board in writing that the filing is complete. Before receiving such notice, the registrars of voters may, but shall not be required to, certify signatures on the papers already filed. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

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

The city clerk shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to one or more of the persons designated on the petition as filing the same.

When such certificate has been so transmitted, said petition shall be deemed to be valid unless written objections are made thereto by a registered voter of the city within forty-eight hours after such certification by filing such objections with the city council or the school committee, and a copy thereof with the registrars of voters or the board or commission having similar duties. Section seven of chapter fifty-five B shall apply to such objections, and the board of registration of voters shall transmit a copy of its decision to the city council or school committee.

**§ 39. Initiative petition; passage and submission to electorate**

If any initiative petition is signed by registered voters equal in number to at least fifteen per cent of the whole number of registered voters:

- (1) the city council or the school committee shall, within twenty days after the date of the certificate of the registrars to that effect, pass said measure without alteration, subject to the referendum vote provided by this chapter, or
- (2) the city clerk shall call a special election to be held on a Tuesday fixed by said clerk not less than thirty nor more than forty-five days after the date of qualification, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election; provided, however, that if any city election is otherwise to occur within ninety days after the date of qualification, the city clerk may, at his discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

**§ 40. Proceedings if initiative petition not properly signed**

If an initiative petition is signed by registered voters equal in number to at least eight per cent but less than fifteen per cent of the total number of registered voters, and said measure is not passed without alteration within twenty days by the city council or the school committee, as provided in the preceding section, such proposed measure, without alteration, shall be submitted by the city clerk to a vote of the registered voters of the city at the next regular municipal election

which occurs at least thirty days after the date of qualification. As used in this section and section thirty-nine, "date of qualification" shall mean the twentieth day after the date of the certificate of the registrars, or the day on which the city council or school committee finally decides not to pass the measure without alteration, whichever day occurs first. A proposed measure under this section or section thirty-nine 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 measure, but not otherwise.

#### **§ 41. Contents of ballot for proposed measure**

The ballots used when voting upon a proposed measure under section thirty-nine or forty, or a measure or part thereof protested against under the following section, shall contain only a fair, concise summary of the measure, as determined by the city solicitor, which shall follow the question, "Do you approve of a measure summarized below?"

#### **§ 42. Referendum petition; effect on final passage**

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 percent of the total number of registered voters, and addressed to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, is filed with the city clerk, 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; and if such measure or part thereof is not entirely rescinded within twenty days after the date of the certificate of the registrars, the city clerk 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 not less than thirty days after said twentieth day, or at a special election which the city council may, in its discretion, call 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 thirty-eight 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 wherever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

#### **§ 43. Submission of proposed measure to voters**

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.

#### **§ 44. Measures with conflicting provisions**

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



**§ 44A. Preliminary elections; contents of notices**

In every city, governed on September first, nineteen hundred and twenty-two, by any plan provided by this chapter, which accepts sections forty-four A to forty-four G, inclusive, in the manner provided by section forty-four H, and in every city, except Boston, which, after said date adopts any such plan, except Plan E or F, in the manner provided in this chapter, the provisions of sections forty-four A to forty-four G, inclusive, shall apply. In such a city, on the fourth Tuesday preceding every regular or special city election, unless the mayor and aldermen fix an earlier day under section one hundred and three P of chapter fifty-four, there shall be held, except as otherwise provided in section forty-four G, a preliminary election for the purpose of nominating candidates therefor, and section sixteen shall not apply.

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 will be opened and when the polls will 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 forty-nine.

**§ 44B. Inclusion of name on ballot; prerequisites**

Except as otherwise provided in section forty-four G, 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 forty-four A to forty-four G, 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 forty-four C, the statement and petition therein described.

**§ 44C. Candidates for nomination; qualifications; 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 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

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 vote 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 day of, nineteen hundred and before me,  
(Signed) *Justice of the Peace, or (Notary Public).*

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, 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.

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.

**§ 44D. Official ballot; posting lists of candidates; drawing for position on ballot**

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 will aid 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 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.)

**§ 44E. Counting ballots; canvass of returns**

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.

**§ 44F. Determination of candidates for election**

The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall, except as provided by section forty-four G, 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; provided, however, that a person nominated at a preliminary election may withdraw his name from nomination by a request signed and duly acknowledged by him and filed with the city or town clerk within six days succeeding five o'clock in the afternoon of the day of holding such preliminary election. Such nominee shall be replaced by the candidate with the next highest number of votes in said preliminary, unless otherwise provided by the charter or by-laws of the city or town.

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 forty-four G, be the sole candidates for that office whose names may be printed on the official ballot.

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 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.

**§ 44G. Nomination of candidates; conditions making preliminary election 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 an office 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.

**§ 44H. Acceptance of sections dealing with preliminary elections; submission to electorate**

If, in a city governed on September first, nineteen hundred and twenty-two, by one of the plans provided by this chapter, there is filed with the city clerk, not later than one month before a regular city election, a petition conforming so far as possible to the provisions of sections eight and nine, requesting that such city accept the provisions of sections forty-four A to forty-four G, inclusive, and bearing the signatures of registered voters thereof, duly certified by the registrars of voters, to a number equal to at least ten per cent of the registered voters thereof at the biennial state election next preceding such filing, the following question shall be placed upon the official ballot to be used in such city at the next regular city election: — "Shall sections forty-four A to forty-four G, inclusive, of chapter forty-three of the General Laws, relative to the nomination by preliminary elections of candidates for elective municipal offices in cities governed under

a standard form of city charter, be accepted by the city of?" If a majority of the voters voting thereon in such city vote in the affirmative, said sections shall take effect therein.

#### **§ 45. Provisions applicable to adoption of any governmental plan**

Sections one to forty-four G, inclusive, shall, upon the adoption by any city of any of the plans hereinafter set forth, apply to the plan so adopted, except as is otherwise provided in such plan.

#### **§ 46. Plan A**

The method of city government provided for in the ten following sections shall be known as Plan A.

#### **§ 47. Effective date of plan**

Upon the adoption of Plan A, it shall become operative as provided in sections one to forty-five, inclusive.

#### **§ 48. Mayor as chief executive officer; term of office**

There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from the first Monday of January following his election, and until his successor is qualified.

#### **§ 49. Party designations on ballots prohibited**

No ballot used at any annual, 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 his views or opinions.

#### **§ 50. City council; number; election; tenure**

The legislative powers of the city shall be vested in a city council, consisting of nine persons, elected at large by and from the qualified voters of the city. One of its members shall be elected by the council annually as its president. At the first election held in a city after its adoption of Plan A, except as otherwise provided in this section, the five candidates receiving the largest number of votes shall hold office for two years, and the four receiving the next largest number of votes shall hold office for one year. Thereafter, as these terms expire, there shall be elected at each annual city election a sufficient number of members to fill the vacancies created by the expiration of said terms, each member so elected to serve for two years.

If the plan adopted provides for elections to be held biennially, at the first regular municipal election held under the provisions of such plan and at each biennial election thereafter, there shall be elected nine members of the city council to serve for two years from the first day of January following their election and until their successors are qualified.

#### **§ 50A. City council; filling vacancies in**

Vacancies in the city council shall be filled by the remaining members thereof for the remainder of the unexpired term.

**§ 51. Repealed, 1952, 259, Sec. 3****§ 52. Appointments of employees by mayor without confirmation**

Upon the adoption of Plan A, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor without confirmation by the city council.

**§ 53. Certificate of appointment**

In making his appointments the mayor shall sign and file with the city clerk 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.*

**§ 54. Removal of officials; exceptions**

The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people.

**§ 55. Approval or veto by mayor of orders, ordinances, etc.; overriding veto**

Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by 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 shall return it, with his written objections, to the city council, which shall enter the objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two thirds vote of all its members, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution and vote shall be in force if not returned by the mayor within ten days after it has been presented to him. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four or to appropriations by a city council under section thirty-three of said chapter.