

HOUSE No. 2244

The Commonwealth of Massachusetts

PRESENTED BY:

Shirley B. Arriaga

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to making the charter of the city of Chicopee gender neutral.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>1/9/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>3/4/2025</i>

HOUSE No. 2244

By Representative Arriaga of Chicopee, a petition (accompanied by bill, House, No. 2244) of Shirley B. Arriaga and Jacob R. Oliveira (with the approval of the mayor and city council) for legislation to make the charter of the city of Chicopee gender neutral. Municipalities and Regional Government. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE DOCKET, NO. 5533 OF 2023-2024.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
—————

An Act relative to making the charter of the city of Chicopee gender neutral.

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

1 SECTION 1. The Charter of the City of Chicopee shall be deleted in it's entirety and
2 replaced with a gender-neutral version, which is attached.

3 SECTION 2. So much of the charter of said City and of the amendments thereto as is
4 inconsistent herewith is hereby repealed.

5 CHARTER

6 ARTICLEI

7 Municipal Government

8 §1-3

9 § 1. City of Chicopee.

10 The inhabitants of the City of Chicopee shall continue to be a body politic and corporate,
11 under the name of the City of Chicopee, and as such shall have, exercise and enjoy all the rights,
12 immunities, powers and privileges, and be subject to all the duties and obligations, now
13 incumbent upon and appertaining to said city as a municipal corporation.

14 § 2. Administration of Municipal Affairs.

15 The administration of all the fiscal, prudential and municipal affairs of said city, with the
16 government thereof, shall, except the affairs of the public schools of said city, be vested in an
17 executive department, which shall consist of one officer, to be called the Mayor, and in a
18 legislative department, which shall consist of a single body, to be called the City Council, the
19 members whereof shall be called Councilor. The executive department shall never exercise any
20 legislative power, and the legislative department shall never exercise any executive power,
21 except as herein otherwise provided.

22 § 3. Nine wards.?

23 The territory of said city shall continue to be divided into 9 wards, which shall retain their
24 present boundaries until the same shall be changed under the general law relating thereto. The
25 number of wards may, in any year fixed by law for a new division of wards in cities, be changed
26 by vote of the City Council, with the approval of the Mayor, at or prior to making such division,
27 but the number of wards shall never be less than seven.

28 2. Editor's Note: Seven wards was changed to nine wards by the City Council 12-28-
29 1934. This section

30 CHARTER

31 ARTICLE II

32 Elections and Meetings

33 § 4-7

34 §4. Meetings of qualified voters.

35 All meetings of the qualified voters of said city for the purpose of voting at elections of
36 national, state, county, district and municipal officers, and for other municipal or legal purposes,
37 shall be called by order

38 (MGL c. 54, § 63.)

39 of the City Council, and, so far as applicable, in the manner provided by law for calling
40 elections in cities.

41 §5. Municipal election and municipal year.³

42 The annual municipal election shall take place on the first Tuesday of November, and the
43 municipal year shall begin at ten o'clock in the morning on the first Monday of January next
44 following.

45 § 6. Certain officers to be elected by ballot.*

46 At such annual municipal election the qualified voters shall give in their votes by ballot
47 for Mayor, City Clerk, City Treasurer, members of the City Council and of the School
48 Committee, or of such of them as are to be elected, and the person receiving the highest number

49 of votes for any office shall be deemed and declared to be elected to such office, and whenever
50 two or more persons are to be elected to the same office the several persons up to the number
51 required to be chosen receiving the highest number of votes shall be deemed and declared to be
52 elected..

53 §7. Vacancies.5

54 If it shall appear that there is no choice of a Mayor, or if the person elected Mayor shall
55 refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur
56 within the first year of the mayoral term, the City Council shall forthwith call for a new election
57 and the same proceedings shall be had in all respects as are hereinbefore provided for the
58 election of Mayor. Upon the election, the person so elected shall assume office and be sworn to
59 the faithful discharge of their duties, immediately, to complete the unexpired term. In case a
60 vacancy in the office of the Mayor shall occur within the second year of the mayoral term, the
61 President of the City Council shall assume the duties of the office of the Mayor.

62 Thereafter, upon the certification by the City Clerk at the biennial election, the person so
63 elected Mayor shall immediately assume the duties of Mayor for the remainder of the unexpired
64 term and on the first Monday of January next ensuing be sworn in to the office of Mayor to begin
65 their term of office. If the full number of members of the City Council has not been elected, or if
66 a vacancy in the office of City Councilor shall occur more than six months previous to the
67 expiration of the municipal year, the City Council may forthwith elect some person or persons to
68 fill the vacancy or vacancies until the next municipal election. In case of a vacancy in the office
69 of City Clerk or City Treasurer the City Council shall elect a City Clerk

70 1. Editor's Note: Chapter 219, Acts of 1917, changed the election date to the first
71 Tuesday after the first Monday of December; Chapter
72 271, Acts of 1941, provided for nonpartisan elections; Chapter 25, Acts of 1943 changed
73 elections to the first Tuesday after the first Monday in November; and Chapter 512, Acts of
74 2008, changed the election day to the first Tuesday of November.

75 2. Editor's Note: Chapter 332, Acts of 1901, changed the City Clerk's term to three
76 years; Chapter 117, Acts of 1916, changed the City Treasurer's term to three years; Chapter 144,
77 Acts of 1917, changed the Mayor's term to two years; Chapter 271, Acts of 1941, provided for
78 nonpartisan elections and changed the City Clerk's, City Treasurer's and School Committeemen
79 at large's terms to four years; Chapter 25, Acts of 1943, provided for two-year terms for
80 Aldermen and Ward School Committeemen; and Chapter 146, Acts of 1950, provided for the
81 City Clerk's tenure of office.

82 Editor's Note: Chapter 132, Acts of 1898, changed the procedure for filling vacancies on
83 the City Council; Chapter 332, Acts of 1901 (MGL c. 41, §§ 12 through 14) provided for filling
84 of vacancy in the office of the City Clerk; Chapter 172, Acts of 1930, provided for the filling of
85 vacancies in the office of the City Treasurer and other city offices; Chapter 146, Acts of 1950,
86 provided for the City Clerk's tenure of office; and Chapter 512, Acts of 2008, changed the
87 procedure for filling vacancies in the office of Mayor.

88 CHARTER

89 § 8-9

90 or City Treasurer to fill such vacancy until the next municipal year, and in case of the
91 temporary absence or disability of the City Clerk or of the City Treasurer the City Council shall
92 elect a City Clerk or City Treasurer Pro Tempore. In each of such cases the City Clerk or City
93 Treasurer shall be sworn and shall perform the duties of the office to which they are elected.

94 § 8. General meeting of qualified voters.

95 General meetings of the citizens qualified to vote may from time to time be held,
96 according to the right secured by the constitution of the commonwealth, and all such meetings
97 may, and upon the request in writing of fifty qualified voters, setting forth the purposes thereof,
98 shall be duly called by the City Council.

99 §9. Ward meetings may be held in adjacent wards.

100 The City Council may, when no convenient wardroom for holding the meeting of the
101 citizens of any ward can be had within the territorial limits of such ward, appoint and direct in
102 the warrant for calling the meeting of such ward that the meeting be held in some convenient
103 place within the limits of an adjacent ward of the city, and for such purposes the place so
104 assigned shall be deemed and taken to be a part of the ward in which the election is held.

105 CHARTER

106 ARTICLE I

107 Legislative Department

108 § 10-12

109 § 10. City Council; election, terms.®

110 The City Council shall be composed of ten members at large and one member from each
111 ward of the city, who shall be elected as follows: At the first municipal election held under this
112 act said ten members at large of the City Council shall be elected by the qualified voters of the
113 entire city, five to serve for the term of two years and five to serve for the term of one year,
114 beginning with the first Monday in January next ensuing, and thereafter five members at large of
115 said City Council shall be elected in like manner at each annual municipal election, to serve for
116 the term of two years, beginning with the first Monday in January next ensuing. At said first
117 municipal election one member of the City Council from each ward shall be elected by and from
118 the voters of each ward, to serve for the term of one year, beginning with the first Monday in
119 January next ensuing and thereafter one member of the City Council from each ward shall be
120 elected by and from the voters of each ward at each annual municipal election, to serve for the
121 term of one year, beginning with the first Monday in January next ensuing. At said first
122 municipal election no voter shall vote for more than three of the candidates for members at large
123 of the City Council to be elected for each term, and the five candidates for members at large of
124 said Council having the highest number of votes for each term shall be declared elected. At all
125 municipal elections, except an election to fill a vacancy, subsequent to the first municipal
126 election, no voter shall vote for more than three of the candidates for members at large of the
127 City Council to be elected at an annual municipal election on one ballot, and the five candidates
128 for members at large of the Council having the highest number of votes shall be declared elected.
129 The members at large of the City Council shall hold office for two years, except as is herein
130 otherwise provided, and the members of the City Council from the wards shall hold office for
131 one year, beginning with the first Monday in January next succeeding their election, and until
132 their successors shall be elected and qualified.

133 In case it should become necessary to fill at an election a vacancy or vacancies in the City
134 Council a voter may vote for the City Councilor necessary to fill such vacancy or vacancies, in
135 addition to the number to be voted for, as above-provided. In case any City Councilor elected by
136 the voters of any ward shall remove to another ward in the city subsequent to their election, such
137 removal shall not disqualify them from performing the duties of their office during the term for
138 which they were elected.

139 § 11. Oath of office of Mayor and City Councilors.

140 The Mayor-Elect and the City Councilors-Elect shall, on the first Monday in January, at
141 ten o'clock in the forenoon, meet and be sworn to the faithful discharge of their duties. The oath
142 shall be administered by the City Clerk or by any justice of the peace, and a certificate that such
143 oath has been taken shall be entered in the journal of the City Council. In case of the absence of
144 the Mayor-Elect on the first Monday in January, or if a Mayor shall not then have been elected,
145 the oath of office may at any time thereafter be administered to them in the presence of the City
146 Council, and at any time thereafter in like manner the oath of office may be administered in the
147 presence of the City Council to any member of the City Council who has been previously absent
148 or who has been subsequently elected, and a certificate of every such oath shall be entered in the
149 journal aforesaid.

150 § 12. Organization of City Council.

151 After the oath has been administered to the City Councilors present they shall be called to
152 order by the City Clerk, or in case of the absence of the City Clerk by the oldest senior member
153 present. The City Council

154 Editor's Note: Chapter 271, Acts of 1941, provided for nonpartisan elections; Chapter 25,
155 Acts of 1943, changed the terms of office to two years; and Chapter 315, Acts of 1948, changed
156 the number and method of electing Aldermen.

157 CHARTER

158 §13-16

159 shall then proceed to elect by ballot one of its own number President of the Council. No
160 other business shall be in order until a President is chosen. The President shall be sworn by the
161 City Clerk, or in case of the absence of such Clerk by any Justice of the Peace. The President
162 may be removed from the presidency of the City Council by the affirmative vote of two thirds of
163 all the members thereof, taken by roll call. The President of the Council shall have the same right
164 to vote as any other member thereof.

165 § 13. Meetings of City Council.

166 The City Council shall hold regular meetings at such times as may be designated by the
167 Council by general rule. The Mayor may at any time call a special meeting of the Council, and
168 shall call a special meeting upon the request in writing of one third of the members. Such request
169 shall state the subjects to be considered at the meeting. The Mayor shall cause a written notice of
170 such special meeting, stating the subjects to be considered thereat, to be given in hand to each
171 member or to be left at their usual place of residence, or at any address designated by them in a
172 writing filed with the City Clerk, at least twenty-four hours previous to the time appointed for the
173 meeting, and no final action shall be taken at such special meeting on any business not stated in
174 such notice, except with the unanimous consent of all the members of the Council. For the
175 purpose of drawing jurors it shall not be necessary to formally call a meeting of the Council, but

176 a majority of the members of the Council, meeting with the Mayor and the City Clerk in the
177 Council chamber, may draw jurors whenever required, in the manner provided by law, and a
178 record thereof, containing the names of the Councilors present, shall be entered by the City Clerk
179 upon the records of the Council.

180 § 14. To determine rules of its proceedings, be judge of election of its members.

181 The City Council shall determine the rules of its own proceedings and shall be the judge
182 of the election and qualifications of its own members. In case of the absence of the President the
183 Council shall choose a President Pro Tempore, and a plurality of the votes cast shall be sufficient
184 for a choice. All meetings of the Council shall be public, and a journal of its proceedings shall be
185 kept, which journal shall be open to public inspection. The vote of the Council upon any question
186 shall be taken by roll call when the same is requested by at least three members. A majority of
187 the members of the Council shall constitute a quorum, but a smaller number may adjourn from
188 day to day. The Council shall, so far as is not inconsistent with this act, have and exercise all the
189 legislative powers of towns and of the inhabitants thereof, and shall have and exercise all the
190 powers now vested by law in the City of Chicopee and in the inhabitants thereof, as a municipal

191 •corporation, and be subject to all the liabilities of City Councils and of either branch
192 thereof, under the general laws of the commonwealth, and it may by ordinance prescribe the
193 manner in which such powers shall be exercised. Its members shall receive no compensation for
194 their services as members of the City Council or of any committee thereof.

195 § 15. Certain officers to be entitled to seats with City Council.?

196 The Chair of the Board of Public Welfare and the member of the School Committee
197 appointed for that purpose shall be respectively entitled to seats with the City Council, and shall

198 have the right to discuss all matters relating to their respective departments of city affairs, but
199 without the right to vote. They shall be notified in like manner with members of the Council of
200 all special meetings in which action may be taken affecting the interests of their respective
201 departments.

202 7. Editor's Note: Chapter 26, Acts of 1923, changed Overseers of the Poor to Board of
203 Public Welfare; and Chapter 512, Acts of 2008, also changed "Overseers of the Poor" to "Public
204 Welfare."

205 CHICOPEE CODE

206 §16. City Council to elect certain officers by ballot.®

207 § 17-20

208 The City Council shall annually in the month of January elect by ballot a City Auditor, a
209 City Collector, and a City Messenger, each of whom shall hold their office for the term of one
210 year, beginning with the first Monday in February in the year of their election and until their
211 successor is elected and qualified, unless sooner removed. Said City Council shall also annually
212 in the month of January elect by ballot one Assessor of Taxes, one member of the Board of
213 Health, one Trustee of the Public Library, each of whom shall hold their office for the term of
214 three years, beginning with the first Monday in February in the year of their election and until
215 their successor is elected and qualified, unless sooner removed. Any of said officers may be
216 removed at any time by the City Council for sufficient cause, after hearing. The present
217 Assessors of Taxes, members of the Board of Health, and members of the Library Committee,
218 shall continue to hold their respective offices, unless sooner removed, for the terms for which
219 they were originally elected, the Library Committee to be hereafter known as Trustees of the

220 Public Library. Elections to the Board of Health shall be so made that at least one member
221 thereof shall be a doctor of medicine.

222 § 17. Not to take part in employment of labor, making of contracts.

223 Neither the City Council nor any member or committee thereof shall directly or indirectly
224 take part in the employment of labor, the making of contracts, the purchasing of materials or
225 supplies, the construction, alteration or repair of any public works, buildings or other property, or
226 the care, custody or management of the same; or in the conduct of any of the executive or
227 administrative business of the city, or in the expenditure of public money, except as herein
228 otherwise provided, and except such as may be necessary for the contingent and incidental
229 expenses of the City Council; nor in the appointment or removal of any officers, except as is
230 herein otherwise provided. But nothing in this section contained shall affect the powers or duties
231 of the Council in relation to aid granted under the laws relating to state aid, military aid, soldiers'
232 relief, and from the war relief fund of the city.

233 § 18. Appropriations; expenditures.'

234 The City Council shall appropriate annually in the month of March the amount necessary
235 to meet the expenditures of the city for the current municipal year, and shall fix by order or
236 otherwise the appropriations for the several departments and officers which may be expended
237 during the year. It shall take care that no money is paid from the treasury unless granted and
238 appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient
239 penalties and sureties from all persons intrusted with the receipt, custody or disbursement of
240 money. It shall, as often as once in each year, and not later than the fifteenth day of November,

241 cause to be published for the use of the inhabitants a complete account of the appropriations,
242 receipt and expenditures of the city, and a statement of the city debt.

243 § 19. City ordinances; penalties.

244 The City Council shall have the power within said city to make and establish ordinances,
245 and to affix thereto penalties for the violation thereof, as herein or by general law provided,
246 without the sanction of any court or Justice thereof.

247 1. Editor's Note: Chapter 373, Acts of 1905 (MGL c. 41, § 48), changed the City
248 Auditor's term to three years from the date of election;

249 Chapter 355, Acts of 1924, placed the City Messenger under civil service; Chapter 44,
250 Acts of 1925, changed the City Collector's term to three years; Chapter 172, Acts of 1930,
251 changed the method of filling vacancies in the office of the City Auditor and City Collector;
252 Chapter 414, Acts of 1941 (MGL c. 31, § 49), put the City Auditor under civil service; Chapter
253 43, Acts of 1945, provided for the election of the City Collector by popular vote for a term of
254 four years; and Chapter 44, Acts of 1945, provided for the election of Assessors by popular vote
255 for two-year and four-year terms.

256 2. Editor's Note: Chapter 473, Acts of 1941 (MGL c. 44) changed the manner of
257 making appropriations

258 §20. Fire Department. 10

259 CHARTER

260 § 21-23

261 The City Council may establish a Fire Department for said city, to consist of a Chief of
262 the Fire Department and such other officers and members as the City Council by ordinance shall
263 from time to time prescribe; and said City Council shall have authority to fix the time of their
264 appointment and the term of their service, to define their powers and duties, and in general to
265 make such regulations concerning the pay, conduct and government of such Department, the
266 management of fires and the conduct of persons attending fires, as they may deem expedient, and
267 may fix such penalties for any violation of such regulations, or any of them, as are provided for
268 the breach of the ordinances of said city. The appointment of all officers and members of such
269 Department shall be vested in the Mayor exclusively, who shall also have authority to remove
270 from office, after hearing, any officer or member for such cause as they shall deem sufficient.
271 The engineers so appointed shall be firewards of the city; but the Council may authorize the
272 appointment of additional firewards. The compensation of the officers and members of the
273 Department shall be fixed by ordinance.

274 § 21. Fire limits may be established.

275 The City Council shall have power to establish fire limits within the city, and from time
276 to time change or enlarge the same; and by ordinance it may regulate the construction of all
277 buildings, erected within said fire limits, stipulating their location, size, and the material of which
278 they shall be constructed, and may make such other rules and regulations as shall tend to prevent
279 damage by fire; provided, that such rules and regulations shall not be inconsistent with the laws
280 of the commonwealth.

281 § 22. Police Department. 11

282 The City Council shall establish by ordinance a Police Department, consisting of a Chief
283 of Police and of such subordinate officers and other members of the police force as it may
284 prescribe, and may make regulations for the government of said Department. The power of
285 appointment of said Chief of Police, subordinate officers and members of the police force shall
286 be vested in the Mayor exclusively, and they shall have power to remove the members of the
287 regular police force, after hearing, for such cause as they shall deem sufficient. All the members
288 of the present regular police force except the Chief of Police or Marshal,

289 behavior, and be subject to removal in the manner above-provided. The Mayor shall have
290 the power to remove the Chief of Police at any time. The Chief of Police shall give a bond to the
291 city in such sum and with such sureties as the City Council may from time to time require.

292 § 23. Streets; highways. 12

293 The City Council shall, with the approval of the Mayor, have exclusive authority and
294 power to order the laying out, locating anew, altering or discontinuing and the making of specific
295 repairs and alterations in all streets, ways and highways within the limits of the city, and to
296 assess the damage sustained by any person thereby, and further, except as is herein provided, to
297 act in all matters relating to such laying out, locating anew, altering or discontinuing. Any person
298 aggrieved by the assessment of their damages, or other action of the City Council under this
299 section, shall have all the rights and privileges now allowed by law in such

300 1. Editor's Note: Chapter 320, Acts of 1884, included members of the Fire
301 Department under civil service rules; Chapter 58, Acts of

302 1923, changed the Chief Engineer to the Chief of the Fire Department; Chapter 218, Acts
303 of 1928, established a reserve force in the Fire Department; and Chapter 512, Acts of 2008, also
304 changed "Chief Engineer" to "Chief of the Fire Department."

305 2. Editor's Note: Chapter 314, Acts of 1896 (MGL c. 147, § 11), established a
306 reserve force in the Police Department; Chapter 320, Acts of 1884, included members of the
307 Police Department under civil service rules; Chapter 468, Acts of 1911, placed the Chief of
308 Police under civil service; Chapter 59, Acts of 1923, changed City Marshal to Chief of Police;
309 and Chapter 512, Acts of 2008, also changed

310 "City Marshal" to "Chief of Police."

311 3. Editor's Note: Chapter 386, Acts of 1953, provided for repairs on private ways.

312 CHICOPEE CODE

313 cases in appeals from decisions of Selectmen of towns.

314 § 24. Sidewalks.

315 § 25-27

316 The City Council may, with the approval of the Mayor, cause suitable sidewalks to be
317 laid, curbstones to be set between such sidewalks and the portion of the streets used by vehicles,
318 and grass plots to be laid out and graded between such sidewalks and curbstones, and shall assess
319 one half the expense thereof upon the persons owning lands and estates against which such
320 sidewalks are to be made, apportioning the same equitably where there are two or more adjacent
321 owners.

322 § 25. Majority vote of all members necessary for the passage of certain ordinances.

323 Any ordinance, order, resolution or vote involving the appropriation or expenditure of
324 money to an amount which may exceed two hundred dollars shall require for its passage the
325 affirmative votes of a majority of all the members of the City Council, and every such ordinance,
326 order, resolution or vote shall be read twice, with an interval of at least two days between the two
327 readings, before being finally passed, and the vote on its final passage shall be taken by roll call;
328 provided, however, that upon the written recommendation of the Mayor, the City Council may
329 pass such ordinance, order, resolution or vote on the same day by a two-thirds yea and nay vote.

330 §26. Members of City Council not to hold other city office.

331 No member of the City Council shall, during the term for which they are elected, hold
332 any other office in or under the city government, have the expenditure of any money
333 appropriated by the City Council, or act as counsel in any matter before the City Council or any
334 committee thereof, and no person shall be eligible for appointment to any municipal office
335 established by the City Council during any municipal year within which they were a councilor,
336 or until the expiration of the succeeding municipal year.

337 § 27. Certain ordinances subject to approval of Mayor.

338 Every ordinance, order, resolution or vote of the City Council, except such as relates to
339 its own internal affairs or to its own officers or employees, shall be presented to the Mayor. If the
340 Mayor approves thereof, the Mayor shall signify their approval by signing the same, but if not
341 they shall return the same with their objections, to the City Council, which shall enter the
342 objections of the Mayor at length upon its records, and proceed to reconsider said ordinance,
343 order, resolution or vote, and if after such reconsideration two thirds of the City Council,

344 notwithstanding such objections, vote to pass the same, it shall be in force. In all cases the vote
345 shall be taken by yeas and nays. If such ordinance, order, resolution or vote shall not be returned
346 within ten days after it shall have been presented to the Mayor the same shall be in force. He may
347 except from his approval of any ordinance, order, resolution or vote which they have the power
348 to veto, any portion involving a distinct item of expenditure, and in such case instead of returning
349 the original they shall transmit a copy of such portion not approved, which portion shall be
350 reconsidered in the manner and with the effect above- provided. The veto power of the Mayor
351 shall not extend to elections.

352 CHARTER

353 § 28-31

354 ARTICLE IV

355 Executive Department

356 §28. Executive power vested in Mayor, 13

357 The executive powers of the city shall be vested solely in the Mayor, and may be
358 exercised by the Mayor either personally or through the several officers or boards of the city in
359 their departments, under their general supervision and control. In case of any vacancy in any
360 office to which appointment is made by the Mayor they may personally perform the duties
361 thereof, but they shall not be entitled to receive any salary or pay attaching thereto. The Mayor
362 shall hold office for the municipal year beginning with the first Monday in January next
363 following his election and until their successor is elected and qualified.

364 § 29. Appointment and removal of municipal officers.

365 The Mayor shall have the sole power of appointment to all the municipal offices
366 established by or under this act, unless herein otherwise provided, and the Mayor may, except as
367 herein otherwise provided, remove from office any officer so appointed hereunder for sufficient
368 cause, after hearing.

369 § 30. By whom duties may be performed in case of disability of Mayor.

370 Whenever by reason of sickness or other cause the Mayor shall be disabled from
371 performing the duties of his office the President of the City Council, or in their absence or
372 disability the City Treasurer, shall, under the style of acting Mayor, perform the duties of Mayor.
373 Such officer shall during the continuance of such disability have all the rights and powers of
374 Mayor, except that they shall not when so acting have the power of removal, unless thereto in
375 any instance authorized by vote of the City Council, nor any power of appointment, unless such
376 disability of the Mayor has continued for a period of thirty days, and then subject to the approval
377 of the City Council, nor power to approve or disapprove any ordinance, order, resolution or vote
378 until within twenty-four hours of the time when it would take effect without the approval of the
379 Mayor.

380 In case of such disability of the Mayor continuing for a period exceeding sixty days the
381 City Council may at any time after the expiration of that period declare a vacancy to exist in the
382 Office of Mayor. While the President of the City Council is acting as Mayor they shall not
383 preside over the City Council nor have a vote therein.

384 §31. President of City Council to act in case of vacancy in office of Mayor.

385 Whenever there shall be a vacancy in the Office of Mayor the President of the City
386 Council shall act as Mayor, and possess all the rights and powers of Mayor during such vacancy,

387 except that when so acting as Mayor they shall not have the power of appointment or removal
388 unless thereto in any instance authorized by vote of the City Council.

389 13. Editor's Note: Chapter 144, Acts of 1917, changed the Mayor's term to two years.

390 CHARTER

391 § 32-36

392 ARTICLE V

393 School Department

394 §32. School Committee; election; terms.14

395 The management and control of the public schools of said city shall be vested in a School
396 Committee, consisting of the Mayor, two members at large and one from each ward of the city.
397 The Mayor shall serve as Chairperson of the School Committee. The at large members shall
398 serve for four-year terms with one being elected every two years, and the members from the
399 wards shall serve two-year terms.

400 §33. Vacancies on School Committee; organization; Mayor may be present at sessions;
401 quorum.15

402 In case of a vacancy in or nonelection to the office of a member of the School Committee
403 the Mayor shall call a joint convention of the City Council and of the School Committee, and
404 such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the
405 election of a member according as the vacancy or nonelection exists, to serve until the end of the
406 municipal year in which the order calling the next annual municipal election shall be passed; at

407 such election the further vacancy, if any, shall be filled for the remainder of the unexpired term,
408 in the same manner as the member whose office is vacant was elected. The Mayor may be
409 present at all sessions of the School Committee, and when present may participate in the
410 discussions. The Committee shall be the judge of the election and qualifications of its members
411 and shall determine the rules of its proceedings. A majority of the whole number provided to be
412 elected shall constitute a quorum for the transaction of business, but a smaller number may
413 adjourn from time to time.

414 § 34. Superintendent of Schools; appointment. 16

415 The School Committee shall annually appoint, but not from its own number, a
416 Superintendent of Schools, who shall act as Secretary of the Board. The Committee shall fix the
417 salary of such Superintendent and may remove them for cause. The Committee shall annually
418 elect one of its own number to attend the meetings of the City Council for the purpose
419 hereinbefore mentioned.

420 § 35. Powers and duties of School Committee; to submit an annual estimate of expenses.

421 The School Committee shall exercise the powers and discharge the duties imposed by
422 law upon School Committees. All orders, resolutions or votes of the School Committee, except
423 those fixing salaries, which involve the expenditure of money, shall be presented to the Mayor
424 for their approval, and thereupon the same proceedings shall be had by the Mayor and School
425 Committee as are provided in section twenty-seven of this act to be had by the Mayor and City
426 Council; but nothing in this act contained shall affect the powers and duties of the Committee in
427 relation to votes cast at elections. The School Committee shall, on or before the first Monday in
428 January in each year, submit to the Mayor an estimate in detail of the amount deemed by it

429 necessary to expend for its purposes during the ensuing financial year, and the Mayor shall
430 transmit the same with the estimates of the departments to the City Council, and shall
431 recommend such appropriation as he shall deem necessary.

432 1. Editor's Note: The City Council changed the number of wards from seven to nine
433 12-28-1934 and 1-23-1940, effective 4-30-1940.

434 Chapter 271, Acts of 1941, provided for nonpartisan elections; Chapter 25, Acts of 1943,
435 changed terms of School Committee members and Chapter 4, Acts of 1998, changed the terms of
436 office of the members of the School Committee.

437 2. Editor's Note: Chapter 484, Acts of 1996, changed the time of the organizational
438 meeting of the School Committee from each municipal year to even-numbered years; and
439 Chapter 4 of the Acts of 1998 deleted the requirement for an organizational meeting.

440 3. Editor's Note: Massachusetts General Laws, Chapter 71, § 41, provided for the
441 appointment of the Superintendent of Schools.

442 CHARTER

443 § 36-38

444 §36. To be judge of necessity of additional accommodations.

445 The School Committee shall be the original judge of the expediency and necessity of
446 having additional or improved accommodations for any public school within the limits of the
447 city; and whenever in its opinion a schoolhouse is required or material alterations are needed it
448 shall send a communication to the City Council, stating the locality and the nature of the further
449 provisions for schools which are needed. The City Council shall not authorize the erection of a

450 schoolhouse or any addition thereto, nor pass any appropriation for such purpose, until plans of
451 the same have been approved by vote of the School Committee, and such approval has been
452 certified in writing to the City Council by the Chairman of said Committee. Whenever the City
453 Council shall authorize the erection of a School Building or any addition thereto one member of
454 the School Committee, to be designated by the Mayor, shall be a member of any commission or
455 committee which may be appointed to have supervision of the erection of such building or
456 addition.

457 § 37. Repairs, purchase of supplies.

458 The School Committee shall have the sole authority to make repairs to existing school
459 buildings, including the purchasing of furniture and supplies, and apparatus for heating and
460 ventilating said buildings.

461 ARTICLE VI

462 Administrative Officers

463 § 38. Administrative officers; appointment terms.17

464 There shall be the following administrative officers, who shall be appointed by the Mayor
465 and who shall perform the duties by law and hereinafter prescribed for them respectively, and
466 such further duties, not inconsistent with the nature of their respective offices, as the City
467 Council may from time to time prescribe.

468 A City Solicitor; a Chief of Police; a Superintendent of Streets; a City Engineer; an
469 Inspector of Wires; a Board of Public Welfare, to consist of three persons; a Board of Public
470 Welfare under the Whiting Street Will, to consist of three persons; a Board of Water

471 Commissioners, to consist of three persons; a Board of Commissioners of Fairview Cemetery, to
472 consist of three persons. The City Solicitor and Chief of Police shall be appointed annually in the
473 month of January, and each shall hold their office for the term of one year beginning with the
474 first Monday in January in the year of their appointment, unless sooner removed, and until their
475 successor is appointed and qualified. The Superintendent of Streets, the City Engineer and the
476 Inspector of Wires shall be appointed annually in the month of January, and each shall hold
477 office for the term of one year beginning with the first Monday in February in the year of their
478 appointment, unless sooner removed, and until their successor is appointed and qualified. Each
479 of the present members of the Board of Public Welfare, and of the Public Welfare under the
480 Whiting Street Will, and of the Water Commissioners, and of the Commissioners of Fairview
481 Cemetery, shall continue to hold office for the term for which they were elected or appointed,
482 unless sooner removed, and until their successor is appointed and qualified. In the month of
483 January in each year one member of each of said Boards shall be appointed, who shall hold
484 office for the term of three years beginning with the first Monday in February in the year of such
485 appointment, unless sooner removed, and until their successor is appointed and qualified.

486 17. Editor's Note: Chapter 468, Acts of 1911, placed the City Marshal under civil
487 services; Chapter 38, Acts of 1918, placed the Superintendent of Streets under civil service;
488 Chapter 26, Acts of 1923, changed the Overseers of the Poor to the Board of Public Welfare;
489 Chapter 59, Acts of 1923, changed the City Marshal to Chief of Police; and Chapter 512, Acts of
490 2008, changed "City Marshal" to "Chief of Police," "Overseers of the Poor" to "Public Welfare"
491 and "Almoners" to "Public Welfare."

492 CHARTER

493 ARTICLE VII

494 Powers and Duties of Officers

495 § 39-45

496 §39. City Clerk; duties.

497 The City Clerk shall be the Clerk of the City Council and shall have charge of all
498 journals, records, papers and documents of the city. They shall engross all ordinances passed by
499 the City Council, in a book provided for that purpose, and shall add proper indexes, which book
500 shall be deemed a public record of such ordinances. They shall perform such other duties as are
501 required by law or shall be prescribed by the City Council.

502 § 40. City Collector; duties.

503 The City Collector shall be Collector of Taxes, and shall have all the powers of a Town
504 Treasurer when appointed Collector of Taxes. They shall also be the collector of all moneys due
505 the city from every source, except as may be otherwise provided by ordinance.

506 § 41. Superintendent of Streets; powers and duties.

507 The Superintendent of Streets shall, under the general direction of the Mayor, have all the
508 powers and be subject to all the duties, liabilities and penalties which are by law given to or
509 imposed upon Surveyors of Highways and Road Commissioners of towns, except as herein
510 otherwise provided.

511 § 42. Board of Health to appoint an agent. 18

512 The Board of Health shall annually appoint an Agent, who shall not be one of its own
513 number, whose compensation shall be determined by the City Council. The members of said
514 Board shall serve without compensation.

515 § 43. Trustees of Public Library.

516 The Trustees of the Public Library shall serve without compensation and shall have the
517 supervision, management and care of the public library of said city. Said Trustees shall annually
518 appoint, but not from their own number, one or more librarians, to be under the direction and
519 control of said Trustees, and may for sufficient cause remove said librarians. The compensation
520 of said librarians shall be fixed by the City Council.

521 § 44. City Physician and Welfare Agent; appointment; duties.¹⁹

522 The Board of Public Welfare shall annually appoint a city physician and a Welfare Agent
523 neither of whom shall be one of their own number, who shall, under the direction of said Board,
524 severally perform such duties as may be required by ordinance, and such further duties as said
525 Board may from time to time require.

526 They may be removed from office at any time by the Board for such cause as said Board
527 may deem sufficient. Members of the Board of Public Welfare serve without compensation.

528 1. Editor's Note: Chapter 320, Acts of 1884, included the Agent under civil service
529 rules; and Chapter 33, Acts of 1945, changed the annual appointment of the Agent.

530 2. Editor's Note: Chapter 26, Acts of 1923, change the Overseer of the Poor to the
531 Board of Public Welfare; Chapter 320, Acts of 1884, included the Almoner under civil service
532 rules; the Almoner title was changed to Welfare Agent by civil service classification

533 3-13-1942; and Chapter 512, Acts of 2008, changed "Overseers of the Poor" to "Board of
534 Public Welfare," "Almoner" to "Welfare Agent" and "Overseers" to "Board."

535 CHICOPEE CODE

536 § 45. Superintendent of Water Department; appointment; duties 20

537 § 46-48

538 The Board of Water Commissioners shall annually in the month of February appoint a
539 Superintendent of the Water Department, who shall not be one of its own number, who shall hold
540 office for the term of one year from the first Monday in March next ensuing and until their
541 successor is elected, unless sooner removed, and who shall perform such duties as may be
542 required by ordinance, and such further duties as said Board may from time to time require. Said
543 Superintendent may be removed by said Board at any time

544 serve without compensation.

545 for cause, and their compensation shall be determined by the City Council. The members
546 of said Board shall

547 § 46. Commissioners of Fairview Cemetery; powers and duties.

548 The Commissioners of Fairview Cemetery shall have general charge and control of all
549 public cemeteries owned by the city, subject to such ordinances as may from time to time be
550 adopted, and may make such regulations relative to the care and use thereof, not inconsistent
551 with such ordinances, as they may deem necessary. They may appoint and prescribe the duties of
552 a Superintendent of Cemeteries, who shall not be one of their own number, and who shall receive
553 such compensation as the City Council may from time to time determine. The sale of lots in such

554 cemeteries shall be regulated by ordinance. Said Commissioners shall serve without
555 compensation.

556 § 47. Commissioners of City Property; powers and duties.

557 The Mayor, the President of the City Council, and the City Engineer, shall constitute a
558 board, to be called Commissioners of City Property, who shall have general charge, care and
559 control of all property owned by the city, not herein otherwise provided for, shall keep the same
560 in repair and purchase supplies therefor, and shall also have general charge of all matters relating
561 to the executive or administrative departments of city affairs which are not included in the duties
562 of any other administrative officer or board.

563 § 48. Administrative officers may appoint or remove clerks.

564 All administrative officers and boards herein established, and all administrative officers
565 and boards hereafter established by the City Council not coming within the department of any
566 officer or board above-named shall have power, except as herein otherwise provided, to appoint
567 or employ and remove or discharge all officers, clerks and employees in their respective
568 departments. Such appointments shall not be for any specified term, but shall hold good until
569 removal or discharge. Orders of removal shall state the reasons therefore, and shall be entered
570 upon the record of the officer or board making the same, and the removal shall take effect upon
571 the filing of a copy of such order with the City Clerk. The above-named administrative officers
572 and boards shall, in their respective departments, make all necessary contracts for work and for
573 the furnishing of the materials and supplies for the city, and for the construction, alteration,
574 repair and care of public works, institutions, buildings and other property, except that the repair
575 of schoolhouses shall be under the direction and control of the School Committee; and said

576 administrative officers and boards shall have, subject to the Mayor, direction and control of all
577 the executive and administrative business of the city. No permanent improvement shall be
578 commenced by any officer or board except upon the written order of the Mayor. Said officers
579 and boards shall at all times be accountable to the Mayor, as the chief executive officer, for the
580 faithful discharge of their duties.

581 20. Editor's Note: Chapter 122, Acts of 1941, changed the annual appointment of the
582 Superintendent.

583 CHARTER

584 • ARTICLE VIII

585 General Provisions

586 § 49-54

587 § 49. Certain persons not eligible.²¹

588 No person shall be eligible to any of the offices of the city government except
589 Superintendent of Schools, years.

590 City Solicitor and City Engineer unless they are a citizen and has been a resident of the
591 city at least two

592 § 50. Officers to be notified of appointment or election; oath of office.

593 Each officer who is elected by the City Council or appointed by the Mayor shall be
594 notified by the City Clerk of their election or appointment, and shall within seven days after
595 receiving such notice file with the City Clerk their acceptance in writing, subject to the statutes

596 of the commonwealth and the ordinances of the city, and take and subscribe an oath for the
597 faithful discharge of the duties of the office, and any officer failing so to do shall be deemed to
598 have declined the office.

599 §51. Certificate stating reason to be filed in case of removal of officers.

600 Whenever any officer shall be removed by the Mayor or by any board a certificate of
601 such removal, stating the reason therefor, shall be filed with the City Clerk, there to remain on
602 file for public inspection; and Whenever any officer shall be removed by the City Council the
603 reason therefor shall be expressed in the vote of removal and the same shall be written at length
604 upon the records of the Council. The City Clerk, upon receipt of any order of removal, or upon
605 the passage of any vote of removal by the City Council, shall cause a copy thereof to be served
606 forthwith upon the officer so removed, personally or by leaving the same at their last and usual
607 place of abode, and the office shall be deemed to be vacant from the time of the service of such
608 notice.

609 § 52. Offices to become vacant under certain conditions.²²

610 Any office established under and by virtue of this act, excluding the Superintendent of
611 Schools, the City Solicitor and City Engineer, shall become vacant if the incumbent shall cease
612 to be a resident of the city.

613 The conviction of the incumbent of any such office of a crime punishable by
614 imprisonment shall operate to create a vacancy in the office held by them.

615 § 53. Filling of vacancies.

616 Vacancies which may at any time occur in any office which is filled by election by the
617 City Council or by appointment by the Mayor may be filled for the unexpired term by election or
618 appointment, in the same manner as the officer whose place is vacant was elected or appointed.

619 § 54. Estimates of expenses.²³

620 The administrative officers and boards above-named shall annually on or before the first
621 Monday in January furnish to the Mayor an itemized and detailed estimate of the moneys
622 required for their respective departments or offices during the ensuing financial year. The Mayor,
623 President of the City Council, and the City Treasurer, shall examine such estimates and shall
624 submit the same with their recommendations

625 1. Editor's Note: Chapter 95, Acts of 2005, added the City Solicitor to the list of
626 excepted positions.

627 2. Editor's Note: Chapter 95, Acts of 2005, added the Superintendent of Schools, the
628 City Solicitor and the City Engineer as exceptions to the provisions of this section.

629 3. Editor's Note: Chapter 473, Acts of 1941 (MGL c. 44) changed the manner and
630 date of making appropriations.

631 CHICOPEE CODE

632 § 55-59

633 March.

634 for appropriations in itemized and detailed apportionment to the City Council on or
635 before the first day of

636 § 55. Appropriations; expenditures.24

637 No sum appropriated for a specific purpose shall be expended for any other purpose, and
638 no expenditure shall be made nor liability incurred by or in behalf of the city until an
639 appropriation has been duly voted by the City Council, sufficient to meet such expenditure or
640 liability, together with all prior unpaid liabilities which are payable out of such appropriation,
641 except in accordance with the written recommendation of the Mayor to the City Council,
642 approved by the yea and nay vote of two thirds of the Council; provided, however, that after the
643 expiration of the financial year and until the passage of the regular annual appropriations,
644 liabilities payable out of a regular appropriation to be contained therein may be incurred to an
645 amount not exceeding one fourth of the total of such appropriation for the preceding year. Every
646 bill, payroll or other voucher covering an expenditure of money shall be approved by the
647 signatures on the back of such bill or voucher of the officer or of the majority of the board or
648 committee having control of or incurring such expenditure, and after such approval such bills,
649 payrolls or vouchers shall be turned over to the Auditor. The financial year shall begin with the
650 first day of July in each year, and all provisions of law relating to the assessment of taxes and
651 temporary loans in anticipation of taxes shall be construed to apply to said financial year.

652 §56. Officers to give certain information upon request.

653 Every administrative board, through its Chair, and every officer having charge of a
654 department, shall at the request of the City Council, appear before it and give such information as
655 it may require in relation to any matter, act or thing connected with the discharge of the duties of
656 such board or officer; and when so requested to appear the officer who appears shall have the
657 right to speak upon all matters under consideration relating to their department.

658 § 57. Civil service.

659 Nothing herein contained shall effect the enforcement of the provisions of chapter three
660 hundred and twenty of the acts of the year eighteen hundred and eighty-four, being, "An act to
661 improve the civil service of the commonwealth and the cities thereof," and acts in amendment
662 thereof and in addition thereto, or of the rules made by the Commissioners appointed thereunder;
663 and the City Council shall make sufficient and proper appropriations for the carrying out and
664 enforcement of said acts and rules in said city.

665 § 58. Certain contracts to be approved by Mayor.

666 All contracts made by any department of the city shall, when the amount involved is two
667 hundred dollars or more, be in writing, and no such contract shall be deemed to have been made
668 or executed until the approval of the Mayor is affixed thereto. All contracts, when the amount
669 involved is one thousand dollars or more, shall be accompanied by a bond, to an amount and
670 with sureties satisfactory to the Mayor, or by a deposit of money or other security for the faithful
671 performance of such contracts; and such bonds or other security shall be deposited with the City
672 Treasurer until the contract has been carried out in all respects; and no such contract shall be
673 altered except by a written agreement of the contractor, the sureties on their bond, and the officer
674 or board making the contract, with the approval of the Mayor affixed thereto.

675 24. Editor's Note: Chapter 229, Acts of 1934, changed the financial year; Chapter 473,
676 Acts of 1941, changed the manner of making appropriations; and Chapter 512, Acts of 2008,
677 changed the day on which the financial year begins.

678 CHARTER

679 § 59. Mayor not to make certain contracts.

680 § 60-64

681 Neither the Mayor nor any officer of the city, nor any member of any city board,
682 committee or commission having authority to expend money or to incur indebtedness on account
683 of the city shall directly or indirectly contract with themselves or with any other member of the
684 same board, committee or commission, for the rendering of services to the city or the furnishing
685 of materials or supplies to the city or to any person for or on account of the city, unless
686 authorized to do so by vote of the City Council, with the approval of the Mayor, and any contract
687 made in violation of this section shall be void: provided, that this section shall not apply to the
688 payment of the incidental and necessary expenses of such officer or board.

689 § 60. Salaries of city officers.²⁵

690 All salaries of city officers or heads of departments shall, except as is herein otherwise
691 provided, be established by ordinance by the City Council, but no ordinance changing any such
692 salary shall take effect until the municipal year succeeding that in which the ordinance is passed.

693 § 61. Certain authority not affected.

694 Nothing contained herein shall be construed to affect the authority, powers, privileges,
695 rights and obligations created and given by any special act of the general court and now vested in
696 and exercised by the City of Chicopee, unless specially mentioned in this act.

697 § 62. Repeal.

698 All acts and parts of acts inconsistent with this act are hereby repealed, provided,
699 however, that the repeal of the said acts shall not affect any act done or any right accruing or

700 accrued or established, or any suit or proceeding had or commenced in any civil case before the
701 time when such repeal shall take effect; and that no offence committed and no penalty or
702 forfeiture incurred under the acts hereby repealed, and before the time when such repeal shall
703 take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of
704 said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred
705 under the acts hereby repealed, shall be affected by such repeal; and provided, also, that all
706 persons who at the time when the said repeal shall take effect shall hold office under the said
707 acts, shall continue to hold the same according to the tenure thereof and provided, also, that all
708 the by-laws and ordinances of the City of Chicopee which shall be in force at the time when the
709 said repeal shall take effect, and which are not inconsistent with the provisions of this act, shall
710 continue in force until the same are repealed by the City Council, and all officers elected under
711 such by-laws and ordinances shall continue in office according to the tenure thereof.

712 § 63. Certain acts not revived.

713 No act which has been heretofore repealed shall be revived by the repeal of the acts
714 mentioned in the preceding section.

715 § 64. Submission of questions of acceptance may be submitted a second time at state
716 election in 1897.

717 This act shall be submitted to the qualified voters of the City of Chicopee for acceptance
718 at a special election to be held within sixty days from its passage. The vote shall be taken by
719 ballot in answer to the following question: "Shall an act passed by the general court in the year
720 eighteen hundred and ninety- seven, entitled

721 'An act to revise the charter of the City of Chicopee', be accepted?"

722 25. Editor's Note: Chapter 43, Acts of 1925 (MGL c. 44) provided for the change in the
723 time to take effect.

724 CHICOPEE CODE

725 § 65

726 Yes _____

727 No _____

728 In case this act is not accepted by the voters of said city at its first submission under this
729 section it shall be submitted a second time to said voters at the annual state election in the year
730 eighteen hundred and ninety-seven, and the vote shall be taken by ballot in answer to the
731 question above-stated.

732 § 65. When to take effect.

733 So much of this act as authorizes and directs the submission of the question of its
734 acceptance to the qualified voters of said city, shall take effect upon its passage; so much hereof
735 as relates to elections hereunder shall apply to the annual municipal election to be held on the
736 second Tuesday of December in the year eighteen hundred and ninety-seven if the larger number
737 of votes upon the question of its acceptance is in the affirmative; and if so accepted this act shall
738 take full effect on the first Monday in January next ensuing.