CHARTER

FOR THE

CITY OF GARDNER

MASSACHUSETTS

As Amended by Acts 2024 Chap. 406 on January 10, 2025

AN ACT TO INCORPORATE THE CITY OF GARDNER

Be it enacted, etc., as follows:

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

SECTION 2. Upon the acceptance of this act, the selectmen of the town then in office shall forthwith divide the territory of the town into five wards, so that the wards will contain, as nearly as may be consistent with well defined limits, an equal number of voters, and they shall designate the wards by numbers. The number of wards may, in any year fixed by law for a new division of wards in cities, be changed by vote of the city council, with the division of wards in cities, be changed by vote of the city council, with the assent of the mayor; but the number of wards shall not be less than five.

The selectmen, for the purpose of the first preliminary election and the first regular city election, after the acceptance of this act, shall provide suitable polling places and give notice thereof, and shall at least ten days before said preliminary election appoint all proper election officers therefore and for said regular city election; and they shall in general have the powers and perform the duties of the board of aldermen in cities under the General Laws, the provisions of which, so far as may be applicable, shall apply to said elections; and the town clerk shall perform the duties therein assigned to city clerks. The registrars shall cause to be prepared and published, according to law, lists of qualified voters in each of the wards established by selectmen.

SECTION 3. The selectmen shall notify the persons elected at the said first regular city election and shall provide and appoint a place for the first meeting of the mayor and council on the first Monday in January, next ensuing; and shall, by written notice, left at their respective places of residence at least twenty-four hours prior to such meeting, notify the

mayor elect and the councilmen elect, who shall immediately proceed to organize and carry into effect the provisions of this act, which shall thereupon have full force and effect. The selectmen shall, in like manner, appoint a place and time for the first meeting of the school committee, and shall notify the members thereof.

SECTION 4. 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. The mayor shall hold office for the term of 2 years from the first Monday in January following the election for mayor and until a successor is elected and qualified.

SECTION 5. The Legislative powers of the city shall be vested in a city council. The city council shall be composed of not less than eleven members, of whom one shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected at large by and from the qualified voters of the city. One of its members shall be elected annually by the council as its president. (At the first regular city election after acceptance of this act the councilors elected from each ward shall serve for one year and those elected at large for two years, from the first Monday in January following their election and until their successors are elected and qualified. (Deleted by Ch. 332 of the Acts of 1936). At each regular city election thereafter, their respective successors shall be elected to serve for two years. If the number of wards shall be increased, as provided in section two, the number of councilors shall also be increased, so that the number of councilors elected at large shall always exceed by one the number elected by wards.

SECTION 6. All heads of departments and members of municipal boards, except the school committee, the city clerk, city treasurer, city auditor and city collector of taxes, officers whose election is provided for by this act and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council; provided, however, that all members of the law department shall be appointed by the mayor, without confirmation by the city council.

SECTION 7. In making appointments, the mayor shall sign and file with the city clerk a certificate in either of the forms provided in paragraphs (1) and (2), which shall each be titled “certificate of appointment”.

(1) I appoint (name of appointee) to the position of (name of office) and I certify that in my opinion, (name of appointee) is a recognized expert in the work which will devolve in the course of official duties and I make this appointment solely in the interest of the city.
Mayor.

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

SECTION 8. The mayor may, with the approval of a majority of the members of the city council, remove any appointed head of a department or member of a board before the expiration of the appointee's term of office, except members of the school committee, officers elected by the city council, officers whose election is provided for by this act and officials appointed by the governor. The person removed shall receive a copy of the reasons for such removal in writing and may contest the same at a hearing to be given by the city council, at which hearing the person removed shall have the right to be represented by counsel.

SECTION 9. The city clerk, city treasurer, city auditor and city collector of taxes shall be elected by the city council for terms of three years and may be removed at any time by a two-thirds vote of the city council.

SECTION 10. Until superseded under the provisions of this act or by action of the city council, the organization of the executive and administrative departments, and the powers and duties of the officers and employees of said town, shall remain as constituted at the time when this act takes full effect as provided in section three, but the city council may from time to time by ordinance, subject to the provisions of this act and in accordance with general laws, reorganize, consolidate or abolish departments, in whole or in part; may transfer the duties, powers and appropriations of one department to another, in whole or in part; may establish new departments; and may increase, reduce, establish or abolish salaries of heads of departments or members of boards. Nothing in this section shall authorize any action in conflict with the civil service laws and the rules and regulations made thereunder.

SECTION 11. The mayor shall receive for the mayor’s services such salary as the city council, by ordinance, shall determine and shall receive no other compensation from the city. The mayor's salary shall not be increased or diminished during the term to which the mayor was elected.

The council may, by a two thirds vote of all its members, taken by a call of the yeas and nays, establish a salary for its members. Such salary may be reduced but no increase therein shall be made to take effect during the year in which the increase is voted. (As amended by Chapter 184 of the Acts of 1939 and Compilation of City Ordinance No. 40.)

SECTION 12. On the seventh Tuesday preceding every regular and special city election at which any officer mentioned in this act is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such election. Voters qualified to vote at a regular city election shall be qualified to vote at a preliminary election. No special election for mayor or any

officer shall be held after the expiration of forty days from the calling of the preliminary election. (See also G.L. Chap. 54 sec. 103A as amended).

SECTION 13. Any person who is qualified to vote for a candidate for any office mentioned in this act, and who is a candidate for nomination for that office, may have the name as such candidate printed on the official ballot to be used at a preliminary election; provided, however, that, at least 28 days prior to the preliminary election pursuant to section 10 of chapter 53 of the General Laws, the person shall file with the city clerk a statement in writing of such candidacy, together with the petition of not less than 50 voters of the city who are qualified to vote for a candidate for such 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 Gardner; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for nomination for the office of (state the office) for (state the term) to be voted for at the preliminary election for nominations 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 ballots to be used at said preliminary election.

(Signed)

Commonwealth of Massachusetts Worcester, SS

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

(Signed)

Justice of the Peace or (Notary Public)

My Commission Expires

PETITION ACCOMPANYING STATEMENT OF CANDIDATE

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we the undersigned, voters of the city of Gardner, 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 ballots to be used at the preliminary election to be held on the Tuesday of , nineteen hundred and . We further state that we believe this person to be of good moral character and qualified to perform the duties of the office.

No acceptance by a candidate for nomination named in the said petition shall be necessary for its validity or for its filing, and the petition need not be sworn to. The petition may be on one or more papers.

SECTION 14. On the first day, not being Sunday or a legal holiday following the expiration of time for filing above-described statements and petitions, 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 filed the above-mentioned statements and petitions, 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 to be printed, and the ballots so prepared shall be the official ballots and the only ballots used at the preliminary election. They shall be headed as follows:

OFFICIAL PRELIMINARY BALLOT

Candidates for nomination for the offices of ( ) in the City of Gardner. 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 office for which nominations are to be made).

SECTION 15. The name of each person, and of none other, who has filed a statement and an accompanying petition pursuant to this act with the official residence and the title and term of the office for which the individual is a candidate for nomination, shall be printed on ballots under the designation of office in the order in which they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present in person or by 1 representative at such drawing. At the end of a list of candidates for nomination to an office, the city clerk shall leave blank spaces equal in amount to that of the number of such candidates whose names appear on such list; provided, however, that a voter may insert in such blank space the name of a person whose name does not appear on such list for whom the voter desires to vote for nomination to such office. The city clerk shall print on said ballots such directions as will aid the voter, including, but not limited to: (i) "vote for 1"; (ii) "vote for not more than 2"; and (iii) other similar directions as deemed necessary and in accordance with section 42 of chapter 54 of the General Laws.

SECTION 16. No ballot used at any preliminary, special or regular city election shall have printed thereon any political party or other political designation or mark and there shall not be appended to the name of any candidate any such political party or other political designation or mark or anything showing the method of nomination or indicating the candidate's views or opinions pursuant to section 34 of chapter 53 of the General Laws.

SECTION 17. The election officers shall, immediately upon the closing of the polls at the preliminary elections, count the ballots and ascertain the number of votes cast in the voting

places where they officiate for each person for nomination for each office, and shall forthwith make return thereof to the city clerk upon blanks to be furnished as in regular city elections.

SECTION 18. The city clerk shall canvas returns from election officers and post them in a conspicuous place in city hall and in other manners consistent with city practices.

SECTION 19. The two persons receiving at a preliminary election the highest and second highest number of votes respectively, for any office, shall be the candidates and the only candidates for that office whose names shall be printed on the official ballots to be used at the succeeding regular or special city election. If two or more persons are to be elected to the same office at such regular or special city election, the several persons, to a number equal to twice the number so to be elected to such office, receiving the highest number of votes for nomination for that office, or all such persons if less than twice the number of those so to be elected, shall be candidates, and except as otherwise provided herein the only candidates, for that office whose names shall be printed on the official ballots to be used at such regular or special city election.

The names shall be printed on the ballots under the designation of the respective offices for which they are candidates in the order in which they may be drawn by the city clerk, as provided in section fifteen. If 2 or more candidates receive an equal number of votes for the same office at a preliminary election held pursuant to this act and 1 of such candidates would otherwise be entitled to have that candidate's name upon the official ballot, then the names of all such persons shall be placed on the ballot.

SECTION 20. 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 the office of mayor, councilor at large, or school committee as there are candidates to be elected to said offices respectively, the candidates whose statements have thus been filed shall be deemed to have been nominated to said offices respectively, and their names shall be used as such regular or special city election, and the city clerk shall not print said names upon the ballot to be used at said primary election, and no other nomination to said offices shall be made. And if in any ward, 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 the office of councilor from such ward as are to be elected, the candidates whose statements have thus been filed shall be deemed to have been nominated, and their names shall be printed on the official ballot to be used at such regular or special city election, and the city clerk shall not print said names upon the ballot to be used at said preliminary election, and no other nominations to said offices shall be made. And if 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 such ward or wards.

SECTION 21. No acceptance of nomination made at a preliminary election shall be necessary for its validity.

SECTION 22. Beginning with the year nineteen hundred and thirty-seven, municipal elections in the city of Gardner for the choice of mayor, councilors and members of the school committee shall be held biennially on the Tuesday next following the first Monday in November in each odd numbered year. (Section 22 is given as amended by Chapter 332 Acts of 1936 Section 1).

SECTION 23. On the first Monday in January the mayor-elect and the councilors-elect shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any justice of the peace, and a certificate that the oath has been taken shall be entered on the journal of the city council. At any meeting thereafter the oath may be administered, in the presence of the city council, to the mayor, or to any councilor absent from the meeting on the first Monday in January.

SECTION 24. Except as provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Except as otherwise provided in this act, every member of the council shall have the right to 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. All legislative sessions shall be open to the public, and every matter coming before the council for action shall be put to 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 city clerk shall have such powers and perform such duties as the council may from time to time prescribe, in addition to such duties as may be prescribed by law. The city clerk shall keep the records of the meetings of the council.

SECTION 25. The city council may at any time request from the mayor specific information about any municipal matter within its jurisdiction and may request the mayor's presence to answer written questions relating to such matters at a meeting to be held not earlier than 1 week after the date of the receipt by the mayor of said questions.The mayor shall personally, or through a 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 at any time may attend and address the city council in person, or through the head of a department or a member of a board, upon any subject. The council, or any committee thereof duly authorized by the council so to do, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any official, and, by similar investigations, may secure information upon any matter.

SECTION 26. 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 of the General Laws and in chapter one hundred and sixty-six thereof, no such grant, renewal or extension shall be made otherwise then by ordinance.

SECTION 27. No ordinance, or part thereof, shall be amended or annulled except by an ordinance adopted in accordance with the provisions of this act.

SECTION 28. 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, further action on the measure shall, unless it is an emergency measure as defined in section twenty-six, be postponed for that meeting.

SECTION 29. Every proposed ordinance, except emergency measures, as hereinbefore defined, shall at least ten days before its final passage, be published in summary, and in any manner that may be provided by ordinance.

After final passage, it shall, in the same manner as before, again be published once, as amended and completed in summary, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment. (Section 29 is given as amended by Chapter 65 of the Acts of 1935.)

SECTION 30. An order, ordinance, resolution or vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for approval. If the mayor approves, then the mayor shall sign it and, if the mayor disapproves, it shall be

returned to the city council with the mayor's objections in writing, which the city council shall enter at large on its records, and again consider the order, ordinance, resolution or vote. If the city council, notwithstanding the disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two-thirds vote of all members of the city council, the act shall then be in force and presented to the mayor a second time; provided, however, that such vote shall be taken not less than 7 days after the return of the act to the city council. Such act shall be in force if it is not returned by the mayor within 10 days after it was presented to the mayor a second time. This section shall not apply to budgets submitted pursuant to section 32 of chapter 44 of the General Laws or to appropriations by the city council pursuant to section 33 of said chapter 44.

SECTION 31. Civil service laws shall not apply to the appointment of the mayor's secretaries and the appointment of stenographers, clerks, telephone operators and messengers connected with the mayor's office and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

SECTION 32. If a vacancy occurs in the office of mayor before the last 12 months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of the mayor in the last 12 months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councilor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councilor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councilor, the city council shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councilor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term.

If the mayor is absent or temporarily unable for any reason to perform the duties of the office, or if the office is vacant during the first 12 months of the term, the mayor's duties shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor", shall possess the powers of mayor only in matters not admitting of delay and shall have no power to make permanent appointments. If the office of the mayor is vacated due to resignation or death prior to the end of the term, the acting mayor shall be entitled to the compensation for city council president in addition to 75 per cent of the rate of compensation for the mayor.

If an appointive officer of the city is absent or temporarily unable for any reason to perform official duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of a person to act in place of such appointive officer until the appointive officer resumes duties.

SECTION 33. It shall be unlawful for the mayor or for a member of the city council or school committee or for any officer or employee of the city, directly or indirectly, to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person or corporation, making or performing such a contract, unless the mayor, such member, officer or employee, immediately upon learning of the existence of such contract, or that such a contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of the 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 the 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, however, 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 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 by both such fine and imprisonment.

SECTION 34. (Repealed)

SECTION 35. (Repealed)

SECTION 36. At the request of any department, the city council may, with the approval of the mayor, acquire by purchase, or take by eminent domain under chapter seventy-nine of the General Laws in the name of the city, for any municipal purpose, any land or interest therein within the limits of the city not already appropriated to public use. 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, said land shall not be purchased, but shall be taken by eminent domain and paid for in the manner provided for the payment of damages for land taken under said chapter seventy-nine. The city council shall estimate the damages, if any, sustained by persons in their property by such taking, and shall state the share of each separately. No land shall be taken until an

appropriation by loan or otherwise for the general purposes, for which land is needed shall have been made by the city council by a two thirds vote of all its members and approved by the mayor; nor shall a price be paid in excess of said estimated damages unless a larger sum is awarded by a court of competent jurisdiction.

SECTION 37. The school committee shall consist of the mayor, who shall be chairperson, and six persons who shall be elected at large from the registered voters of the city. At the biennial municipal election to be held in the year nineteen hundred and ninety-one there shall be elected three persons to serve for two years and three persons to serve for four years. At each biennial election thereafter there shall be elected three persons to serve for the term of four years. *(Section 37 is given as amended by Chapter 290 of the Acts of 1989, section 1).* NOTE: For provisions with respect to election of members to and powers and duties of the Montachusett Regional Vocational Technical School District Committee, see Chapter 560 of the Acts of 1964 and Chapter 543 of the Acts of 1965).

SECTION 38. The school committee shall appoint annually a superintendent of schools except as provided in section forty-one of chapter seventy-one of the General Laws, and may, under the laws regulating the civil service, appoint, suspend or remove 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, except the mayor, shall hold any other office or position with a salary or compensation that is payable out of the city treasury during the elected term of office. The committee shall organize annually on Tuesday following the first Monday in January, and shall elect one of its members as vice-chairperson, whose duty it shall be to preside at all meetings of the committee at which the mayor is not present.

SECTION 39. The school committee, in addition to the powers and duties pertaining by law to school committees, shall have power to provide, when they are necessary, temporary accommodations for school purposes, and shall have the control of all school buildings and of the grounds connected therewith, and the power to make all repairs, the expenditures for which are made from the regular appropriation for the school department, except as is otherwise provided herein.

SECTION 40. No site for a school building shall be acquired by the city unless approval of the site by the school committee is first obtained. No plans for the construction or alteration of a school building shall be accepted and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee and the mayor therefore is first obtained; but such approval shall not be required for the making of ordinary repairs.

SECTION 41. The school committee shall make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the committee, provided that such rules are not inconsistent with any laws of the commonwealth.

SECTION 42. All meetings of the school committee shall be open to the public, except that when requested by not less than four members of the committee, any particular meeting shall be private. The vote on any particular measure shall be by the call of yeas and nays, when it is so requested by not less than two members of the committee.

SECTION 43. 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 next regular city election. The mayor, if present, shall preside at the convention.

SECTION 44. A petition meeting the requirements hereinafter specified and requesting the city council to pass an ordinance, resolution, order or vote, except an order granted under the provisions of chapter one hundred and sixty-four and one hundred and sixty-six of the General Laws or requesting the school committee to pass a resolution, order or vote , all of these four terms being hereinafter included in the term “measure”, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided.

SECTION 45. Signatures to initiative petitions need not be on all one paper. All such papers pertaining to any one measure shall be fastened together, and shall be filed in the office of the city clerk as one instrument, with the endorsement thereon of the names and addresses of three persons designated as filing the same. With each signature to said 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, accordingly as the petition is addressed, and at the same time shall send a copy of said certificate to one or more of the persons designated on the petition as filing the same.

SECTION 46. If an initiative petition be signed by registered voters equal in number, except as otherwise provided in this act, to at least twenty per cent of the whole number of registered voters, the city council or the school committee shall, within twenty days after the

date of the certificate of the registrars of voters that the petition has been signed by the required percentage of registered voters, either –

1. Pass said measure without alteration, subject to the referendum vote provided by this act, or

2. The city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election, provided, however that if any regular city election is otherwise to occur within ninety days after the date of said certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such other election.

SECTION 47. If an initiative petition be signed by registered voters equal in number to at least eight per cent but less than twenty per cent of the total number of registered voters, and said measure be not passed without alteration within twenty days by the city council or the school committee, as provided in the preceding section, then such proposed measure, without alteration, shall be submitted by the city council to a vote of the registered voters of the city at the next regular city election.

SECTION 48. If within twenty days after the final passage of any measure, other than a loan order (however, see Chapter 202 of the Acts of 1941 and G.L. Chapter 44, section 8A with respect to orders authorizing the issue of bonds, notes or certificates of indebtedness withholding effectiveness for a period of twenty days from day of order and allowing opportunity for initiative petition signed by a minimum of twelve per cent of the registered voters of the City of Gardner), by the city council or by the school committee, a petition signed by registered voters of the city, equal in number to at least twelve per cent of the total number of registered voters, be presented to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure of part thereof be not entirely annulled, repealed or rescinded, the city council shall submit the same, by the method herein provided, to a vote of the qualified voters of the city, either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the qualified voters voting on the same at such election shall vote in favor thereof. The petition provided for by this section shall be termed a referendum petition.

The procedure in respect to the referendum petition shall be the same as that provided by section forty-five of this act, except that the words “measure or part thereof protested

against" shall for this purpose be understood to replace the word "measure" in that section wherever it may occur, and that the word "referendum" shall be understood to replace the word "initiative" in that section. (Section 48 is given as amended by Chapter 65 of the Acts of 1935).

SECTION 49. The city council may of its own motion, and shall upon request of the school committee in case of a measure originating with that committee and pertaining to the affairs under its administration, submit to a vote of the registered voters of the city for adoption or rejection at a regular or special city election any proposed measure, or a proposition for the annulment, repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

SECTION 50. If two or more proposed measures passed at the same election contain conflicting provisions, that one of said measures which received the largest number of affirmative votes shall take effect and the other shall be void.

SECTION 51. (Repealed)

SECTION 52. All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the town of Gardner before the organization of the city government under this act and all taxes, special assessments; fines, penalties, forfeitures incurred or imposed, due or owing to the town, 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 act; and no legal act done by or in favor of the town shall be rendered invalid by the acceptance of this act.

All laws, by-laws, rules and regulations, general or special relating to the town of Gardner, in force at the time when this act takes full effect, shall until altered, amended or repealed, continue in force in the city of Gardner, so far as the same are not inconsistent herewith.

SECTION 53. This act shall be submitted to the voters of the town of Gardner at the annual town election in March in the year nineteen hundred and twenty-two for their acceptance. At such election the polls shall be open not less than eight hours; and the vote shall be taken by ballot, in accordance with the provisions of the General Laws so far as the same shall be applicable, and not inconsistent herewith, in answer to the following question which shall be placed upon the official ballot used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and twenty-one, entitled 'An Act to incorporate the City of Gardner', be accepted?" If a majority of the voters present and voting thereon vote to accept this act then the same shall take effect; but not otherwise. (Approved March 15, 1921).

Chapter 119 of the Acts of 1921 accepted by the voters of Gardner March 6, 1922.