

Ordered: That the Mayor and City Council approve the following consolidation of the city charter for publication to residents and for use as the basis of prospective charter revision:

CHARTER OF THE CITY OF MALDEN
(Chapter 169 of the Acts of 1881 and acts in amendment thereto)

INCORPORATION

Section 1. The inhabitants of the town of Malden shall continue to be a body politic and corporate under the name of the city of Malden, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

(Added: [C. 169 of 1881](#))

Section 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one officer to be called the mayor, and one council of eleven to be called the city council; and the members thereof shall be sworn to the faithful performance of their duties. A majority of the council shall constitute a quorum for the transaction of business.

(Added: [C. 169 of 1881](#); Amended: [C.49 of 1887](#), [C. 500 of 1954](#), [C. 550 of 1955](#), [MGL C. 39 s. 6A](#))

ELECTIONS

Section 3. The city council shall no later than December of 1954 divide said city into eight wards, so that they shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of inhabitants in each ward.

(Added: [C. 169 of 1881](#); Amended: [C. 49 of 1887](#), [C. 406 of 1888](#), [C. 500 of 1954](#), [MGL C. 54, S. 1](#))

Section 4. Elections for the choice of members of the city council and school committee shall be held biennially on the first Tuesday after the first Monday in November in each odd-numbered year; the city councilors and school committee members shall be elected for terms of two years from the first Monday in January following their election and until their successors are qualified. Commencing in 1999, elections for the choice of mayor shall be held on the first Tuesday after the first Monday in November in alternate odd-numbered years; the mayor shall be elected for a term of four years from the first Monday in January following his election and until his successor is qualified.

Except as hereinafter provided, candidates for election to municipal office shall be nominated in accordance with the requirements of chapter 53 of the General Laws.

Nomination papers of candidates for the office of ward councilor and school committee shall be signed in the aggregate by not less than 50 voters qualified to vote in said ward in the next municipal election. Nomination papers for candidates for mayor and councillor-at-large shall be signed in the aggregate by not less than 200 persons qualified to vote in the next municipal election.

A person shall not be a candidate for nomination to more than 1 office at any regular or special municipal election.

No ballot used at any annual or special city election or at any city primary election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated, or indicating his views or opinions.

The two persons receiving at a city primary election the highest number of votes for nomination for an 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 annual or special city election for the making of nominations for which said city primary election was held, and if two or more persons are to be elected to the same office at such annual or special city election the several persons to a number equal to twice the number so to be elected receiving at such city primary election the highest number of votes for nomination for that 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 annual or special city election.

If the primary election results in a tie vote among candidates for nomination receiving the smallest number of votes, which, but for the tie vote, would entitle the person receiving such number to have his name printed upon the official ballots for the election, all candidates participating in said tie vote shall have their names printed upon the official ballots, although thereby there be printed upon them candidates to a number exceeding twice the number to be elected; provided, however, that if at the expiration of the time for filing statements of candidates to be voted for at any city primary election not more than twice as many such statements have been filed with the city clerk for the office of mayor, councillor, councillor-at-large, or school committee as there are persons to be elected to said offices respectively, then the candidates whose statements have thus been filed shall be deemed to have been nominated for said offices respectively, and their names shall be used at such annual 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 or nominations for 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 city primary election in any ward or wards of the city, then no primary election shall be held in any such ward or wards.

A candidate nominated for municipal office in the city of Malden, if no preliminary election is required, may withdraw his name from nomination within 6 days succeeding 5:00 p.m. of the day on which the preliminary election would have been held.

If after the deadline for withdrawals from nomination, a candidate nominated for a municipal office in the city of Malden files with the city clerk a statement duly signed and notarized of his intention not to seek the office for which he has been nominated, the city clerk shall cause notice of the statement of withdrawal to be attached to the specimen ballots delivered to each polling place where the name of the nominated candidate appears on the ballot.

(Added: [C. 169 of 1881](#); Amended: [C. 278 of 1900](#), [C. 314 of 1912](#), [C. 387 of 1913](#), [C. 159 of 1917](#), U.S. Constitution - Amendment 19, [C. 155 of 1933](#), [C. 28 of 1936](#), [C. 85 of 1952](#), [C.550 of 1955](#), [C. 264 of 1998](#), [C. 267 of 1998](#), [C. 434 of 1998](#), [C. 206 of 2001](#), [C. 114 of 2011](#))

Section 5. Election of Ward Officers

(Added: [C. 169 of 1881](#); Repealed: [C. 417 of 1893](#))

Section 6. The mayor and councillors are authorized, when no convenient ward room for holding ward meetings for the citizens of either wards of the city can be had within the territory or limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and approximate place within the limits of any other of the wards of said city, and for such purposes the place so assigned for the meetings of such ward shall be deemed and taken to be included in and part of said ward as though the same was within the territorial limits thereof.

(Added: [C. 169 of 1881](#), [C.550 of 1955](#))

Section 7. The mayor shall be chosen by the qualified voters of the city at large, voting in their respective wards and shall hold office for the four municipal years next following his election and until another has been chosen and qualified in his place. The municipal year shall commence on the first Monday in January.

(Added: [C. 169 of 1881](#); Amended: [C. 155 of 1933](#); [C. 267 of 1998](#))

Section 8. Commencing January first, nineteen hundred and fifty-eight, the city council of the city of Malden shall consist of eleven members, one member to be elected from each ward by and from the registered voters of that ward, and the remaining members to be elected by and from the registered voters of the city. All members shall be elected to serve for two years from the first Monday of January following their election and until their successors are qualified. Said council shall elect annually one of its members as its president, who shall preside in the city council. A majority of the city council shall constitute a quorum for the transaction of business.

(Added: [C. 169 of 1881](#); Amended: [C. 49 of 1887](#), [C. 155 of 1933](#), [C. 550 of 1955](#), [C. 286 of 1958](#))

Section 9. On the first Tuesday after the first Monday in November in each odd numbered year the qualified voters of the several wards shall give in their votes by ballot for city councillors and school committee in accordance with the provisions of law. On the first Tuesday after the first Monday in each alternate odd numbered year the qualified voters of the several wards shall give in their votes by ballot for mayor in accordance with the provisions of law. All the votes so given shall be assorted, counted and declared and recorded in open ward meeting, by causing the names of the persons voted for and the number of votes given for each to be written in the ward record at length. The clerk of the ward within twenty-four hours thereafter shall deliver to the city clerk a copy of the record of such elections certified by the warden and clerk and the majority of the inspectors of elections. The city council shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been chosen mayor to be notified in writing of his election; but if it shall appear that no person has been chosen, or if the person chosen shall refuse to accept the office, the city council shall issue warrants for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the choice of mayor, and from time to time shall be repeated until a mayor shall be chosen and shall accept said office. Whenever by reason of sickness or other cause the mayor shall be disabled from performing the duties of his office, or whenever he shall be absent temporarily from the city, the president of the city council shall become acting mayor during the period that the mayor is disabled or absent. The acting mayor shall during the continuance of such disability have all the rights and powers of mayor, except that he shall not when so acting make any permanent appointment, unless such disability of the mayor has continued for a period of thirty days, nor shall he approve or disapprove any ordinance, order, resolution or vote until within twenty-four hours of the time when it would take effect without the approval of the mayor. In case such disability of the mayor continues for a period exceeding sixty days, the city council may at any time after the expiration of that period declare a vacancy to exist in the office of the mayor.

A vacancy in the office of mayor, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause between May 1 and July 1 of a municipal election year in which a mayoral election would not ordinarily be held shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall

indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause after July 1 in a municipal election year during which a mayoral election would not ordinarily be held but before May 1 in a municipal election year during which a mayoral election would ordinarily be held shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of mayor, arising from any cause from May 1 but before July 1 of a municipal election year during which a mayoral election would ordinarily be held shall be filled at the regular municipal election. The person so elected shall fill the remainder of the unexpired term and the next regular term of office and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of mayor, arising from any cause after July 1 of a municipal election year during which a mayoral election would ordinarily be held shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be, immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if the number of candidates exceeds twice the number to be elected.

Whenever there is a vacancy in the office of mayor pending the election and installation of a new mayor, as provided in this section, the president of the city council, as above provided, shall act as mayor, and possess the same rights and powers as mayor during such vacancy as are above provided for in the case of acting mayor.

Each councillor shall be notified in writing of his election by the mayor and city council for the time being.

A vacancy in the office of ward councilor, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a

vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of ward councilor, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of ward councilor, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

A vacancy in the office of councilor at large, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of councilor at large, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person receiving the highest number of votes and not presently serving shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results of the election. Ballots shall indicate that 2 persons shall be elected to fill the next regular term of office and that 1 person shall be elected to fill the vacancy in the present term and the next regular term.

A vacancy in the office of councilor at large, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 nor more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the

vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace. The members-elect of the city council and school committee and, when applicable, the mayor-elect shall, on the first Monday of the year following the biennial election, meet in convention and the oath required by this act shall be administered to the members of those boards present, by the mayor or by a justice of the peace and a certificate of such oath having been taken shall be entered upon the journals of the respective boards by their respective clerks; provided, however, that in any year in which the first Monday in January is a legal holiday, the oath required shall be administered on the first Tuesday of that year. After the oath of office has been administered as aforesaid the city council shall be organized by the selection of a president. In case of the absence of the mayor-elect on the first Monday of January, or if the mayor shall not then have been chosen, the city council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter in a convention of the city council be administered to the mayor and any member of the city council who may have been absent at the organization. The city council shall keep a record of its own proceedings, and judge of the election of its own members.

(Added: [C. 169 of 1881](#); Amended: [C.278 of 1900](#), [C. 314 of 1912](#), [C. 387 of 1913](#), [C. 159 of 1917](#), [C. 155 of 1933](#), [C. 28 of 1936](#), [C.85 of 1952](#), [C. 550 of 1955](#), [C. 286 of 1958](#), [C. 374 of 1959](#); [C. 255 of 1964](#); [C. 267 of 1998](#); [C. 114 of 2011](#); [C. 167 of 2017](#))

POWERS OF MAYOR AND CITY COUNCIL

Section 10. The mayor shall be the chief executive officer of the city. The mayor shall be active and vigilant in causing the laws and regulations of the city to be enforced and keep a general supervision over the conduct and performance of duties of all officers. Whenever in the mayor's opinion the public good requires, the mayor may remove, with the consent of the appointing power, any officer over whose appointment the mayor has, in accordance with this charter, exercised the power of nomination. The mayor may call special meetings of the city council to be convened when, in the mayor's opinion, the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the city council. The mayor shall from time to time communicate to the city council such information and recommend such measures as the business and interests of the city may, in the mayor's opinion require, including recommending, in compliance with applicable general laws and regulations, discipline or dismissal for cause of any officer

appointed by the city council. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterward it shall be fixed by vote of the city council. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

(Added: [C. 169 of 1881](#); Amended: [C. 550 of 1955](#), [C. 200 of 2011](#))

Section 11. Every ordinance, order, resolution or vote of the city council, except matters of license approval which are vested by law or ordinance in the city council, shall be presented to the mayor; election of officers shall not be presented to the mayor except election of assessors, city clerk, controller, solicitor and treasurer. If he approves thereof, he shall signify by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the city council. The city council shall enter the objections of the mayor on its records and proceed to reconsider said ordinance, order, resolution or vote. If, after such reconsideration, two-thirds of the members, present and voting, agree to pass such ordinance, order, resolution or vote, it shall be in force; provided, however, that when reconsidering the election of an assessor, city clerk, controller, solicitor or treasurer, the election shall stand if agreed to by a majority of the members present and voting. In all cases the vote shall be determined by yeas and nays. If such ordinance, order, resolution or vote is not returned by the mayor within 10 days after final passage by the city council, the same shall be in force.

(Added: [C. 169 of 1881](#); Amended: [C. 550 of 1955](#), [C. 286 of 1958](#), [C. 425 of 2001](#); [C. 114 of 2011](#); [C. 200 of 2011](#); [C. 288 of 2012](#))

Section 12. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Malden, and in the selectmen of towns generally, by the laws of the Commonwealth, shall be vested in and may be exercised by the mayor and city council as fully as if the same were herein specially enumerated.

The compensation of subordinate officers shall be fixed by vote of the city council.

The city council shall have the care and superintendence of the city buildings and the custody and management of all city property with power to let what may be legally let, and to sell, purchase or hire property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it. The city of Malden is hereby authorized to grant the temporary use of halls in school buildings upon such terms and conditions and for such public or educational purposes as the school committee of the city may deem wise; provided, however, that such use shall not in any way interfere or be inconsistent with the use thereof for school purposes.

And they shall as often as once a year cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

(Added: [C. 169 of 1881](#); Amended: [C. 16 of 1911](#); [C. 196 of 1911](#); [C. 550 of 1955](#))

Section 13. In all cases in which appointments are directed to be made by the mayor and city council, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the council; and no person shall be eligible by appointment or election by the mayor and city council, to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the council. All sittings of the city council shall be public when they are not engaged in executive business.

(Added: [C. 169 of 1881](#); Amended: [C. 550 of 1955](#))

ADMINISTRATIVE ORGANIZATION

TREASURER, COLLECTOR, CITY SOLICITOR, CONTROLLER OF ACCOUNTS, CHIEF FINANCIAL OFFICER

Section 14. The city council, as soon after its organization as may be convenient, in years when it organizes, otherwise on the first Monday in January, or as soon thereafter as may be convenient, shall triennially choose a city solicitor, who shall hold his office for the term of three years next ensuing and until the qualification of his successor; provided, he may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named office may be filled at any time by vote of the city council. The compensation of the officers named or referred to in this section shall be fixed by vote of the city council.

Commencing in January of 2012 and every 3 years thereafter, the city council shall choose by majority vote a treasurer who shall serve for the 3 years next ensuing and until a successor is appointed and qualified; provided, however, that the treasurer may be removed by the city council at any time for sufficient cause. Any vacancy occurring in such office may be filled at any time by majority vote of the city council. The compensation of the treasurer shall be fixed by ordinance. The treasurer shall have all the powers and duties imposed by law and ordinance on municipal treasurers and collectors of taxes.

Commencing in January of 2015 and every 3 years thereafter, the city council of the city of Malden shall choose by majority vote a controller of accounts, who shall hold office for the 3 years next ensuing and until a successor is appointed and qualified; provided, however, that the controller of accounts may be removed at any time by the city council for sufficient cause. Any vacancy occurring in such office may be filled at any time by majority vote of the city council. The compensation of the controller of accounts shall be fixed by ordinance. The controller of accounts shall have all the powers and duties now conferred or imposed by law upon the office of city auditor. He shall have

charge and oversight of the accounts and bookkeeping of the city of Malden and of the various departments thereof, and shall have such other powers and duties as the city council may by ordinance prescribe. The controller of accounts shall have all the power and duties imposed by law on purchasing agents and shall act as the chief procurement officer for the city.

The city council may from time to time, as it considers necessary and appropriate, appoint by majority vote, a chief financial officer, who shall serve for the 3 years next ensuing. The treasurer, the controller of accounts or a member of the board of assessors may, at the city council's discretion, simultaneously hold the office of chief financial officer. The compensation of the chief financial officer shall be fixed by ordinance, which shall specify the salary for the position of chief financial officer alone, and for the position of chief financial officer held in combination with the office of treasurer, controller of accounts or assessor. The chief financial officer shall administer, coordinate and supervise all financial services, activities and officers, and assist in all matters relating to municipal financial affairs. The chief financial officer shall, under the direction of the mayor, prepare the annual appropriation order for consideration by the city council and, under the direction of the mayor and city council, develop and implement a long range capital plan. The chief financial officer shall make recommendations to the mayor and city council for enhancing revenue and revenue collections and shall perform such other duties as prescribed by the mayor and city council.

(Added: [C. 169 of 1881](#); Amended: [C. 180 of 1917](#), [C. 435 of 1941](#), [C. 235 of 1946](#), [C. 446 of 1950](#), [C. 447 of 1950](#), [C. 188 of 1953](#), [C. 550 of 1955](#), [C.58 of 1973](#), [C. 425 of 2001](#); [C. 200 of 2011](#); [C. 288 of 2012](#))

CITY CLERK

Section 15. The city council, as soon after its organization as may be convenient, in years when it organizes, otherwise on the first Monday in January, or as soon thereafter as may be convenient, shall triennially choose a city clerk, who shall hold office for the term of three years next ensuing and until the qualification of his successor; provided, that said city clerk may be removed at any time by the city council for sufficient cause and any vacancy occurring in such office may be filled at any time by vote of the city council. The compensation of the city clerk shall be fixed by vote of the city council. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and council, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him; and shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office. He shall also perform all the duties, and exercise all the powers by law incumbent upon or vested in clerks of towns of this Commonwealth. He shall be clerk of the city council; shall attend said council when the same is in session, and keep a journal of its acts, votes and proceedings. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and

shall add proper indexes, which book shall be deemed a public record of such ordinances. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the city council, may appoint a clerk pro tempore, who shall be duly qualified.

(Added: [C. 169 of 1881](#); Amended: [C. 332 of 1901](#), [C. 433 of 1950](#), [C. 550 of 1955](#))

FIRE COMMISSIONER & FIRE DEPARTMENT

Section 16. The mayor and city council shall, within sixty days after the acceptance of this act, appoint one person to be fire commissioner, whose term of office shall expire on the first day of March in the year nineteen hundred and ten, and shall thereafter in the month of January or February in the year nineteen hundred and ten, and in every third year thereafter, appoint one person as fire commissioner, whose term of office shall be three years from the first day of March next succeeding his appointment. The fire commissioner appointed under this act shall hold office until a successor is chosen and qualified, but he may be removed by the mayor and council at any time for cause. Any vacancy may be filled by the mayor and council at any time. The fire commissioner and members of the fire department shall receive such compensation as may be fixed by the city council, notwithstanding the provisions of any general or special law to the contrary.

Said commissioner shall establish a fire department for said city, to consist of such officers and members as he shall from time to time determine. He shall appoint said officers and members and may remove any officer or member in his discretion. He shall fix the time of appointment and term of service of said officers and members, shall define their respective duties, and in general may make such rules and regulations as are or may be authorized by the laws pertaining to fire departments, concerning the conduct of said officers and members and the government of said department, the prevention and management of fires and the conduct of persons attending fires, and may affix penalties for any violation of such rules and regulations, or any of them, not exceeding the amount authorized by law for the breach of rules and regulations pertaining to fire departments. He shall have and exercise all other powers which have been conferred by law upon the mayor and city council, or which may hereafter be so conferred, in respect to the powers and duties of fire departments and the rules and regulations pertaining to fire departments. The board of fire engineers constituted and appointed by said commissioner, or the chief or head of the fire department constituted and appointed by said commissioner in case no board of fire engineers shall be constituted by said commissioner, shall have and exercise all the powers and be subject to all the duties which have been conferred or imposed by law upon boards of fire engineers or the chief or head of fire departments, or which may hereafter be so conferred or imposed by law. The engineer of said fire department in command at a fire shall have and exercise all the powers of firewards, including the powers conferred upon firewards by section three of chapter thirty-five of the Public Statutes. Said

commissioner shall not incur or authorize any expenditures without a previous appropriation therefor by the city council.

(Added: [C. 169 of 1881](#); Amended: [C. 182 of 1892](#), [C.93 of 1908](#), [C. 550 of 1955](#), [C. 354 of 1957](#))

Section 17. (Fire Limits)

(Added: [C. 169 of 1881](#); Amended: [C.374 of 1912](#), [C. 384 of 1954](#), [C. 550 of 1955](#),
Repealed: [C. 802 of 1972](#))

Section 18. (Overseers of the Poor)

(Added: [C. 169 of 1881](#); Repealed: [C. 8 of 1973](#))

ASSESSORS

Section 19. The city council first chosen after the acceptance of this act shall, as soon after their organization as may be convenient, choose three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose, in the same manner, one person, who shall hold his office for the term of three years next ensuing, and until another is chosen and qualified in his stead. The person so chosen shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns in this Commonwealth.

Vacancies occurring in the board may be filled by vote of the city council at any time, the member so chosen to hold office only for the unexpired term of the member who ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth; provided, however, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by vote of the city council.

The board of assessors of the city of Malden is hereby authorized to appoint such number of assistant assessors and other assistants and subordinates as said board may deem necessary. The assistant assessors authorized to be appointed by this act shall be sworn and may exercise all of the powers and shall be subject to all of the liabilities and penalties of assistant assessors under existing laws.

(Added: [C. 169 of 1881](#); Amended: [C.144 of 1897](#), [C. 177 of 1929](#), [C.550 of 1955](#))

SUPERINTENDENT OF PUBLIC WORKS, CITY ENGINEER, PUBLIC WORKS COMMISSION

Sections 20 & 21 The mayor, with the approval of the city council, shall, during the month of June 2012 and every 3 years thereafter, appoint a director of public works whose term of office shall be 3 years from the first day of July next succeeding or until a successor is appointed and qualified. The director shall provide for internal organization of the public works department and, subject to funding, shall appoint supervisors, who shall assume such duties and responsibilities as assigned by the director. The salaries of the director and supervisors shall be fixed by ordinance. The director and

supervisors may be removed for cause in the same manner in which they were appointed.

The mayor, with the approval of the city council, shall, during the month of February 2014 and every 3 years thereafter, appoint a city engineer, whose term of office shall be 3 years from the first day of March next succeeding or until the city engineer's successor is appointed and qualified. The city engineer shall be the head of the engineering department and shall assume such powers and duties as are vested in the city engineer by law or ordinance.

The mayor and city council shall appoint three persons to be members of the public works commission, whose terms of office shall expire on March first, nineteen hundred and fifty-six, March first, nineteen hundred and fifty-seven and March first, nineteen hundred and fifty-eight, respectively, and shall thereafter before March first in each year appoint one person to serve for three years as a member of said commission. The members of said commission shall hold office until their successors shall be chosen and qualified. Vacancies may be filled by the mayor and council at any time, and removals may be made by them for cause. The persons so appointed shall constitute the public works commission of the city of Malden, and they shall receive such compensation as the city council shall determine.

All the powers, duties, facilities, properties and appropriations vested by law or ordinances of the city in the park commission, board of survey, the street commission and the city forester shall vest in and be exercised and performed by the public works commission.

The commission shall have the powers of the city council under section 14 of chapter 40 of the General Laws to purchase or take by eminent domain, under chapter 79 of the General Laws, any land, easement or right therein for the purpose of carrying out the commission's powers or duties.

The commission shall set water and sewer rates and make determinations on applications for abatement of water and sewer bills.

Upon the appointment and qualification of the public works commission, the street and water commission, the park commission, the board of survey and the office of the city forester shall be abolished.

The commission shall have the care and management of shade and ornamental trees standing in or upon any of the public streets of the city, and shall have all the powers and privileges and be subject to the duties and obligations imposed upon city officials charged with the care of shade trees, under the provisions of chapter three hundred and sixty-three of the acts of the year nineteen hundred and ten, and may have the care and management of shade and ornamental trees standing in or upon public parks and other public grounds of the city, when so requested by the officers or boards charged by law with the care and control of the same.

All of the powers now vested in the city council in respect to the laying out, accepting, widening, altering, locating anew, assessing betterments under chapter fifty-one of the Public Statutes, discontinuing or repairing any highway, town way or private way, and all the powers now vested in the mayor and council in respect to establishing, grading and constructing sidewalks, and completing partially constructed sidewalks, and making assessments upon the abutters upon such sidewalks, are hereby conferred upon and shall be exercised by the public works commissioners. Said public works commissioners are also authorized and empowered to lay out, alter, widen, locate anew, grade or discontinue any highway, and to assess betterments therefor under the provisions of chapter fifty-one of the Public Statutes and any amendments or additions thereto, except the provisions of sections nine, ten and fifteen of said chapter fifty-one. Applications for laying out, accepting, widening, altering, locating anew or discontinuing any highway, town way or private way, and for establishing and constructing sidewalks, may be made, and notice given and proceedings had thereon, in such manner and under such regulations as may be prescribed in the ordinances of said city.

The city of Malden shall, by ordinance, adopt provisions for the repair, maintenance or extension of the city's water, sewer and drainage facilities. All powers, duties, equipment and appropriations made for repair, maintenance or extension of the city's water, sewer and drainage systems shall vest in and be exercised by the officer charged by ordinance with the repair, maintenance and extension of water, sewer and drainage facilities.

There shall be established within the city of Malden a board of park commissioners, consisting of five persons appointed by the mayor with the approval of the city council, who shall hold office for terms of one, two, three, four and five years, respectively, from the first Monday in May next following such appointment or until their successors are qualified; and thereafter the mayor, with the approval of the city council, shall annually, before the first Monday in May, appoint one such commissioner for a term of five years from the first Monday in May. No member of the city council nor the clerk or treasurer of said city shall be appointed to said board. A vacancy on said board shall be filled in like manner for the residue of any unexpired term. A commissioner may be removed by a vote of two thirds of all the members of the city council. Such commissioners shall serve without compensation. Said board shall serve in an advisory capacity to the public works commission on matters of policy and administration regarding parks in the city of Malden.

(Added: [C. 169 of 1881 Sec. 20 & Sec. 21](#); Amended: [C. 144 of 1890](#), [C. 377 of 1893](#), [C. 443 of 1895](#), [C. 152 of 1906](#), [C.374 of 1912](#), [C. 308 of 1917](#), [C. 110 of 1921](#), [C. 67 of 1947](#), [C. 384 of 1954](#), [MGL C. 41, S. 81A&B](#), [C. 110 of 1955](#), [C. 550 of 1955](#), [C. 76 of 1959](#), [C. 395 of 1976](#); [C. 541 of 1983](#); [C. 425 of 2001](#), [C. 291 of 2012](#))

Section 22. (Sinking Fund Commissioners)

(Added: [C. 169 of 1881](#); Repealed: [C.719 of 1913](#))

OTHER ADMINISTRATIVE OFFICERS

Section 23. The city council shall, in such manner as they shall determine, choose, or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties, and fix their compensation.

(Added: [C. 169 of 1881](#))

POLICE COMMISSIONER & POLICE DEPARTMENT

Section 23 A. The mayor and council shall, within sixty days after the acceptance of this act, appoint one person to be police commissioner, whose term of office shall expire on the first day of March in the year nineteen hundred and fifteen, and shall thereafter, in the month of January or February in the year nineteen hundred and fifteen, and in every third year thereafter, appoint one person as police commissioner, whose term of office shall be three years from the first day of March next succeeding his appointment. A police commissioner appointed under this act shall hold office until his successor is chosen and qualified, but he may be removed by the mayor and council at any time for cause. Any vacancy may be filled by the mayor and council at any time. The police commissioner shall receive such compensation as may be fixed by the city council. The police commissioner shall have authority to appoint, establish and organize the police of said city and to make all needful rules and regulations for its efficiency. Except as otherwise provided herein, all the powers and duties now conferred or imposed by law upon the mayor and council of said city or upon the chief of police or city marshal relative to the appointment, pay, discipline, management, control, removal and retirement upon pension of the police of said city, are hereby conferred and imposed upon said police commissioner. He shall have the care of the police station, shall have the care and custody of all property of the city used by the police department, and shall keep a record of all its business. He shall have such other powers and perform such other duties, not inconsistent with law, as the city council may from time to time by ordinance prescribe. In case of the absence or disability of the police commissioner, the next ranking officer, or, where there are two such officers of equal rank, the senior officer in date of appointment, shall be acting commissioner while such absence or disability continues. An acting police commissioner shall receive no extra compensation for services as such.

All police officers now in officer or appointed by the police commissioner shall have and exercise within the limits of said city all the powers conferred by law upon constables, except in relation to the service of civil process, and all the powers conferred upon the police as watchmen.

Except as authorized by the city council, said commissioner shall not increase the number of patrolmen.

The pay of the members of the police department shall be established and controlled by city ordinance.

The police commissioner shall annually in the month of January make a report to the city council; and his records shall at all times be open to the inspection of the mayor and city council.

Notwithstanding any general or special law to the contrary, the position of police chief in the city of Malden shall be exempt from chapter 31 of the General Laws.

(Added: [C. 16 of 1911](#); Amended: [C. 124 of 1951](#), [C. 550 of 1955](#), [C. 418 of 2012](#))

BOARD OF APPEAL

Section 23 B. There shall be established in the city of Malden a board to be known as the board of appeal, two members of which shall be the chairman of the assessors of taxes and the fire chief or a deputy fire chief, as designated by the fire commissioner, ex officiiis, and three shall be appointed by the mayor subject to confirmation by the city council.

One of the members appointed by the mayor shall be a practical builder or architect and one shall be a lawyer. The term of office of the members so appointed shall be three years. The mayor may remove any member by him appointed, with the consent of the city council, and may fill all vacancies. The members appointed by the mayor shall each receive as compensation for his services the sum appropriated therefore in the annual budget. The members of said board shall be residents of the city of Malden. No member shall act in any case in which he is interested, and in case any member is so disqualified or is absent from illness or other cause the remaining members shall designate a substitute. Every decision of the board shall be in writing and shall require the assent of at least three members. A chairman of the board shall be chosen by and from the members thereof.

An applicant for a building permit whose application has been refused by the inspector of buildings may appeal therefrom within thirty days to the board of appeal. A person who has been ordered by said inspector to incur any expense may, within ten days after being notified of such order, appeal therefrom by giving notice in writing of his appeal to the said inspector. The notice, or a certified copy thereof, shall at once be transmitted by the inspector to the board of appeal. After notice given to such persons as the board shall order, a hearing shall be held, and the board shall affirm, annul, or modify said refusal or order.

(Added: [C. 220 of 1920](#); Amended: [C. 361 of 1941](#), [C.280 of 1946](#), [C. 550 of 1955](#), [c. 802 of 1972](#); [C. 348 of 1984](#); [MGL C. 44, S. 33A](#); [MGL C. 40A, S. 12](#))

STADIUM & ATHLETIC FIELD COMMISSION

Section 23 C. There is hereby established in the city of Malden a commission to be known as the stadium and athletic field commission, which shall consist of the mayor or a designee, the principal of the high school, the director of athletics for the high school, the recreation coordinator and 2 residents appointed by the city council and 1 resident appointed by the mayor, who shall serve for a term of 3 years. To the extent practicable, the member appointed by the mayor shall be a resident of the area surrounding the stadium. In the making of initial appointments under this section, the mayoral appointee shall be appointed for a term of 1 year, 1 city council appointee shall be appointed for a term of 2 years and 1 city council appointee shall be appointed for a term of 3 years. Upon the expiration of the term of an initial appointed member, the successor shall be appointed for a term of 3 years. On the effective date of this act and annually thereafter, the commission shall organize by selecting a chairman and a clerk, both of whom shall be members of the commission.

Said commission, on behalf of said city, may, with the approval of the mayor and city council of said city, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, all the land and other property of the Malden High School Field Corporation, or any other property, and may construct buildings and structures on said land and provide proper equipment therefor; and may hold, manage, control, lease or let the same for the purpose of school and civic athletics, recreation, play, sports and physical education and may charge admission to the same.

For the purposes aforesaid, so far as they relate to the acquiring of property, the construction of buildings and structures, and the proper equipment of the same, the city of Malden may from time to time within five years from the effective date of this act borrow such sums as may be necessary, not exceeding, in the aggregate, one hundred and seventy-five thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Malden Stadium Loan Act of 1946. Each authorized issue shall constitute a separate loan and such loan shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the requirement contained in the first paragraph of section seven thereof.

All revenue received by the commission from said land, buildings and other structures shall be paid into the city treasury and shall be used as an estimated receipt by the city. All bills with respect to said land, buildings and structures incurred by the commission shall be paid out by the city treasurer for the purposes aforesaid only upon orders approved by the commission and the city auditor. Any such order and any contract which involves the expenditure of more than five hundred dollars shall, in order to be valid, require the written approval of the mayor.

The city council may appropriate such amounts as the mayor may recommend or approve to be expended by the commission for the care and repair of said land,

buildings and structures, for the equipment and improvement of the grounds, the construction and enlargement of buildings and other structures, and the support and encouragement of school athletics.

The commission shall annually on or before the fifteenth day of January file with the city clerk an itemized and detailed statement of any revenue received from, and all expenditures made for, said athletic field and the buildings and other structures thereon for the year ending December thirty-first preceding.

(Added: [C. 456 of 1946](#); Amended: [C. 597 of 1948](#), [C.81 of 1954](#), [C.254 of 1975](#), [C. 291 of 2012](#); [C. 33 of 2015](#))

TRAFFIC COMMISSION

Section 23 D. There is hereby established a commission to consist of the chairman of the public works commission, the city engineer, the chairman of the planning board, the fire commissioner or his representative, and the chief of police or his representative.

The chief of police, or his representative, shall act as the chairman of said commission and shall be known as the traffic commissioner. The members and secretary of the commission shall receive such compensation for their services as may be fixed by the city council. All statutes and ordinances applicable generally to the departments of the city shall apply to the commission.

The commission shall have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with general law as modified by this act, relative to vehicular street traffic in the city, and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, municipal public parking places, ways, highways, roads and parkways, under the control of the city, including rules and regulations designating any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties for the violation of any rule or regulation adopted hereunder. Any rule or regulation adopted under this section, prohibiting the parking or standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads, or parkways under the control of the city, may provide that it shall not apply in such residential areas as shall be specified, and at such times as shall be prescribed, in such rule or regulation, to any motor vehicle registered under chapter ninety of the General Laws as principally garaged in the city and owned or used by a person residing in such area who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule or regulation shall prescribe, and filed with the chief of police, notice of intention to park in such area and shall display in a conspicuous place on such vehicle, while parked, such visible evidence of the giving of such notice as such rule or regulation shall prescribe; but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed

to assign any specific space to any person or vehicle. No such rule or regulation, except such special rules and regulations as are declared by vote of the commission to be urgently required by considerations of public safety or convenience or such as are of a temporary nature and are to be effective for a period of not more than two weeks, shall take effect until published for two successive weeks. Upon petition of twenty-five registered voters of the city relative to any rule or regulation adopted or proposed to be adopted under this section, the commission shall hold a public hearing thereon within ten days after the filing with the commission of such petition, and final action thereon shall be determined only by vote of a majority of the entire membership of the commission.

The commission shall have power to erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of such traffic in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however, to section two of chapter eighty-five, and to sections eight and nine of said chapter eighty-nine, of the General Laws. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation excluding the trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which it has a location, or to modify or limit any power or authority of the metropolitan district commission, of the state department of public works or of the state department of public utilities, or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

The city of Malden is hereby authorized to install parking meters in all off-street parking lots which are currently leased, or which may hereafter be leased, by the city of Malden for public parking purposes, and may use any receipts from parking meters so installed for the purpose of leasing additional parking lots, the care and maintenance of the same, and in general for any traffic control or traffic safety purposes, including payment for public liability coverage in connection with the use of said municipally leased off-street parking lots. Notwithstanding the provisions of any general or special law to the contrary, the city of Malden shall designate areas within said city as senior citizen safety zones. The traffic commission of said city, in consultation with the department of public works, may erect flashing lights and post signs bearing such designation and to establish appropriate speed limits for such zones. Said traffic commission may adopt, from time to time, rules and regulations to carry out the provisions of this act.

(Added: [C. 67 of 1947](#); Amended: [C. 111 of 1952](#), [C. 610 of 1953](#), [C. 484 of 1955](#), [C. 550 of 1955](#), [C. 754 of 1957](#), [C.569 of 1961](#), [C. 233 of 1980](#); [C. 314 of 1998](#); [MGL C. 44 S.33A](#); [MGL C.40, S. 21\(24\), 21\(16b\) & 22A](#); [MGL C.90, S. 18A & 20A1/2](#); [MGL. C. 89, S. 5&7A](#))

Section 23 E. (Purchasing Agent)

(Added: [C. 86 of 1948](#); Amended: [C. 312 of 1958](#); Repealed: [C. 425 of 2001](#))

PLUMBING INSPECTOR

Section 23 F. Notwithstanding any provisions of law to the contrary, the mayor and city council of the city of Malden may appoint and remove in accordance with the civil service laws and rules a plumbing inspector who shall be a practical plumber and shall have had practical experience either as a master plumber or a journeyman, continuously, during five years next preceding his appointment. Said mayor and city council shall fix his compensation. Said plumbing inspector shall inspect all plumbing in process of construction, alteration or repair for which permits are granted within the city, and shall, notwithstanding any provision of law or any ordinance to the contrary, report to the mayor and city council violations of any law, ordinance, rule or regulation relative to plumbing; and shall perform such other appropriate duties as may be required by the ordinances of said city.

(Added: [C. 425 of 1959](#))

CODE ENFORCEMENT INSPECTOR

Section 23 G. There is hereby established in the city of Malden the office of code enforcement inspector, which office shall be classified under chapter thirty-one of the General Laws, provided, however, that the provisions of section five of said chapter thirty-one shall not apply to such office. The mayor and city council of said city shall appoint and remove such officer subject to said chapter thirty-one, and shall fix his compensation. The code enforcement inspector shall inspect real estate in the city of Malden in accordance with the codes which he shall be delegated to enforce and shall make and maintain proper records of violations of such codes, and shall perform such other appropriate duties as may be required. In connection with such inspections said inspector or his agent may enter, examine or survey at any reasonable time such places as may be necessary in the furtherance of his official duties. Said inspector may, subject to appropriation, employ clerical assistance and assistant inspectors.

(Added: [C. 348 of 1962](#))

Section 23 H. (Government Center Commission)

(Added: [C. 776 of 1970](#); Repealed: [C. 291 of 2012](#))

DEPARTMENT OF PUBLIC FACILITIES

Section 23 I. There shall be in the city of Malden a department of public facilities which shall assume control, maintenance, management and responsibility for the construction, alteration, equipping, furnishing, repair, operation, use and rental of all municipal buildings controlled by the city of Malden and all real property associated with these buildings; but this act shall not apply to cemeteries, which shall remain under the direction and control of the cemetery trustees.

The mayor, with the approval of the city council, shall in December of 2015 and every 3 years thereafter, appoint a director of public facilities whose term of office shall be 3 years from the first day of January in the calendar year after the appointment or until a successor is appointed and qualified. The director shall be the executive and administrative head of the department and shall, subject to funding, appoint such subordinates and assistants as may be required. The director shall give priority to governmental, educational and recreational operations of the city, shall provide accommodations for public meetings and conventions and may provide space for the use of performing arts, civic, athletic and cultural organizations.

(Added: [C. 32 of 2006](#), Amended: [C. 291 of 2012](#))

Section 23 J. (Geriatric Authority)

(Added: [C. 420 of 2008](#); Repealed: [C. 291 of 2012](#))

SCHOOL COMMITTEE

Section 24. The school committee of the city of Malden shall consist of nine members, one of whom shall be the mayor, and one other member to be elected from each ward by and from the registered voters of that ward; but no person shall be eligible for membership on the committee who is not an inhabitant of the city. With the exception of the mayor, who shall serve commensurate with his term as mayor and until a successor is qualified; all members shall be elected to serve for two municipal years from the first Monday in January next following their election until their successors are qualified. The school committee members shall serve with such compensation as determined by municipal ordinance and the mayor shall be chairman of the committee. The committee may choose from among its members or otherwise, a secretary, to be under the direction and control of said committee, and may appoint, but not from among its members, a superintendent of the schools. The compensation of such secretary and superintendent shall be determined from year to year by the school committee and it may remove such secretary and superintendent at its pleasure.

A vacancy in the office of school committee, arising from any cause during the first 17 months of a term, shall be filled by special election to be held not less than 90 or more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term and shall be sworn to office immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office.

A vacancy in the office of school committee, arising from any cause between May 1 and July 1 of a municipal election year shall be filled at the regular election. The person so elected shall fill the remainder of the unexpired term in addition to the next regular term and shall be sworn to office for the remainder of the unexpired term immediately upon certification of the results

of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term of office and the next regular term.

A vacancy in the office of school committee, arising from any cause after July 1 of a municipal election year shall be filled by special election to be held not less than 90 or more than 120 days from the date of notification that a vacancy exists. The person so elected shall fill the remainder of the unexpired term, if any, and/or the balance of the next regular term to begin on the first Monday in January in the year subsequent to the one in which the vacancy arose. The person so elected shall be sworn to office for the remainder of the unexpired term or the next regular term, as the case may be, immediately upon certification of the results of the election. Ballots shall indicate that the person elected shall fill the vacancy in the present term, if any, and the next regular term.

Any election held under this section shall be preceded by a primary, if required by chapter 314 of the acts of 1912.

All the rights and obligations of said town of Malden, in relation to the grant and appropriations of money for the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school houses in said city, shall be made by the city council in the same manner as grants and appropriations are made for other city purposes.

(Added: [C. 169 of 1881](#); Amended: [C. 278 of 1900](#), [C. 113 of 1908](#), [C. 155 of 1933](#), [C. 255 of 1964](#); [C. 434 of 1998](#); [C. 15 of 1999](#), [C. 114 of 2011](#))

INITIATIVE & REFERENDUM

Section 24 A. As used in this section, the following words shall have the following meanings:

"Initiative", a measure proposed by voters through the initiative process provided in this section.

"Measure", an ordinance, resolution, order or vote which has been or may be adopted by the city council or school committee.

"Referendum", a measure adopted by the city council or school committee which is protested under the referendum process provided in this section.

(Added: [C. 29 of 1950](#); Amended: [C. 114 of 2011](#))

Section 24 B. The papers constituting an initiative or referendum petition shall be filed in the office of the city clerk and shall include the names and addresses of 3 persons designated as having filed the same. With each signature on the petition, there shall also appear the residence, including street name and number, of the signer.

Signatures to an initiative or referendum petition need not be all on one paper, nor must all papers be filed at the same time. A petition shall be

considered filed when the persons designated as filing the petition notify the city clerk in writing that the filing is complete.

Within 5 days after the filing of a petition, the registrars of voters shall determine by what number of voters the petition has been signed and the percentage that number is of the total number of voters. The registrars shall attach a certificate to the petition showing the results of their examination and shall immediately transmit the certificate and petition to the city council or school committee, as the petition is addressed. A copy of the certificate shall also be sent to the persons designated as filing the petition.

(Added: [C. 29 of 1950](#); Amended: [C. 114 of 2011](#))

Section 24 C. A referendum petition shall be filed within 20 days of the final passage of the measure to which it relates; provided, however, that no revenue loan order may be made the subject of a referendum.

If a referendum petition signed by voters equal in number to 12 percent of the total number of voters is submitted to the city council or school committee, as the case may be, the measure protested against shall be suspended from taking effect.

The city council or school committee shall immediately reconsider that measure and, if the measure is not entirely rescinded, the city council shall submit the measure to a vote of the registered voters at either:

(1) the next regular municipal election held not less than 45 days after submission of the referendum petition to the city council or school committee; or

(2) a special election which may, in the city council's discretion, be called for that purpose.

The measure shall become null and void unless it is approved by a majority of the voters voting thereon.

(Added: [C. 29 of 1950](#); Amended: [C. 114 of 2011](#))

Section 24 D. If an initiative petition signed by voters equal in number to at least 20 percent of the total number of voters is submitted to the city council or school committee, the city council or school committee shall:

(1) pass the measure without alteration within 20 days; or

(2) the city council shall call a special election to be held on a Tuesday not less than 30 nor more than 45 days from the date of qualification and shall submit the measure, without alteration, to a vote at that election; provided, however, that if a regular municipal election is to occur within 90 days after the date of qualification, the city council may omit calling a special election and may submit the proposed measure to the voters at the regular municipal election.

If an initiative petition signed by voters equal in number to at least 8 per cent but less than 20 per cent of the total number of voters is submitted to

the city council or school committee, the city council or school committee shall:

- (1) pass the measure without alteration within 20 days; or
- (2) the city council shall submit the proposed measure to the voters at the regular municipal election.

(Added: [C. 29 of 1950](#); Amended: [C. 114 of 2011](#))

Section 24 E. An initiative shall become effective only if it is approved by:

- (1) a majority of the voters voting on the measure, but
- (2) no less than 25 per cent of the total number of voters eligible to vote in that election.

(Added: [C. 29 of 1950](#); Amended: [C. 114 of 2011](#))

Section 24 F. The city council may, on its own motion, and shall, upon the request of the school committee if a measure originates with that committee and pertains to affairs under its administration, submit to a vote of registered voters of the city for adoption or rejection at a regular or special municipal election, any proposed measure or proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as provided for by initiative or referendum.

(Added: [C. 29 of 1950](#); Amended: [C. 114 of 2011](#))

Section 24 G. If 2 or more proposed measures passed at the same election contain conflicting provisions, the measure receiving the greater number of affirmative votes shall take effect.

(Added: [C. 29 of 1950](#); Amended: [C. 114 of 2011](#))

ELECTED OFFICIALS - EFFECT OF CHANGE IN RESIDENCE

Section 25. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively chosen, notwithstanding their removal after their election out of their respective ward into any other wards of the city; but a removal of residence out of the city shall cause a vacancy to exist in the offices to which they were chosen.

(Added: [C. 169 of 1881](#))

FIDUCIARY RESPONSIBILITY OF CITY COUNCIL

Section 26. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds, with sufficient penalties, and sureties from all persons trusted with the receipt, custody or disbursement of money.

(Added: [C. 169 of 1881](#))

Section 27. (Council Authority To Lay Out New Streets and Ways)

(Added: [C. 169 of 1881](#); Amended: [C. 182 of 1884](#), [C. 144 of 1890](#), [C. 384 of 1954](#))

POWER TO ENACT ORDINANCES

Section 28. The city council shall have power within said city to make and establish such ordinances and bylaws, not inconsistent with the laws of the Commonwealth, as cities and towns have power by law to make and establish, such ordinances and by-laws to have force and effect within such city; and to modify, amend or repeal the same; and to annex penalties for the breach thereof; provided, however, that all laws and regulations in force in the town of Malden shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury, and any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal or chief of police.

(Added: [C. 169 of 1881](#); Amended: [C. 182 of 1884](#); [C. 615 of 1970](#); [MGL C. 40, S. 21](#))

STATE & FEDERAL ELECTIONS

Section 29. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

(Added: [C. 169 of 1881](#))

VOTING LISTS

Section 30. (Mayor and Council to Create Voting Lists)

(Added: [C. 169 of 1881](#); Repealed: [C. 417 of 1893](#))

CITIZEN PARTICIPATION

Section 31. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and city council, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

(Added: [C. 169 of 1881](#))

BOARD OF HEALTH

Section 32. All power and authority now vested by law in the board of health for the town of Malden, or in the selectmen thereof, shall be transferred to and vested in the mayor and city council, until the city council, which shall have authority to establish a board of health, shall otherwise provide.

(Added: [C. 169 of 1881](#); Amended: [C. 550 of 1955](#))

PRIOR ACTS REPEALED

Section 33. All acts, and parts of acts, inconsistent with this act, are hereby repealed; provided, however, that the repeal of the said acts shall not affect any act done, nor any right accruing or accrued or established, nor any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and provided, also, that all persons who, at the time of the said repeal taking effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government, contemplated by this charter, shall be completely effected. (Added: [C. 169 of 1881](#))

IMPLEMENTATION

Section 34. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Malden, for the time being, shall issue their warrants seven days at least previous to the first Tuesday of December next after the acceptance of this act, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to the selectmen, whose duty it shall be to examine and compare the same ; and in case such elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof, in manner before provided, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when chosen, to be used as hereinbefore provided. After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council, as provided for in this section, the day of holding the annual elections, and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided for in this act. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

(Added: [C. 169 of 1881](#))

Section 35. This act shall be void, unless the inhabitants of the town of Malden, at a legal town meeting called for that purpose, to be held within two years from the passage of this act, shall, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than nine hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the checklists in the same manner as they are used in elections of state officers, and no meeting for this purpose shall be held during the months of November or December.

(Added: [C. 169 of 1881](#))

Section 36. This act shall take effect upon its passage.

(Added: [C. 169 of 1881](#))