



CITY OF CAMBRIDGE

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December 28, 1987

To: Mr. Robert W. Healy, City Manager

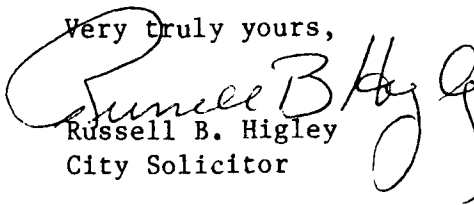
The City Council has asked my opinion relative to the following questions:

After a proposed ordinance has been passed to a second reading and legal publication completed, is the City Council permitted to amend the proposed ordinance without any further public hearings or legal advertisements?

I have reviewed Chapter 40A, Section 5 of the General Laws. The requirements as set forth in the said section have been complied with. The Planning Board report has been made to the City Council and is presently before this City Council. General Laws, Chapter 43, Section 23 requires that every proposed ordinance be published once in full in at least one newspaper of the City and in any additional manner that may be provided by ordinance, at least ten days before its final passage. M.G.L. Chapter 43, Section 23 also provides: "After such final passage, it shall, in the same manner as before, be published once, as amended and completed, except in the case of an emergency ordinance...."(Emphasis supplied).

It is my opinion that the City Council may amend the proposed ordinance after the second reading has been advertised and prior to its final passage so long as the amendments do not change the identity or substantial character of the original proposal.

Very truly yours,


Russell B. Higley
City Solicitor

City of Cambridge

O-62A

Comm. from Russell B. Higley, City Solicitor
transmitting his opinion dated December 28,
1987 Re: if the City Council is permitted to
amend a proposed ordinance which has been
passed to a second reading & legal publication
completed without any further public hearings
or legal advertisements.

December 28, 1987