

# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

May 7, 1986

RUSSELL B. HIGLEY  
CITY SOLICITOR

MICHAEL C. COSTELLO  
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III  
BIRGE ALBRIGHT  
DONALD A. DRISDELL  
LEGAL COUNSEL

Mr. Robert W. Healy  
City Manager

Re: Ordinances Nos. 926 and 966 (Removal Permits)

Dear Mr. Healy:

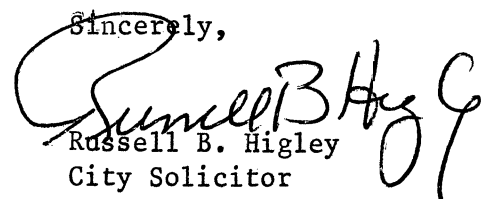
Councillor William H. Walsh has requested my opinion regarding the validity of the above Ordinances. Although each of these ordinances has an emergency preamble, each was passed in the usual way, i.e. first and second reading, followed by adoption.

Councillor Walsh argues that they are invalid, since no emergency was declared in accordance with G.L. c. 43 Section 20.

In my opinion, the ordinances are valid. The emergency procedure in G.L. c. 43 Section 20 is used only when the Council wishes to pass an ordinance "finally on the date on which it is introduced".

Since Ordinances 926 and 966 each received three readings, the emergency preambles are irrelevant, and may be regarded as surplusage.

Sincerely,

  
Russell B. Higley  
City Solicitor



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
TEL. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

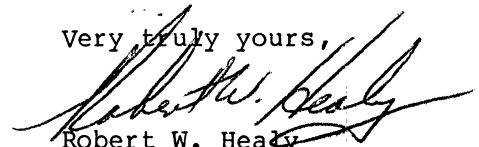
RICHARD C. ROSSI  
Deputy City Manager

May 12, 1986

To the Honorable, the City Council:

With respect to request of Councilor William H. Walsh for an opinion from the City Solicitor regarding the validity of Ordinances Nos. 926 and 966 (Removal Permits), I transmit herewith communication received from City Solicitor Russell B. Higley.

Very truly yours,



Robert W. Healy  
City Manager

RWH/b

Agenda Item No. 7

0-9

Re: enclosed opinion from the City Solicitor  
as to the validity of Ordinance No.'s 926  
& 966 (Removal Permits).

In City Council,

May 12, 1986

*Placed on file*