

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9020

LAW DEPARTMENT

March 19, 1982

RUSSELL B. HIGLEY
CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

EDWARD A. CUNNINGHAM
SEVERLIN B. SINGLETON
DAVID B. O'CONNOR
BIRGE ALBRIGHT
LEGAL COUNSEL

RECEIVED BY
OFFICE OF CITY CLERK
MAR 22 8 46 AM '82
CAMBRIDGE, MASS.

Mr. Paul E. Healy
City Clerk
City Hall
Cambridge, Massachusetts

Re: Method of repealing city ordinance

Dear Mr. Healy:

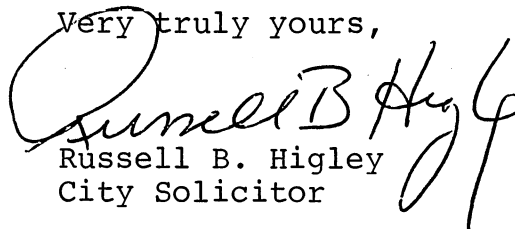
In your memorandum of March 17, you request my opinion regarding the proper procedure for repeal of a city ordinance. In this regard, G.L.c.43, §21 states:

No ordinance shall be amended or repealed except by an ordinance adopted in accordance with this chapter.

I conclude from this language that the procedure for repeal of an ordinance is the same as that for adoption of an ordinance. See Oleksak v. Westfield, 342 Mass. 50, 53 (1961): "An ordinance...can be repealed by a later ordinance." In 6 McQuillin, Municipal Corporations, §21.13 (1980), it is stated:

A municipal corporation can repeal an ordinance only by an act of equal dignity, that is, by an ordinance, and not by methods not passed and published with the same formality as is required of an ordinance.

Very truly yours,


Russell B. Higley
City Solicitor

RBH:cp

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Comm. from Paul E. Healy, City Clerk, transmitting comm. from Russell B. Higley, City Solicitor Re: procedure for the repealing of a city ordinance.

3/22/82
Referred to
Calendar # 12

In City Council,

March 22, 1982