SOUTH PORTLAND CITY COUNCIL
POSITION PAPER OF THE CORPORATION COUNSEL

SUBJECT:

ORDINANCE #1-09/10 – Public hearing and consideration of a citizen initiated proposed amendment to Chapter 3, “Animals & Fowl,” banning dogs from Willard Beach between April 15 and October 15. Council first reading and postponement to July 20, 2009 for final action or referral to the November 3, 2009 municipal general election ballot. Passage requires majority vote.

POSITION:

On May 20, 2009, a citizen initiative petition was submitted to the City Clerk’s office requesting amendment of the South Portland Code of Ordinances to prohibit dogs on Willard Beach between April 15 and October 15 and to require dogs to be “on leash under owner’s control during park hours” between October 16 and April 14.

Pursuant to Article XI of the City Charter, South Portland voters may propose any ordinance through the initiative process, except an ordinance appropriating money or authorizing the levy of taxes. (There are some other general limitations on the right of initiative not applicable to this proposed ordinance.) Petitions must be in the form set forth in Section 1103 of the Charter. Once an initiative petition is submitted to the City Clerk, the Clerk has 20 days to determine whether it contains a sufficient number of valid signatures and whether each paper of the petition has a proper statement of the circulator. The City Clerk has determined that the petition does contain the required number of valid signatures and that each paper has a valid statement of the circulator. Accordingly, she has forwarded it to the City Council.

Once a certified initiative petition is received by the City Council, the City Council is required to have the proposed ordinance read and to hold a public hearing on it. Accordingly, the proposed ordinance has been placed on the agenda as a public hearing. The City Council must take final action on the proposed ordinance within 60 days of the date it receives it from the City Clerk.

If the City Council does not pass the proposed citizen-initiated ordinance as written, the proposed ordinance must be submitted to the voters at least 30 days but not more than 15 months from the date of the City Council’s final vote thereon. Therefore, there are two options before the City Council as to how to proceed: (1) to move that this
serve as first reading of the proposed ordinance and postpone it to the meeting of July 20, 2009 for second reading and final action; or (2) to move to place the proposed ordinance on the ballot for the November 3, 2009 municipal general election.

**REQUESTED ACTION:**

Either:

1. Move that this serve as first reading of the proposed ordinance and postpone it to the meeting of July 20, 2009 for second reading and final action; or

2. Move to place the proposed ordinance on the ballot for the November 3, 2009 municipal general election.

[Signature]

CORPORATION COUNSEL