Willard Beach Committee Members,

Thank you everyone for your participation in our initial meeting last night.

A couple of quick bits of info.

I have confirmed that we will have access to the conference room at the Municipal Services Facility located at 929 Highland Ave on Monday Oct. 21st at 6:30pm. So please confirm that on your calendars.

Below is info from the City Clerk on the question we had about the Dog Ordinance and if it can be repealed and what that process looks like. Just waiting on confirmation from the city’s legal counsel that this information is correct. Also, Attached are the ordinance adopted in 2009 in regards to this item, and the citizen initiative position paper to get this item on the ballot in the same year.

OK, thanks. It looks like Ord #8 passed second reading at the 2/2/2009 Council meeting, adopting Sec. 3-29:

**Sec. 3-29. Dogs in parks or on beaches at certain times, beyond permitted hours.**

No owner or keeper of any dog, licensed or otherwise, shall be permitted in city parks or on beaches beyond the hours of 6 a.m. and 9 p.m.; provided, however, that in the case of Willard Beach, between May 1 through September 30, dogs are not allowed except between the hours of 7:00 a.m. and 9:00 a.m., and 7 p.m. and 9 p.m. Violation of this section shall subject a person to a fine of one hundred dollars ($100.00) for the first offense; two hundred and fifty dollars ($250.00) for a second offense; and five hundred dollars ($500.00) for each violation thereafter.

(Ord. No. 8-08/09, 1/21/09 [Fiscal Note: less than $1000])

In July 2009, the City Council reviewed Ordinance #1 – proposed Citizen Initiative – to change the language in Sec. 3-29 and referred the question to the November ballot.

In November 2009, there was a Citizen’s Initiated Ordinance on the ballot that proposed amendments to the changes Council adopted to Sec. 3-29 (see below). That failed by a vote of 6,773 (Against) to 4,369 (In Favor), so it did not go into effect.

The Charter says:

**[Sec.] 1113. Repeal of popular ordinances enacted by the people.**

No ordinance proposed by petition and adopted by vote of the people shall be repealed or amended except by a vote of the people unless such ordinance shall otherwise expressly provide.

Because this proposed ordinance wasn’t adopted, this doesn’t apply.
So the language that exists today in Sec. 3-29 was put in place by the Council and can be amended by the Council without having to send it to voters, the way I see it. However, know that any amendments that pass at second reading would still be subject to the referendum process where it could be petitioned against and ultimately referred for a vote.

cc’ing Sally here in case I’m unaware of a provision in State Law that addresses any statutory limit on amendments.

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confirmation by the city legal counsel

Neither Sec. 3-19 nor 3-29 of Chapter 3 ("Animals and Fowl") was adopted by citizen initiative, so Emily is correct that they can be freely amended by the City Council at any time. There is no statutory limitation on amendments applicable here. Sally

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