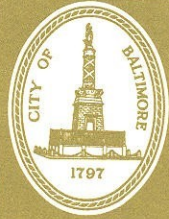


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEOERGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

September 28, 2011

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 10-0485 – City Streets – Temporary Storage Units

Dear President and City Council Members:

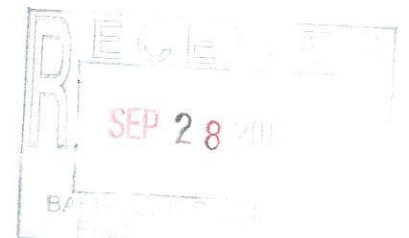
The Law Department has reviewed City Council Bill 10-0485 for form and legal sufficiency. The bill would permit storage units to be placed on City property temporarily after the issuance of a permit. The bill defines certain terms, creates a permit process, regulates the exterior appearance of temporary storage units, and requires that owners of temporary storage units to inform renters about this ordinance. It also provides penalties for violations.

The “Mayor and City Council of Baltimore have full and complete control over the streets and highways of the city.” *Lee v. Leitch*, 131 Md. 30, 41 (1917). Such authority “is sometimes classified as belonging to the police power.” *Id.* The Baltimore City Charter recognizes such power in Article VIII which permits, in part, granting minor privileges for private uses of City streets and lanes. *See* Baltimore City Charter, Article VIII, §§ 2 & 9. The City Code also treats the subject and prohibits a person from encroaching on a public street or public right-of-way unless permission is granted by (1) a minor privilege permit, (2) an “appropriate permit” issued by the Department of General Services or (3) an ordinance. City Building Code, § 3201.3.1.

The City Code currently provides for the issuance of a permit to builders who wish to use City streets and sidewalks for their activities. *See* City Code, Article 26, § 20-1. The proposed ordinance, in permitting the use of City property, including streets and sidewalks, under certain specified conditions, is in accordance with the above principles and City practices. Therefore, the Law Department approves this bill for form and legal sufficiency.

Sincerely yours,

Victor K. Terval
Assistant Solicitor



cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Assistant Solicitor