

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

September 25, 2012

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 12-0139 – Waste Haulers – Short-term License

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0139 for form and legal sufficiency. The bill authorizes waste haulers to apply for either an annual license or a 90-day license from the Health Commissioner. It corrects, clarifies, and conforms related provisions and relates generally to the licensing and regulation of waste haulers.

“While the right to practice [an occupation] is a property right, of which [one] cannot be deprived without due process of law, it is subject to the regulatory power of the State.” *VNA Hospice v. Dep't of Health & Mental Hygiene*, 406 Md. 584, 602 ((2008) quoting *Comm 'n on Medical Discipline v. Stillman*, 291 Md. 390, 405-406 (1981)). The State specifically granted the City the power to license businesses under Article II, Section 17 of the City Charter. More generally, the ability to license businesses is an exercise of police power, granted to the Mayor and City Council under Article II, Sections 27 and 47 of the City Charter. Given that the subject of the bill is licensing, a power the Mayor and City Council may exercise through legislative enactment, there is no legal impediment to the passage of the above bill.

Very truly yours,

Victor K. Tervala
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

