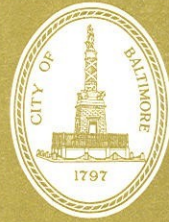


CITY OF BALTIMORE

SHEILA DIXON, Mayor

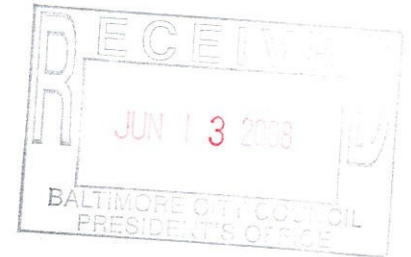


DEPARTMENT OF LAW

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

June 12, 2008

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 08 – 0092 – Building Addresses – Placement

Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08 – 0092 for form and legal sufficiency. The Bill would require the address number of a building to be affixed in a certain manner, at the rear of the building as well as at the front. The Bill would increase the penalty for a violation of the laws regarding the placement of addresses and provide for an alternative enforcement by environmental citation. The Bill would also correct, conform and clarify related language and provide for a special effective date.

Article VII § 40 of the Baltimore City Charter grants authority to the Department of Public Works to “maintain a system for the uniform identification of all real property within Baltimore City.” *See* Baltimore City Charter Art. VII § 40. Article 26, subtitle 6 of the Baltimore City Code governs the placement of addresses on City real property. *See* Baltimore City Code, Art. 26 §§ 6–1 – 6–9 (2008). City Council Bill 08 – 0092 would increase the penalty for violation of the laws pertaining to address placement from \$10 to \$500 for each offense (each day in violation constitutes one offense). Article II § 48 of the Charter grants the City the power to impose civil and criminal penalties for the violation of any ordinance, rule or regulation established by the City under or in the execution of any power granted by Article II, provided that those fines do not exceed \$1,000. *See* Baltimore City Charter, Art. II § 48. The Bill’s increased fine of \$500 does not exceed \$1000 and is therefore consistent with this authority.

Although there do not appear to be any legal impediments to this Bill, the Department of Public Works has raised some practical concerns. The Bill’s requirement that all addresses be affixed to the rear of City buildings as well as the front may be legal, but it could result in some confusion regarding which street or alley the number relates to. *See* Report of Department of Public Works dated May 21, 2008. In addition, the Department of Public Works has stated, and the Law Department agrees, that notice should be given to the public regarding the new requirement of rear placement of addresses during the 120 days before this bill takes effect.

The Honorable President and Members
of the Baltimore City Council
June 13, 2008
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Issues have also been raised regarding notice to owners of buildings in violation of the address placement. *See* Report of the Department of Housing and Community Development dated May 20, 2008. Under the current code, Article 26 § 6-4, the Director of Public Works must give notice to an owner in violation of subtitle 6. *See* Baltimore City Code, Art. 26 § 6-4 (a) (2008). The owner then has 10 days from receipt of the notice to comply or he is found in violation and subject to the resulting penalties. Baltimore City Code, Art. 26 § 6-4 (b) (2008). The new law would still be subject to the notice requirement under the current subtitle 6.

The Law Department approves City Council Bill 08 – 0092 for form and legal sufficiency, provided that adequate notice is given to the public regarding the new requirement of rear address placement. This Department also urges the members of City Council to consider the possibility of confusion of street numbers that could result if the bill is enacted, as noted by the Department of Public Works.

Sincerely Yours,

A handwritten signature in blue ink that reads "Ashlea Brown /db". The signature is written in a cursive, flowing style.

Ashlea Brown
Assistant Solicitor

cc: The Honorable Rochelle "Rikki" Spector
Angela Gibson, Mayor's Liaison to the City Council
George Nilson, City Solicitor
Elena DiPietro, Assistant Solicitor
Deepa Bhattacharyya, Assistant Solicitor