

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

February 18, 2009

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 08-0251 – Parades-Permit Requirements

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0251. City Council Bill 251 increases the penalties for parading without a permit, repeals obsolete provisions regarding political parades and parades of drum corps, bands and other bodies. The bill provides for the issuance of permits by the Department of General Services and provides for rules and regulations to carry out the law to be adopted by the Director of General Services.

Bill 08-0251 consolidates the permits process for parade permits and provides for issuance of permits by the Department of General Services instead of the Mayor. The bill is consistent with the authority of the City Council under Article II, Section 19 and 35(d). In promulgating rules and regulations and issuing permits, the Department of General Services should be aware of the limits on the City's power to regulate in this area. There is a fundamental and constitutional right to orderly and peaceably assemble or parade, subject to any reasonable state or municipal regulations that may exist, in streets, or parks. McQuillin, Municipal Corp, Section 24.597. An ordinance which either grants or withholds permits according to the content of the ideas held by the paraders is, however, unconstitutional. *Id.* The Law Department is available to assist in the preparation of rules and regulations in order to ensure that they do not impinge on the rights of individuals and groups protected by the Constitution.

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Comments



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City Council Bill 08-0251 is consistent with the authority of the City Council to regulate parades. The Law Department, therefore, approves the City Council Bill 08-0251 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: Honorable James B. Kraft
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor