
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

June 24, 2024

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

Re: City Council Bill 23-0367 – Prohibition – Gas-Powered Debris Removal
Equipment

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0367 for form and legal sufficiency. The bill is for the purpose of prohibiting the use of gas-powered debris removal equipment in Baltimore City; defining certain terms; establishing procedures for reporting the use of gas-powered debris removal equipment; and establishing certain penalties. The bill would take effect one year after the date of enactment. Council Bill 23-0367 creates a new subtitle 3 in the City Health Code which prohibits the use of gas-powered debris removal equipment, and renumbers and expands existing Subtitle 3 of the Health Code regarding penalties for violating the provision. The bill also adds the violation to City Code Art. 1, § 41-4.

City Charter Art. II, §§ 27 and 47 provide that the Mayor and City Council may “exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City,” and may “pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City.”

The intent of the bill is to reduce air pollution which positively affects the health and welfare of City residents. The Law Department notes that new § 8-403, entitled “Criminal Penalties: Gas-powered Debris Removal Equipment,” refers only to the issuance of a civil citation. The Law Department is unclear on whether the Council intended that § 8-403 further discuss criminal penalties, or alternatively whether the title of this section does not accurately reflect that § 8-403 concerns civil penalties. The Law Department recommends that either the title of § 8-403 be amended to accurately reflect the subject of the section, or if it was intended that the section further address criminal penalties, then it should be amended as such.

The Law Department can approve Council Bill 23-0367 for form and legal sufficiency with the recommended amendment.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michele Toth", written in black ink on a white background.

Michele Toth
Assistant Solicitor

cc: Stephen Salsbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown