

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

February 13, 2009

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 08-0252

Dear Madame President and City Council Members:

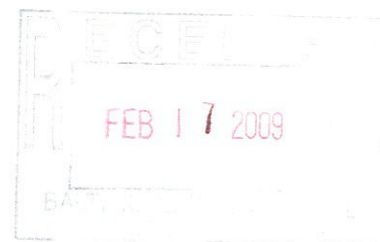
You have asked the Law Department to review City Council Bill 08-0252. The bill would transfer certain requirements for snow and ice removal to the Property Maintenance code; specify the scope of the required removal; and repeal certain obsolete, redundant, or unnecessary provisions.

The bill moves the requirement of snow and ice removal from sidewalks from Article 19 (Police Ordinances) Subtitle 50 (Street Regulations) to the Property Maintenance Code. The requirement stays essentially the same, except that the new language does not specify *who* is required to remove the snow or ice. The new law says "the snow and ice must be removed." The old language specified who the law imposed this responsibility on. It used the language "...every person using or occupying" or "every person having charge of" or "the owner" of any building. The absence of this language in the new law could cause confusion regarding who is responsible for clearing the snow and ice. The Law Department advises adding language at the end of line 18 on page 2 so the law reads: "After any snowfall that results in an accumulation of snow or ice on the ground, the snow and ice must be removed and cleared away from all sidewalks that abut the premises **by the owner.**"

Otherwise, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,

Ashlea H. Brown
Special Assistant Solicitor



cc: The Honorable James B. Kraft
The Honorable Bill Henry
George A. Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena R. DiPietro, Senior Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Hilary Ruley, Assistant Solicitor