

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

June 24, 2013

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 13-0237 – Automated Purchasing Machines

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0237 for form and legal sufficiency. The bill prohibits the use of automated purchasing machines for the purchase of personal property. It defines certain terms, establishes exceptions for recycling material and imposes penalties for violations of the ordinance.


The Law Department notes that the exchange of second-hand goods currently is regulated under the City Code. Specifically, the application of Article 2, Section 12-1 of the City Code would make the operator of an automated purchasing machine a “second-hand personal property dealer,” which is defined as an individual, corporation or other business entity that engages “in the business of buying for resale, trade, or transfer used or previously owned property or merchandise.” These dealers are required to be licensed by the City. City Code, Art. 2, § 3. Furthermore, they are required to report to the police on a daily basis all transactions involving transferred items, including information about a seller’s identity. The Law Department assumes that the information is intended to provide the police the means to identify suspicious activity and track it to the seller. See, *Id.* at 12-7(c)(3).

Nonetheless, through the City’s legislative process, the Mayor and City Council may exercise police power. Baltimore City Charter, Art. II, §§ 27 & 47. As stated by the *Court in Burley v. Annapolis*, 182 Md. 307, 315 (Md. 1943), police power “is one of the most comprehensive powers, if not the most comprehensive power, outside of the war power which any government may have. It extends to the protection of the health, morals, safety, and general welfare of the public, and all means which may be necessary in the opinion of the authorities to give such protection.”

As there are no legal impediments to the passage of this bill, the Law Department approves it for form and legal sufficiency.



Sincerely yours,

A handwritten signature in blue ink that reads "Victor K. Tervala". The signature is written in a cursive style with a prominent horizontal line across the top of the letters.

Victor K. Tervala

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Hilary Ruley, Assistant Solicitor  
Jennifer Landis, Special Assistant Solicitor