

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

February 28, 2011

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 10-0504 -- Sewer Service Charge-Exceptions

You have requested the advice of the Law Department regarding City Council Bill 10-0504. City Council Bill 504 proposes to allow residential properties to take advantage of an exception to the City sewer service charge that is currently only available to commercial and industrial properties. Residential users who do not discharge into the City's sanitary facilities would be excused from paying the sewer service charge if they install a meter approved by the Director of the Department of Public Works that measures the quantity of water that is not discharged into the City's system.

Article II, Section 31 of the Baltimore City Charter provides that the Mayor and City Council shall have the power to establish, maintain, operate and control sewers, drains and sewage disposal facilities and to make charges for the use of said sewers. Inherent in the ability to charge for use of the sewer system is the power to determine when no use has occurred therefore no charges are imposed.

City Council Bill 10-0504 is authorized by and consistent with the powers of the City Council under Article II, Sec.31. The Law Department, therefore, approves the City Council Bill 10-0504 for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro

Chief Solicitor

FEB 28



cc: Honorable Bernard C. Young
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor
Victor Tervalva, Assistant Solicitor