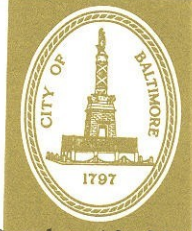


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 12, 2011

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 11-0772 – Speed Monitoring Systems – Prohibition

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 11-0772 for form and legal sufficiency. The bill would delete most of subtitle 33 of Article 31 of the City Code concerning speed monitoring systems, leaving in the law only part of the definition section. This would result in almost a complete repeal of City Council Bill 09-0342, codified as Ordinance 09-0207. That earlier law allowed the City to exercise the authority recently granted by the General Assembly to establish speed monitoring cameras in work and school zones. State Senate Bill 277, codified in Chapter 500 of the 2009 Laws of Maryland, amends the Transportation Article of the State Code to allow jurisdictions, such as the City, to utilize speed monitoring cameras in certain defined areas, but only if “its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.” Md. Code, Transport. §21-809(b)(1)(i). Enactment of City Council Bill 11-0772 would repeal the local law authorizing the use of the cameras in Baltimore City. However, the repeal does not divest the City of the power granted to it by the General Assembly, which the City could decide to again exercise by enacting another local law similar to Council Bill 09-0342. *See, e.g., Reichelderfer v. Quinn*, 287 U.S. 315, 318 (1932)(legislature cannot restrict the power of a successive legislature to act).

The Law Department approves the bill for form and legal sufficiency.

Very truly yours,

  
Hilary Ruley  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor’s Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Victor Tervalá, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor

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4PM