

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

May 13, 2008

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 08-0094 – Construction Debris – Proof of Proper Disposal

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0094. City Council Bill 94 prohibits the issuance of an occupancy permit or certificate of completion for certain work without evidence of the lawful disposal of the debris and other waste produced by that work. The bill also requires that notice of this requirement be stamped on certain building permits.

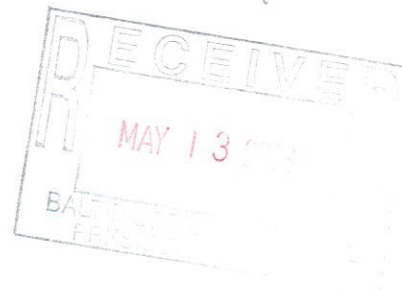
City Council Bill 08-0094 requires an applicant for a building permit to state in the application the aggregate weight of all debris or other waste estimated to be produced by the proposed work. The bill then would require that whenever the proposed work will create in excess of 200 pounds of debris or waste the building permit must be stamped with a notice that proof of proper waste disposal will be required. If receipts or other evidence satisfactory to the building official are not provided to demonstrate that waste was disposed of properly, no occupancy permit or certificate of completion may be issued.

The City council is authorized under Article II, Section 1 to regulate the location, construction, use, operation, maintenance and removal of buildings and structures. City Council Bill 08-0094 is consistent with this authority.

The Law Department, therefore, approves the City Council Bill 08-0094 for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro  
Assistant Solicitor



cc: Honorable Bernard "Jack" Young  
Angela Gibson, City Council Liaison  
George A. Nilson, City Solicitor  
Linda C. Barclay, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor