
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

January 24, 2020

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 18-0285 – Police Ordinances– Repeal the Prohibition on
Playing in the Street

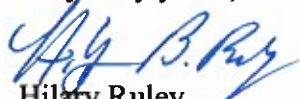
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0285 for form and legal sufficiency. The bill would repeal Section 50-41 of Article 19 of the City Code that makes it unlawful for any person “to play ball, fly a kite, or throw a stone or other object or missile while in or on any street, ally, lane or other public thoroughfare in this City.” The bill would also repeal Section 41-14(2) of Article 1 of the City Code that sets forth the penalty for violating Section 50-41 as a fine of \$50.

It is a long standing principle of American jurisprudence that any law enacted by a legislature can be repealed by a subsequent legislature. *Connecticut Mut. Life Ins. Co. v. Spratley*, 172 U.S. 602, 621 (1899) (“each subsequent legislature has equal power to legislate upon the same subject. The legislature has power at any time to repeal or modify the act granting such permission”).

It is worth noting, however, that State law still makes certain activities in the streets illegal in certain circumstances, including walking in the roadway if sidewalks are provided. Md. Code, Transp., §21-501, *et. seq.* (Pedestrians’ Rights and Rules). Thus, the repeal of the City Code provisions via enactment of this bill may not automatically permit all the actions that the City law had prohibited in all circumstances. However, as there are no legal impediments to this bill, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,


Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Dana P. Moore, Deputy City Solicitor
Matthew Stegman, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor