

FILE NO. 78862

October 4, 1945

Hon. C. Markland Kelly, President, and
The Members of the Baltimore City Council,
City Hall,
Baltimore - 2, Maryland

Dear Sirs:

The City Council recently referred to me Ordinance No. 468, making it unlawful to throw or place bottles on any public highway or park property.

In my opinion, the ordinance is a legal and valid exercise of the City's legislative power (Baltimore City Charter, Section 6, Subsections (18) and (31)).

It is doubtful, however, whether further legislation is required, since the present law (Baltimore City Code (1927) ~~Section 33~~ Section 33) forbids the throwing of rubbish and other substances into the streets, and it can hardly be disputed that bottles and broken glass come within this definition. If the Council should, nevertheless, deem it desirable to pass an ordinance expressly forbidding the placing or throwing of bottles on the streets, it might be well to include a prohibition against throwing or placing parts of bottles and broken glass on the streets, as well as whole bottles.

Also, I believe, in many instances milk bottles are customarily placed in front of houses and stores on the sidewalk next to the building, where there are no vestibules. If such is the practice, perhaps the City Council would wish to include appropriate language in the ordinance exempting such acts.

Very truly yours,

(signed) SIMON E. SCHLOFF,
City Solicitor.

SES-L
Enc.