

File No. 13246

Baltimore, November 27, 1911.

Charles England, Esq.,
Chairman,
Sewerage Commission.

Dear Sir:

Yours of the 25th inst., with enclosures, received.

12113

The Act, to which you refer, Section 2, on page 630, Acts 1910, gives any property owner or any person interested in private sewers, which he desires the Commission to take, ten days after the first publication of the notice to protest in writing to the Sewerage Commission against any part of their proposed plan. Then the Sewerage Commission is required to decide upon that protest within the next ten days and make its decision in writing, which shall be open to public inspection; then any person interested may appeal to the Board of Public Improvements within the next ten days, but I take it, that this means, that a party must appeal when the Commission has made, in writing, a ruling adverse to his contentions.

As long as the matter is open before the Commission, or as long as negotiations are pending between the Commission and the owner of the sewer or other property owner interested, such property owner or person, would not, in my judgment, lose his right to appeal, or in other words - he would have ten days in which to appeal from the Commission's determination, even if that determination was not made until after the ten days in which the law directs it to be made.

Answering your question specifically as to Mr. Planigan, - unless the Sewerage Commission has made a determination in writing, open to the public, declining to use any of his sewers, he has not, in my judgment, lost his right of appeal.

This ruling will not delay the work of the Sewerage Commission, for the Commission will always have it in their power, by making their determination in writing promptly, to prevent unnecessary delay. The Act does not seem to require the Sewerage Commission to notify the parties of their determination, but I think it would be good practice for the Sewerage Commission, when it has made and entered its determination, to write a letter to the parties affected and inform them of the Commission's determination.

Very truly yours,

(Signed) S. S. Field, City Solicitor.