

File No. 26014 Continued.

in this market; that the use of such stalls by the lessee cannot be interfered with by the abutting property owner; that such property owner cannot drive through the market during market hours, and cannot stand a team against the curb-line in front of his premises during such hours. No provision is made for excluding teams from streets within the limits of a market after market hours, and under the Burkett case I do not believe such provision can be made. However, since the market hours are clearly defined, and since it is necessary for the lessee of a stall to prepare his stall for the sale of commodities, it might be construed that he will have a reasonable time before the opening of the market to arrange his stall and a reasonable time after market hours to remove it.

Mr. Solter requests from the Comptroller an opinion as to how Mr. Faistenhamer can have the street in front of his place of business cleared when market is not going on. It seems to me that this matter should be laid before the Police Department, as the Market Master has no jurisdiction after market hours.

I am writing Mr. Solter advising him that it will be necessary for Mr. Faistenhamer to strictly carry out the provision of the Law, and keep his teams off Forrest Street during market hours.

Very truly yours,

(Signed) Edward F. Johnson,
Assistant City Solicitor.

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