

Honorable Howard W. Jackson, Mayor of Baltimore (cont'd)

intended to be state-wide in their effect, and that no city or other subdivision of the State shall have the right to make or enforce any local ordinance which will change or alter the speed limits, require any additional registration or licensing of motor vehicles, or impose upon the owner or operator of any motor vehicles any additional tax or license fee for use of the public highways, provided that such cities or subdivisions "may prescribe and enforce reasonable traffic regulations by fine or imprisonment, either or both, in the discretion of the Court, applicable to all vehicular traffic, motor vehicles included . . . ."

Section 146 of Article 54 provides that, except to the extent they may be specifically authorized by other provisions of this sub-title, no city, county or other political subdivision of this State shall have the right to make or enforce any ordinance or regulation upon any subject for which provision is made in this sub-title, and the Section further declares that the provisions of the sub-title "are intended to be exclusive of all local and municipal legislation or regulations . . . ." The Section also repeals all Public Local Laws, Ordinances and Regulations inconsistent with the sub-title and modifies the charters of all municipal corporations of the State so far as any provisions may conflict with the terms of the provisions of the sub-title.

Article 6, Paragraph 26(g) grants to the Mayor and City Council of Baltimore full power and authority "to regulate the use of streets, highways, roads, public places and sidewalks by foot passengers, animals, vehicles, cars, motors and locomotives and prevent encroachment thereon and obstruction of the same." This grant of power is, of course, a Public Local Law.

There are two possible constructions to give the words "reasonable traffic regulations . . . . applicable to all vehicular traffic, motor vehicles included . . . ." The language may be construed as a limitation upon the power to prescribe and enforce reasonable traffic regulations by requiring that such regulations be applicable to all vehicular traffic, so that the power of classification is withheld from the municipalities of the State, or (and I incline to this construction) that the words indicate the scope of the power to prescribe traffic regulations and are intended to show that the power is applicable to any and all vehicular traffic, including motor vehicles. If a court should use the former construction, the proposed Ordinance would not be applicable to all vehicular traffic because by its terms it would apply only