

File
No. 97261

March 7, 1957

The Honorable William M. Hudnet
Chairman, Traffic Committee
Baltimore City Council
City Hall
Baltimore - 2, Maryland

Dear Mr. Hudnet:

On March 1, 1957, your Committee requested an opinion from this office in reference to an Ordinance - City Council No. 1162 (Repeal of Section 93A of Article 38 of the Baltimore City Code - 1950 Edition).

The proposed Ordinance No. 1162 would, in effect, eliminate a restriction as to the width of motor vehicles that would be allowed to use the unnamed alley in the rear of the 2100 block of East Monument Street between Chester and Duncan Streets.

Section 93A of Article 38 was approved on July 14, 1953 (Ordinance No. 788). It is interesting to note that this was the same date on which Ordinance No. 786 was approved, creating the Office of the Director of Traffic of the City of Baltimore.

By the provisions of the Charter and Public Local Laws of Baltimore City (Section 6 - Sub-section 29), the Mayor and City Council of Baltimore has the express power to regulate the use of streets and public ways. The Mayor and City Council of Baltimore, by Ordinance No. 786, saw fit to create the Office of the Director of Traffic of the City of Baltimore, and gave that Official the power to adopt such rules and regulations as he may deem necessary for the proper transaction of his business, and particularly empowered him to promulgate rules relating to the movement of vehicular and pedestrian traffic in the City, with certain express reservations as to the general parking restrictions and establishment of one-way streets. (Said delegation of authority was approved by the Court of Appeals in the case of Pressman vs. Barnes, 209 Md. 544 - decided April 10, 1956).

Even though it seems that the present situation could be handled by the Director of Traffic, the Mayor and City Council undoubtedly