OPINION.

File No. 475 Continued.

LAW DEPARTMENT.

Baltimore, December 4, 1903.

Hon. W. Cabell Bruce,
City Solicitor.

Dear Sir:-

As requested by your favor of December 3d, I send you herewith my report upon the matter submitted in Mr. Fendall's letter of December 2d, with reference to the nuisance existing on Butchers Lane.

Article 23, Section 24, of the City Code makes it the duty of the Health Commissioner to inspect all lots, grounds, cellars or possessions, and all streets, lanes or alleys, and, whenever he shall be of opinion that any cellars, lots, grounds or possessions are in a state of nuisance, he is authorized to serve notice upon the owners to remove the nuisance; and, upon failure of the owners to do so, the Health Commissioner is authorized to do the work himself at the expense of the owners.

Section 25 provides that, in case no agent, occupier or owner can be found upon whom to serve such notice, the Commissioner of Health is authorized, after giving five days' public notice in one or more of the daily newspapers, to have any nuisance, or cause of nuisance, removed at the expense of the City in the first instance, and the Register is directed to keep an account of the expenses incurred, to be recovered from the owner when ascertained and found. See also Article 23, Section 38 &c.

I think that the nuisance in question can be removed under the above provisions. If the owner of the private sewer is not known, then the advertisement called for by Section 25 should be made, after which the work should be done by the City, and a statement of the cost transmitted to the City Register for recovery from the owner if and when ascertained.

Very truly yours,
(Signed) Albert C. Ritchie,
Third Assistant City Solicitor.