

File No. 8740 Continued.

OPINION.

September 8th, as to whether or not the Commissioner of Street Cleaning is bound to remove ashes from large office buildings and other similar buildings within the city.

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After giving the matter careful consideration I am of the opinion that such an obligation does not exist.

The duties of the Commissioner for Street Cleaning in reference to the removal of ashes are defined by Sections 2 and 9 of Article 36 of the Baltimore City Code for 1906, (Pielert's Revision).

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Section 2, page 1140, provides that the Commissioner of Street Cleaning shall have charge of the collection and removal of ashes, garbage, street and household refuse in the City of Baltimore, and confers upon him the same powers which the Health Department had in relation to the collection and removal of ashes.

Section 9, page 1143, provides that it shall be the duty of all housekeepers to place their garbage and ashes in separate vessels.

A careful reading of these sections makes it appear that it was the intention of the Mayor and City Council of Baltimore to require the removal of ashes from dwelling houses principally as in Section 2 the word household is used and in Section 9 the duty of separation is placed upon the householders.

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Applying the familiar rule of construction that certain words are to be construed with reference to those used with them (*noscitur a sociis*) it follows that the removal of ashes provided for in the ordinances are the ashes of the ordinary household.

In addition the Ordinance found in Section 2 was passed originally in 1882 and again in 1887 and the Ordinance in Section 9, seems to have been in the Code of 1879.

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At the times when these ordinances were passed, office buildings really did not exist at all and the City Council could not have had them in view when defining the duties in connection with the collection of ashes. The language of the Ordinance does not require the inclusion of office buildings and the above considerations make it appear to me that the Commissioner of Street Cleaning is not bound to collect the ashes from office buildings.

Truly yours,

(Signed) Sylvan Hayes Lauchheimer,
Deputy City Solicitor.