

File No. 10013 Continued

OPINION.

7724

An alley exists parallel with Twenty-fifth Street connecting Maryland Avenue and Hudson Alley. It abuts or opens upon the sidewalk of Maryland Avenue and no provision has been made for vehicles to pass over said sidewalk. Nevertheless vehicles are constantly passing over such sidewalk and thereby damaging the same, as well as the curb which was laid by the City. Can this practice be stopped?

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Section 4 of Article 4 of the Traffic Ordinance states that nothing contained in this Article shall prevent the riding or driving of horses or vehicles from private property directly across any sidewalk, in order to get to the Street and back again to said private property.

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Article 4, Section 3 of the City Code also contains a proviso to the same effect. Article 25, Section 99 of the City Code (page 991), however, provides that "no vehicle shall be backed or drawn on or over sidewalks, unless the curb of said sidewalk be lowered to grade, and the sidewalks so paved and arranged to allow the passage of such vehicles, without special permission from the Mayor in each case".

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This last section manifestly provides for the evil complained of, and a penalty of \$5.00 fine for each and every offense is imposed.

I see nothing in the Traffic Ordinance repealing the last Section referred to, and, therefore, am of the opinion that the same should be read in connection with the Traffic Ordinance and the other Ordinance above referred to covering this subject.

Very truly yours,

(Signed) W. H. DeC. Wright,  
Assistant City Solicitor.