

File No. 10561 Continued.

OPINION.

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Inasmuch as under Article 11, Section 17, the Chief Engineer of the Fire Department is clothed with power "for the protection of property, preservation of order and the observance of the laws of the State, Ordinances of the City, etc.", I think that he may enforce Section 66 of Article 11 against the parties who had deposited the barrels in the present case.

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I do not think that a case of this kind is one to parley about, and it is hard to believe that if the Chief Engineer lays the situation properly before the owners of the barrels and demands their immediate removal that this demand will not be complied with. If it is not complied with, and the Chief Engineer considers the situation calls for it, I think that he would be amply justified in forthwith removing the barrels himself to a place of safety, and in such event the City would not be legally responsible because the Fire Department would be acting in the exercise of a public and governmental function. If the situation does not call for so much haste, then I think that the owners of the barrels can be proceeded against under Section 66 of Article 11.

Very truly yours,

(Signed) Albert C. Ritchie,
Assistant City Solicitor.

File No. 10561.

LAW DEPARTMENT.

Baltimore, October 13th, 1909.

Edward D. Preston, Esq.,
Inspector of Buildings.

Dear Sir:-

Replying to your letter of the 6th instant, asking me to advise you whether you have the power to require the removal of certain inflammable material on a vacant lot adjoining the property Nos. 36-38

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