

File No. 19668

Baltimore, February 28th, 1916.

Hon. S. S. Field,  
City Solicitor.

Dear Sir:

12097

I beg to supplement my letter of February 1st, answering certain inquiries of Dr. Howard, Assistant Commissioner of Health, in reference to using certain vacant property as a dump for ashes and garbage.

The general power of the Health Commissioner to prevent and remove nuisances is contained in the City Charter under the title "Health", and will be found in the Code of 1906 at page 53. The ordinances pertaining to this subject are contained in the Code of 1906, Article 14, Sections 84 to 91, inclusive. The ordinances on this subject are as comprehensive as possible.

I might add that, following the language of Dr. Howard in his communication, I have considered garbage and ashes as if they were intermingled. There might be, however, some question whether ashes alone would be considered a nuisance. I should think that they would be in some cases and not in others, and that their status would depend upon the particular circumstances of each case. There can be no question, however, that garbage or garbage mixed with ashes would clearly constitute a nuisance upon vacant property.

Very truly yours,

(Signed) Alexander Preston,  
Deputy City Solicitor.

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