

File No. 36404

Baltimore, October 20, 1924.

Mr. Milton J. Ruark  
Division Engineer of Sewers,  
City Hall,  
Baltimore, Md.

In re: Obstruction on sidewalk on East Avenue, between the alley south of Ellicott Street and Toone Street.

Dear Sir:

13984

I have your letter of October 14th making inquiry as to the power of the Highways Department to effect a removal of barrels, etc. from the sidewalk on the east side of East Avenue.

Section 73, Article 25 of the City Code of 1906, provides in substance as follows:

"If any person places on the streets, lanes or alleys of the city, any dirt, lumber or other obstruction to the free egress or ingress through such street, lane or alley, and shall permit the same to remain more than twenty-four hours after being notified by the City Engineer or any of the police officers to remove the same, he shall be subject to a fine of five dollars for each day it shall so remain; and the City Engineer is hereby authorized to remove or cause to be removed, all such obstructions from the streets, lanes or alleys which he shall find remaining in the same an unnecessary length of time; and all expenses incurred shall be chargeable to the person who shall violate the provisions of this section."

Section 86 of the City Charter of 1915 vests the Highways Engineer "with all the duties heretofore performed by the City Engineer unless hereinafter provided to the contrary."

In consequence of the above provisions, it would seem proper that a letter be sent to the cooperage concern from the Highways Department notifying them that the old barrels and parts of barrels constitute an obstruction of the sidewalk, and advising them to remove the same at once. The provisions of the City Code cited above set forth the manner in which a letter of this sort can be followed up.

Very truly yours,

(Signed) Philip B. Perlman,  
City Solicitor.