

Honorable Walter J. Devees, City Councilman (cont'd)

police powers to the same extent as the State has or could exercise said powers within said limits * * *. Sub-section (29) (d) of Section 6 confers upon the Mayor and City Council of Baltimore the power to regulate the use of streets, highways, etc. by pedestrians and vehicles at all times, which power the first paragraph of Section 6 provides shall be exercised by ordinance or such other method as may be provided in the Charter.

Under the definition of the term, "local authorities", quoted above, it is clear from these sections of the Charter that the Mayor and City Council of Baltimore is the "local authority", having jurisdiction over Baltimore City within the meaning of Section 139 of Article 66½.

Thus it appears that the responsibility for the maintenance of safety pylons already exists in the Mayor and City Council of Baltimore in the absence of a delegation of this duty to the Police Department by ordinance. No such delegation appears to have ever been made unless the statement at the end of Section 84, Article 4, Baltimore City Code, 1927 Edition, is applicable, and it is the opinion of this office that it is not. In that section it is provided that -

"The Commissioner is authorized to establish signal devices during certain hours for the control of traffic in order to protect pedestrians and control vehicular traffic."

Therefore, in view of the existence of Section 139 of Article 66½ it is questionable whether or not Ordinance No. 2436 is even necessary, but as the Police Department is presently assuming the responsibility of maintaining safety pylons, the passage of the ordinance would clarify the situation.

There is no question that the Mayor and City Council of Baltimore has the power to pass an ordinance of this type provided its provisions do not result in a conflict with the powers of the Police Commissioner (Section 6 (24), Baltimore City Charter, Amended 1946). Inasmuch as the Police Commissioner has no specific power in this respect with which this ordinance will conflict, there is no trouble in that score.

Another aspect of the question which should be mentioned is the effect which the passage of this ordinance may have on the benefits to be derived by the City under the holding in the case of Green v. Baltimore, 181 Md. 372. There the City was