

Mr. Charles L. Benton
Budget Director

(continued)

under the existing law. It is our opinion that this can be done.

In the Baltimore City Charter, Section 6, sub-section 29(d), the Mayor and City Council of Baltimore is granted the power "to regulate the use of streets and public ways by persons, animals and vehicles; to prohibit the use of such streets and public ways by any and all motor vehicles under such circumstances or upon such conditions as it may, from time to time, by ordinance deem necessary or expedient in the interest of the public."

Sub-section 29(e) of said Section 6 grants authority to provide for the cleaning and lighting of streets and public ways and places.

Because of the growth of traffic and the need for constant supervision of traffic control, the City Council, in recent years, has delegated more and more power and discretion concerning the use of the streets to the Commissioner of Transit and Traffic. In the case of Pressman vs. Barnes, 209 Md. 544, the Court of Appeals held that the Mayor and the City Council could lawfully delegate the Director of Traffic (now Commissioner of Transit and Traffic) the power to promulgate rules setting speed limits on the streets of Baltimore City.

In Ordinance No. 1006, approved June 18, 1957, the Mayor and City Council re-stated and further expanded the powers of the Commissioner of Transit and Traffic. In Paragraph 3 of that Ordinance, his power over general parking restrictions is as follows:-

"3. (a) However, except under the conditions outlined and provided for herein below, the Commissioner of Transit and Traffic of the City of Baltimore shall not have the power to adopt and promulgate rules, regulations, orders or directives in the nature of general parking restrictions or to establish one-way streets; except as outlined and provided for herein below, the power to make general parking restrictions or to establish one-way streets