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DEPARTMENT OF LAW

508 TOWER BUILDING  
222 E. BALTIMORE STREET  
BALTIMORE, MD. 21202  
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JOSEPH ALLEN  
CITY SOLICITOR

AMBROSE T. HARTMAN  
DEPUTY CITY SOLICITOR

September 9, 1966

Frank X. Gallagher, Esquire  
O'Doherty, Gallagher, Hegarty & Coughlin  
Suite 1011-15 Fidelity Building  
Baltimore, Maryland 21201

Dear Mr. Gallagher:

Re: Legality of Ordinance to Prevent  
Parking in Areas Cleared of Snow  
by Abutting Property Owner -  
Our File No. 112745

You have recently requested our opinion relative to the validity of a proposed ordinance which, during snow emergencies, would preserve parking areas for the abutting land owner, and would limit such parking areas to others to a period not exceeding one hour.

You have informed us that this proposal results from a series of letters which you have received from persons who, during snowstorms, dig parking spaces for their vehicles only to find them later preempted by others.

While our research has revealed no case directly dealing with the instant question, the courts, in general, have held that public streets cannot be restricted for private use to the detriment of the public.

In Huebschmann, et al v. Grand Company, 166 Md. 615 (1934), a case dealing primarily with a distinction between a franchise and a minor privilege, the court said:

"... it has also been held that the obstruction of a public highway for a wholly private purpose cannot be legalized. And in