

File No. 46845 Continued

ject to the provisions of Article 7,
title 'Buildings' of the Baltimore
City Code herein referred to".

That Section is so clear that interpretation is unnecessary. When a structure is already used for a commercial purpose, and it is desired to change it to another commercial purpose posting is not required unless it comes within Section 3 of the Ordinance, uses in Sections 1 and 2 (limited as to locations with the approval of the Mayor and use permitted only by ordinances) being also excepted.

Now Section 3 prohibits the use of any building, structure or land which, because of its location and/or use, would create hazards from fire or disease, or menace the public security, health or morals. Section 4 provides the machinery for issuing permits to use buildings or lands.

The very clear meaning and purpose of the provision in Section 4 quoted above regarding posting is intended to eliminate posting when a change is made from one commercial use to another commercial use only when the changed use would not menace the public security, health or morals. And all changes resulting from posting or otherwise must comply with the provisions of the building code. The procedure may be thus stated: An application to change lands or structures from one commercial use to another commercial use comes before you in the first instance. It is for you then to determine from the facts if the proposed change of commercial use would endanger the public security, health or morals. If it would not, considering the proposed change of commercial use and surrounding location, then posting is unnecessary, but if in your opinion it would do so, then posting is certainly required, and in a doubtful case it would seem to be the course of wisdom to require posting. Your decision in cases of granting a permit for change from one commercial use to another commercial use without posting must be publicly entered in your office and any person in interest may appeal therefrom to the Board of Zoning Appeals.

Whether a change of use from a drug store already existing to a delicatessen or other business is such as would not require posting I cannot decide as a general proposition. As stated, the proposition is in the abstract. The only province I have is to interpret the laws