

File No. 46845 Continued

and exterior of any adjoining building, and every such side wall or party wall shall moreover pass through the roof of the building to which it may appertain, in such manner as to break entirely any communication of wood whatever between such roof and any other * * * *".

Section 8 of Article 7 of the Code of 1869, in question, is taken from certain revised ordinances, and this revision was made in the year 1858. It would appear, therefore, that the ordinance in question was the law at the time the building No. 424 South Hanover Street was constructed.

An examination of the Building Code of 1908 shows that the law has not been modified since 1869, Paragraph 1 of Section 29 of that Code providing:

"The provisions of this sub-division of this Article apply alike to the walls in fire-proof, slow-burning and ordinary masonry buildings, except as the text itself limits the application. Every such building shall be enclosed on all sides by party walls or walls built independently of adjoining buildings or walls".

Since the building in question was required by law to have the wall carried through the roof at the time it was built, and is still required to have such a wall, I am of the opinion that Mr. Osborne has authority to compel the construction of such wall at this time.

Very truly yours,

(Signed)

PAUL F. DUE

Assistant City Solicitor

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