

File No. 46845

Baltimore, December 31, 1926

Mr. C. Morgan Marshall, Chairman  
 Board of Zoning Appeals  
 City Hall  
 Baltimore, Maryland

Dear Sir:

14248

I have your letter of the 29th in connection with using the district maps referred to in Ordinance #922, approved May 10, 1923. You refer to my verbal observation of December 28th, when, in a conversation with you on the subject, I said that the Court of Appeals having declared the "Use" provisions of the ordinance invalid, the maps naturally fell with the ordinance.

When I made that observation, I was not aware that the ordinance itself made the maps a part of the ordinance. I thought that the maps had been adopted pursuant to authority contained in the ordinance, and were something apart from the ordinance itself. Upon investigation, I find that Section 2 of Article 2 of Ordinance 922 divides the city into four "Use" districts "as shown on the Use District Map which accompanies this ordinance and is hereby declared to be a part of this ordinance". Again, Section 30 of the ordinance provides:

"It is hereby ordained that upon the passage of this ordinance by the City Council, as evidence of the authenticity of the maps, which are a part hereof, the said maps shall each be signed", etc.

Section 196, Article 4, Public Local Laws (Baltimore City Charter) provides that the City Librarian shall be custodian of all resolutions, ordinances, etc., and official documents and papers, etc., of the Mayor and City Council of Baltimore, and "he shall not permit any book or books or documents \* \* \* to be taken or removed by anyone from the City Library \* \* \*".

I conclude from the above that the maps are a part of the ordinance and are public documents of the Mayor and City Council of Baltimore, and in view of the strict provision of the Charter, I must