

FILE NO. 72360

September 19, 1940

Mr. Joseph A. Clarke
Buildings Engineer
Municipal Office Building
Baltimore, Maryland

Dear Mr. Clarke:

Reference is made to your letter of September 3, 1940, concerning request of W. E. Bickerton Construction Company for a refund of money paid in connection with permit issued to that Company for the construction of a new dormitory building at Morgan State College. The Bickerton Construction Company makes its request on the ground that it should not be required to pay for the permit in view of the fact that Morgan State College is a state institution.

It is my opinion that Morgan State College is a state institution. However, I am also of the opinion that the charge imposed in connection with the issuance of the permit was proper and that the refund should not be made.

Section 6(1) of the Charter of Baltimore City grants to the Mayor and City Council of Baltimore -

"full power and authority * * * to provide for and regulate the safe construction, inspection and repairs of all private and public buildings within the City * * *"

Pursuant to this grant of power, the Mayor and City Council of Baltimore has enacted a number of provisions relating to the construction, inspection and repair of buildings. Article 3, Section 4, Paragraph 1 of the Baltimore City Code (1927 Edition) provides:

"An application shall be made to the Buildings Engineer for a permit before the erection of a building or construction of any kind is undertaken; * * *"

Article 3, Section 4, of the same Code provides in part as follows:

"The parties making every such application shall deposit therewith a sum of money equal to one dollar per thousand of the estimated cost of the construction * * *"