

Mr. Joseph A. Clarke, Buildings Engineer (cont'd)

Article 3, Section 5, Paragraph 1 of the same Code provides that -

"No building shall be constructed . . . after the passage of this ordinance without a general permit therefor signed by the Buildings Engineer."

The grant of power to the Mayor and City Council of Baltimore to provide for and regulate the safe construction, inspection and repair of all public and private buildings relates to all buildings, whether public or private, and makes no distinction between municipally owned buildings and public buildings owned by other governmental bodies. The ordinances passed pursuant to the above mentioned grant of power are general in their terms and also relate to all buildings irrespective of the nature of their ownership.

The fee imposed by the Building Code for the issuance of a permit is not a tax. It is a fee or charge imposed upon the applicant for the purpose of defraying the cost of the issuing of the permit, making the inspections and performing such other services as may be necessary in connection with the enforcement of the building laws. The collection of these fees is not therefore prohibited by Article 81, Section 7, Paragraph 1 of the Annotated Code of Maryland, which exempts from taxation property belonging to the State of Maryland or to any county or city of the State.

For the above reasons, I would respectfully suggest that the request of the Bickerton Construction Company be denied.

Very truly yours,

(signed) CHARLES C. G. EVANS

City Solicitor

CCGE/RRS