

FILE NO. 72820

February 11, 1941

Mr. John J. Lang
Secretary-Engineer
Commission on City Plan
400 Municipal Building
Baltimore, Maryland

Dear Mr. Lang:

Your letter of January 14, 1941, addressed to the City Solicitor, pertaining to the regulation of advertising signs on or over public streets, has been referred to me for attention.

The Mayor and City Council of Baltimore, in its legislative capacity, has full power and authority to regulate the use of public streets and sidewalks for any and all purposes.

Section 6, sub-sections 26 (A), (F), (G),
(J) of Baltimore City Charter (1938)

The Board of Estimates, without the necessity for an ordinance, may grant the right to use the public streets and sidewalks, among other things, for signs and other projections, except so far as the same may be prohibited by law, upon such terms and conditions as the said Board may consider right and proper.

Section 47 of the Baltimore City Charter (1838)

It seems to me that the above mentioned provisions of the Charter, when construed together, mean:

(A) If the ordinances of the City were wholly silent upon the subject of signs, the Board of Estimates would have the power to either grant or refuse the right to erect signs upon such terms and conditions as it may deem proper;

(B) If a general ordinance of the City were to lawfully prohibit signs in general, the Board of Estimates would be without authority to grant the privilege of erecting signs upon any terms or conditions; and

(C) If the City, in its legislative character, should prescribe general limitations within which signs may be erected, the Board of Estimates, within