

File No. 96049

July 16, 1956

Mr. John J. Ghingher, Treasurer
Department of Treasurer
Room 225 City Hall
Baltimore - 2, Maryland

Dear Mr. Ghingher:

In response to your inquiry of June 6, 1956, whereby the opinion of this office was requested regarding the charging of additional fees for the space used for the parking of vehicles by the "Sky-Park" machine and other similar mechanical devices, this is to advise as follows:

In Volume 46 of the Opinions of the City Solicitor, page 268, this office answered a similar inquiry as to garages which operated on more than one floor. This opinion was written based on Ordinance No. 534, contained in the Baltimore City Code (1950) as Article 19, Section 38, which governed the licensing of open air garages at that time. It was then our opinion that, since Ordinance No. 534 provided for an annual license fee based on square feet of area of the space used for garage purposes,

"It would appear, therefore, that since the space of a second or third floor of an open air garage is used for the storage of automobiles, that it is being used for garage purposes and should be included in computing the annual license fee for said open air garages."

It is further determined in the previous Opinion that the State Licensing Bureau, which licensed open air garages prior to the enactment of Ordinance No. 534 in 1939, included the square feet of each floor when computing the State's annual license fee.

On December 16, 1953, the Mayor and City Council of Baltimore approved Ordinance No. 904 which repealed and reordained Ordinance No. 534, providing as follows:

"38. (a) No person, firm or corporation shall keep an open air garage in the City of Baltimore for the parking of motor vehicles for which a charge is made until he or it shall have first obtained an annual license therefor and shall pay an annual license fee of three-quarters of one cent per square foot for each and every square foot of area of the total space used for garage purposes. Such license fee shall be apportionable on a semi-annual basis.