

Hon. Henry R. Hergenroeder, Chairman, Judiciary Committee,
City Council (continued)

The Charter of the Mayor and City Council of Baltimore is the basic law of Baltimore City, subject only to the Constitution of Maryland and Public General Laws of this State; the Constitution requires the Charter to provide for an elective legislative body in which is fixed the law-making power of the City and which body has full power to enact local laws of Baltimore City upon all matters covered by the express powers granted to the municipality.

See: Art. XI-A, Secs. 1 and 3 of
Md. Constitution

The provisions of Article 66B of the Maryland Code (1957 Edition) empowers the Mayor and City Council to provide for and enforce zoning regulations in Baltimore City.

Broadly speaking, zoning laws are enacted for the purpose of protecting the public health, safety, morals or general welfare, and the Legislature has vested the full measure of power which the State can exercise for any zoning purpose within the proper scope of the police power in the Mayor and City Council of Baltimore by the passage of the State Zoning Enabling Act.

See: Carney v. City of Baltimore,
201 Md. 130, 135

In State v. Graves, 19 Md. 351, at p. 373, the Court of Appeals of Maryland stated:

"The Mayor and City Council are but trustees of the public; the tenure of their office impressed their ordinances with liability to change. They could not, if they would, pass an irrevocable ordinance. The corporation cannot abridge its own legislative powers."

The Court of Appeals in this case concurred in the opinion of the lower court and it was stated in such opinion that:

"It is clear that the Mayor and City Council has no power by any contract or covenant, or by any ordinance, by-law or resolution, to restrain or abridge its own legislative capacities."

The case of Heiskell v. Baltimore, 65 Md. 125, dealt with a rule adopted by the First Branch of the City Council which