

AN OPINION REGARDING THE
APPLICATION OF CHAPTER
810 OF THE ACTS OF 1914,
TO THE CITY OF BALTIMORE.

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13478.

In considering the policy of the State of Maryland regarding health conditions within its borders, we find the general jurisdiction over such matters is vested in the State Board of Health. In addition to this Board, provision is made for official Health Boards for the various counties, and in the Charter of the City of Baltimore, provision is made for a Health Departments, which has jurisdiction over health conditions in the City, but not exclusive of the jurisdiction of the State Board of Health, which covers the whole State. Under Section 2 of Article 43 of the Code, we find that the State Board of Health shall have the general care of the sanitary interests of the public of this State. That this Board has jurisdiction over the City of Baltimore has never been questioned, even though there is no expressed statement to that effect in the law. The Code provision is for the protection of the sanitary interests of the whole State and not any particular part or sub-division thereof; hence, the City of Baltimore comes under the general jurisdiction of the State Board of Health, where sanitary questions are involved; hence it is clear that the provisions of Chapter 810 of the Acts of 1914 apply to the City of Baltimore unless some provision therein excludes the City from its application, or unless such Act, as far as the City of Baltimore is concerned, is invalid because in conflict with some constitutional provision or some power granted exclusively to the City under its Charter.

Chapter 810 of the Acts of 1914 was passed for the better protection of the public health by preserving the purity of the waters of the State; providing for the supervision and control by the State Board of Health over water supplies, sewerage, etc; for the maintenance, alteration, extension, construction and operation of systems and works relating thereto, and for the raising of funds by counties, municipalities, and sanitary districts for such work. The City of Baltimore is not expressly or inferentially exempted by any provision of the Act from its application, nor is it expressly included therein. However, the intention of the Legislature, as expressed