

October 7, 1936

Mr. W. A. Farr,
Buildings Engineer
Municipal Office Building
Baltimore, Maryland

Dear Sir:

Please refer to your letter of September 18th in which you ask for an opinion as to your authority to grant permit to Gaston Ansel to erect an electric sign in front of 1308 North Charles Street with a projection 4' x 10', 11'. This application is for the erection of a new sign and not for the replacement of a sign formerly existing on the premises.

Ordinance No. 712, approved February 5, 1935, provides:

"No sign extending or projecting more than eight inches beyond the building wall proper, shall hereafter be erected on either side of Charles Street from Baltimore Street to Mt. Royal Avenue."

While it is true that the Board of Estimates has heretofore granted permits for signs in this area, in apparent conflict with the terms of said Ordinance, such permits were for replacement of already existing signs and not for the erection of new signs, and the underlying purpose was to bring about the removal of dilapidated and possibly dangerous signs. Apart from the question whether the Board had the strict legal power to grant such permits, even for the purposes mentioned, it is certain that the Board has no legal power to grant a permit for a new sign in violation of Ordinance No. 712.

Any remedy for this situation must be by way of amendment of the Ordinance, which, so long as it exists, binds the Board of Estimates in the premises.

Very truly yours,

(signed) R. E. LEE MARSHALL

City Solicitor

RELM/H