File No. 1244 Continued.

OPINION.

16061

Section 72 refers to the quantity which may be kept on storage, and a violation of this section is punishable by a fine of fifty dollars (\$50) for each and every offense.

Section 75 seems to be the only section under which the question of permit can arise, provided gasoline can be brought within the provisions of that section. It is not mentioned, and the question arises whether gasoline is an explosive material or compound. If it is, then it cannot be stored or kept in any shed without the permit of the Mayor. If it is not properly comprehended in the term "explosive material", there is no provision at all to regulate the storage or placing of gasoline.

1608

1609

Guided by the rule of construction noscitur a sociis, it would seem that gasoline is not included within the term "explosive material", and that, therefore, no ordinance exists controlling the granting of permits.

In any event, the matter is not for the Inspector of Buildings to decide, but for the Mayor, and his permit must be secured in case Section 75 of Article 20 applies.

As to the tank on St. Mary's Avenue, if, as believed, no permit was necessary, then its existence is lawful. If, however, Section 75 of Article 20 applies, and the tank was erected originally without a permit, then the party who placed it there will be subject to a fine of fifty dollars (\$50) for each day the gasoline is permitted to remain after notification to remove it.

Very truly,

(Signed) Sylvan Hayes Lauchheimer, Assistant City Solicitor.

OPINION.

LAW DEPARTMENT.

Baltimore, June 16, 1904.

Edward D. Preston, Esq.,

Topice ce Eullders.

Dear Sir:-

1610

Replying to your favor of the 15th inst. with reference to an application for a permit to place a 200 gallon gasoline tank in the yard of No. 1639 Mullikin Street &c., I enclose a report dated the 16th inst.