File No. 3795 Continued.

OPINION.

ing Company for the erection of an advertising structure on the roof of the premises situated at the Southeast corner of Howard and Franklin Streets.

It appears that the permit in question was issued by the Building Inspector's office inadvertently, and contrary to Mr. Preston's ruling. Mr. Preston now desires to revoke the permit, under Code, Article 7, Section 100, which provides that "all permits granted for the erection of x x x sings x x x may be revoked, and the same shall be removed after sixty days' notice from the Mayor".

Mr. Preston's reasons for desiring to revoke the permit, which are the same as the reasons why he would not have granted it originally, are as follows:

1. The structure is of such a character as to be a menace to the public safety, since it is not strong enough to resist the required wind pressure. There is thus great danger of its falling down and injuring passers-by, and it would, moreover, seriously hamper the Fire Department in case of a fire at this point.

2. Ordinance No. 100, approved January 15, 1901, provides in Section 66-A, that no sign board for advertising purposes, over six feet square, shall be placed on any roof without a permit, and, in Section 66-B, it is provided that no fence for advertising purposes shall be erected above a height of twenty feet adjacent to and fronting upon any of the public streets. Mr. Preston contends that the sign board in question is a fence within the meaning of Section 66-B, and hence must not be of a greater height than twenty feet. As a matter of fact, it is twenty-four feet high.

I think it somewhat uncertain whether the word "fence", as used in Section 66-B, means a fence erected on the ground only, or whether a structure erected on the roof would be a fence as well. However, this may be, I am entirely clear that the right exists to revoke the permit under the facts as submitted by Mr. Preston.

In the first place, Section 66-A provides that no aign board of the character here in question shall be placed on any roof without a permit. I recently made a very careful examination of the Maryland authorities bearing upon the question of the exercise of discretion on the part of municipal officials in granting and refusing to grant personits, and I am quite clear that Section 66-A is valid, and that Mr.

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