

File No. 10561 Continued.

CORRESPONDENCE.

powers conferred on the Mayor for protection to persons and property.

I do not think Paragraph 19 of Section 16, Building Code, would apply to this and know of no other law by which I could act.

Please advise me as early as possible.

Very truly yours,

(Signed) Edward D. Preston,

Inspector of Buildings.

File No. 10561.

OPINION.

LAW DEPARTMENT.

Baltimore, October 11th, 1909.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

As requested by your favor of October 8th, I have considered the power to require the removal of certain barrels which are now piled against the building of the Bohes Importing Company, and which constitute a menace to the adjacent property from possible fire.

The ordinances are not in a satisfactory state so far as concerns the City's authority to require the removal of materials which may lead to a fire, and the prohibitions contained in Pielert's Code, Article 11, Section 54, etc., do not specifically refer to barrels. At the same time I think that Article 11, Section 66 may properly be construed as applying to the present case. That Section makes it unlawful "to deposit on any vacant lot, except at the distance of at least, three hundred feet, from any building or lumber yard, any shavings, chips or other combustible matter".

I think that this Ordinance should be given a liberal construction, and that if the empty oil barrels in question, constitute a fire menace by reason of the proximity of tars, oils, etc., that then they can properly be regarded as combustible matter within the meaning of the Section.

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