

File No.

Baltimore, February 8, 1911.

Hon. Edgar Allan Poe
City Solicitor

Dear Sir:

I am replying to your letter to me of February 7, referring the letter to you from the Commissioner of Health, under date of February 6th, inquiring about the present status of Ordinance No. 79, approved June 4, 1886.

I find that this Ordinance is codified as Sections 26 to 32 of Article 23 of the Code of 1893. In the City Code of 1906, Sections 1 to 5 of the Ordinance appear as Sections 125 to 129 of Article 3, and Sections 6 and 7 appear as Sections 105 and 106 of Article 14. The Ordinance above referred to makes certain provisions to promote the public health and improve the sanitary condition of tenement and lodging houses. Sections 1 to 4 relate to the construction of the buildings, while Sections 5 and 6 are purely health regulations. Section 7 provides the penalty for the violation of any of the preceding Sections.

The Building Code now in force, Ordinance No. 155, approved June 19, 1908, by Sections 45 and 46, makes more stringent requirements, so far as the construction of tenement and apartment houses, and lodging houses and hotels is concerned, and, as Section 60 of the Ordinance repeals all other Ordinances, or parts of Ordinances, inconsistent with the provisions of Ordinance No. 155, in my opinion, the first four Sections of Ordinance No. 79, approved June 4, 1886, are repealed, because the provisions of those Sections are inconsistent with the Ordinance referred to, known as the Building Code.

Sections 5 and 6 of Ordinance No. 79, approved June 4, 1886, make the following provisions:

Section 5 provides that no owner, lessee, etc., of any tenement or lodging house, shall cause or allow the same to be overcrowded.

Section 6 provides that every tenement or lodging house, and every part thereof, shall be kept clean.

Section 7 provides the penalty for violation of either Sec-