

Charles E. Bichy, Esq., Deputy Collector (cont'd)

parking purposes, should be obtained by it pursuant to Paragraph 4996 of the Building Code. Under Ordinance No. 578, approved October 31, 1941, the requirements of this Paragraph are made applicable "to all lots other than enclosed property, or open structures, where motor vehicles are stored or parked, and a charge is made for such storage or parking; or where motor vehicles are stored or parked in connection with a commercial enterprise". Although the problem is not entirely free from difficulty, because of the use of the word "commercial", which may be used in either a broad or a restricted sense, I am of the opinion that it was the intention of the City Council to use this word as a synonym of "business", to contrast the enterprises with residential uses of property. In other words, it was the intention of the City Council to make the provisions of Paragraph 4996, applicable to all parking lots, except in the situation where a residential property was used by the owner for the temporary parking of his own automobile. The hazard to the public for the storage of motor vehicles, when a charge is made therefor, or, when used in connection with business enterprises, is the same, and it is reasonable to assume that the City Council intended that the hazard was to be eliminated in both situations. In my opinion, the Gas Company should obtain a permit for the use of its lot at Madison and Buren Streets, for the parking of the motor vehicles of its employees.

Very truly yours,

(signed) WILSON K. BARNES

Deputy City Solicitor

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APPROVED:

(signed) F. MURRAY BENSON
City Solicitor