

FILE NO. 74717

July 27th, 1942

Mr. P. W. Wilkinson, Executive Secretary
Board of Fire Commissioners
Gay and Lexington Streets
Baltimore, Maryland

Dear Mr. Wilkinson:

Your letter of June 29, 1942, addressed to the City Solicitor, requesting an opinion as to whether or not Chapter 327 of the Laws of Maryland, 1941, effective June 1, 1941, relating to fire works, affects the issuance of permits by the Mayor of Baltimore to use fire works within the corporate limits of Baltimore City in connection with Fourth of July community celebrations, has been referred to me for attention.

For many years, the City has had the power to do the following:

(a) To regulate the evil and pernicious practice of firing or discharging crackers within the limits of Baltimore City, either by prohibiting sale of the crackers or otherwise (Subsection 5, "Fire", of Section 6, page 15, City Charter); and

(b) To pass ordinances for preserving order, and securing property and persons from violence, danger and destruction, protecting the public and city property, rights and privileges from waste or encroachment, and for promoting the great interest and insuring the good government of the City. To have and exercise within the limits of the City of Baltimore all the power commonly known as the Police Power to the same extent as the State has or could exercise said power within said limits. (Subsection 16, "Police Power", of Section 6, page 31, City Charter).

Pursuant to the delegation of such authority, Ordinance No. 123, approved September 2, 1896, (Section 65 of Article 15, "Fire", page 469, of the 1927 Baltimore City Code) was passed, which provides:

"No person shall cast, throw or fire any squib, rocket, cracker, torpedo, grenade or other combustible