

To the Honorable, the President
and Members of the City Council

(continued)

starting at 12 o'clock noon on Sunday. The ordinance was submitted to the voters in the City of Baltimore on May 2, 1932, and the majority of the citizens then voting approved this ordinance.

The present proposed ordinance is an amendment to this Ordinance No. 130, and it is the opinion of this office that the amendment being a substantial change in the original ordinance must be submitted to the voters in the same manner as the original ordinance. It will be noted that Sections 2 and 3 of the proposed ordinance make provision for submitting such ordinance to the voters of Baltimore City at the general election to be held in November, 1962.

By Chapter 548 of the 1945 Laws of Maryland, which was an act repealing and re-enacting Section 6 of Article 4 of the Code of the Public Local Laws of Maryland and specifically was a re-statement of the grant of general powers in the Baltimore City Charter, the Legislature conferred upon the Mayor and City Council in Sub-section 28 (now Sub-section 31) the power to prohibit, permit, or regulate by ordinance, amusements to be shown for profit within Baltimore City on Sunday. It was provided by this Act that no ordinance concerning Sunday should become effective until it had first been submitted to and approved by the voters of Baltimore City at a general, municipal or special election. This section, in effect, re-enacted the grant of powers contained in Chapter 287 aforesaid and further enforces the opinion of this office that before the ordinance in question can be adopted it must be submitted to the voters of the City of Baltimore.

The second question which you raise is whether or not the ordinance as proposed would be valid if it is ordained. The type of action proposed in this instance rests solely within the discretion of the legislative arm of government. In Mogul v. Gaither, 142 Md. 380, where the validity of an ordinance outlawing auction sales except those held by companies doing business in the City of Baltimore for one full