

FILE NO. 105692

February 27, 1962

Mr. Robert G. Deitrich
Building Inspection Engineer
Room 10, Municipal Building
Baltimore 2, Maryland

Dear Mr. Deitrich:

On February 9, 1962, you referred to this office for report and recommendation a request by a property owner for the refund of a portion of the multiple family dwelling annual license fee paid by him in a situation where the City purchased from the owner property which is licensed under the provisions of Chapter 15A of the Building Code as ordained by Ordinance No. 1077, approved November 7, 1957.

Your letter in substance poses the following single question:

Is the owner entitled to a refund of the license fee, in whole or in part?

While Ordinance No. 1077 permits the purchaser of a licensed building to have an existing license transferred to him for the unexpired portion of the term for which it was issued, the Ordinance does not provide for the payment of a proportionate part of the annual fee.

Furthermore, Section 9 of said Chapter 15A states, in part, that:

"No refunds shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a licensed building to another person."

In addition, this office on a number of occasions has ruled that in the absence of a provision in the law specifically authorizing the refund of a license fee, there is no legal basis for making such refund. For some of the various situations in which it was recommended that a requested refund not be made, see: