

Mr. William H. Potts, Jr.

-2-

August 31, 1966

provides, in part, as follows:

"Nothing in this ordinance shall be construed to apply to any billboard or posterboard with respect to which the Board of Municipal and Zoning Appeals has original jurisdiction under Section 37 of the Baltimore City Zoning Ordinance.* * *"

Article 40, Section 37, of the Baltimore City Code (1950 Edition), as amended by Ordinance No. 938, approved July 28, 1961, provides that a billboard for the display of outdoor advertising or posterboards in a use district where permitted by the use regulations, may be permitted only after a public hearing before the Board of Municipal and Zoning Appeals and compliance with certain terms and conditions which are not applicable in this case.

In the case of Grebow v. Mayor and City Council of Baltimore, 217 Md. 333 (1958), it was contended that two non-illuminated advertising signs painted on the brick wall of a building were not billboards or posterboards so as to require the removal thereof under the provisions of an ordinance directing the removal of billboards and posterboards from residential use districts within a specified time. The Court upheld the contention, and in connection therewith said on page 335:

"* * * The term 'billboard' is in common use, and has been judicially defined as 'an erection annexed to the land in the nature of a fence for the purpose of posting advertising, bills and posters* * *.' Cochrane v. McDermott Advertising Agency, 60 So. 421 (Ala. App.); Randall v. Atlanta Advertising Service, 125 S. E. 462, 463 (Ga.). It has also been said that, "'poster boards"* * * are thin walls or screens having a sheet iron surface over a wooden framework with supports set in the ground.' General Outdoor Adv. Co. v. Department of Public Wks., 193 N.E. 799, 809 (Mass.) Neither definition would seem to be broad enough to include an advertising sign which is simply painted upon the wall of a building without any structural support that could properly be described as a 'board'.* * *"