

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

February 5, 2009

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

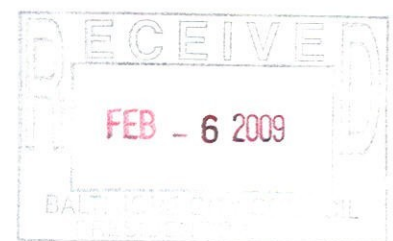
RE: City Council Bill 08-0218 – Building Permit Fees - Demolition

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0218. City Council Bill 218 is for the purpose of reinstating the maximum fee that can be charged for a permit to demolish a structure. The maximum fee was inadvertently omitted in prior legislation amending the fee structure for demolition permits. The maximum fee set in the bill is \$5000. The previous maximum was \$1000.

In general, the City's power to regulate includes the power to charge a reasonable fee to cover the cost of regulation. 56 Am. Jur.2d, Municipal Corp. Sec. 424. In general, license or permit fees must be reasonably related to the cost of services furnished. Id. at Sec. 26.39. A permit fee must be definite in amount or dependent on an established definite legal measure and not left to the discretion of officials. Id. at Sec. 26.40.

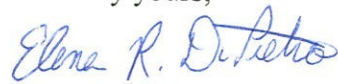
In this case, Article II, Section 1 gives the Mayor and City Council the power to regulate the removal of buildings. Pursuant to that power, it may impose fee to cover the cost of that regulation. The fee structure for demolition permits is definite in amount and not subject to the discretion of officials. The Building Code sets forth a fee of 30 cents per cubic foot fee for small structures and 75 cents per cubic foot for larger structures. The Law Department defers to the Department of Housing and Community Development with regard to whether the \$5000 is reasonable to cover the cost of regulating the demolition of buildings in the City.



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City Council Bill 08-0218 is consistent with the authority of the City Council to provide fees for the regulation of the demolition of structures in the City. The Law Department, therefore, approves the City Council Bill 08-0218 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Assistant City Solicitor

cc: Honorable Stephanie Rawlings-Blake
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor