



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
MARTIN J. WALSH

April 2, 2018

TO THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval an Ordinance amending City of Boston Code, Ordinances, Chapter XVI, Section 16-12.3, governing advertising on free-standing signs.

If amended, City of Boston Code, Ordinances, Chapter XVI, Section 16-12.3(d) will no longer contain language effectuating the expiration of Sections 16-12.3(b) and (c) on June 30, 2017. By removing the expiration language, this proposed amendment makes the provisions of Sections 16-12.3(b) and (c) permanent.

I urge your Honorable Body to act favorably on the proposed amendment without delay.

Sincerely,

Martin J. Walsh
Mayor of Boston

CITY OF BOSTON
IN CITY COUNCIL

AN ORDINANCE AMENDING CITY OF BOSTON CODE, ORDINANCES, CHAPTER XVI, SECTION 16-12.3.

WHEREAS, City of Boston Code, Ordinances, Chapter XVI, Section 16-12.3 contains permitting regulations for advertising signs and the City of Boston zoning code contains signage regulations that vary in different neighborhoods, business districts, and sub-districts; and

WHEREAS, Free-standing signs, such as sandwich boards, serve as significant marketing tools for small and local businesses; and

WHEREAS, Small and local businesses are an important part of the economic vitality of Boston and the City seeks to promote equity and consistency of signage regulations in Boston; and

WHEREAS, Section 16-12.3 of the Code was amended in 2015 as a pilot program and resulted in great success;

NOW THEREFORE

Be it ordained by the City Council of Boston, as follows:

Section 1.

City of Boston Code, Chapter XVI, Section 16-12.3, is hereby amended by striking the section in its entirety and inserting in place thereof the following:

ADVERTISING

a. *Distribution of Advertising and Vehicles.* Except in accordance with a permit from the Commissioner of Public Works no person shall, for the purpose of advertising goods, wares or merchandise for sale, while on foot in any street, distribute to persons in any street any handbills, cards, circulars or papers other than newspapers, nor shall any person having the control of any vehicle used principally for advertising permit such vehicle to operate in any street north and east of Massachusetts Avenue. The Commissioner of Public Works shall establish, with respect to such advertising matter, such uniform rules governing the size of showcards, placards, handbills, cards, circulars and papers other than newspapers which may be distributed in the street as shall be reasonably necessary to prevent littering or other hazard to public safety. Each permit issued hereunder shall contain a copy of the rules relating thereto and shall be limited by its terms to the authorization of conduct permitted thereby and otherwise legal. No permit shall be required nor shall this ordinance operate to affect, interfere with or in any way

abridge the right of persons on the street to carry or distribute non-commercial handbills, cards, circulars or papers other than newspapers.

b. *Free-standing signs.* No business establishment shall, for the purpose of advertising their own goods, wares, services or merchandise for sale, display any free-standing sign on the public walkway located outside the business unless the free-standing sign is in compliance with the following requirements:

- (i) Massachusetts Architectural Access Board Regulations to ensure accessibility and prevent interference with public travel;
- (ii) The sign does not exceed 24" x 36" in dimension;
- (iii) The sign is not adhered or attached to any structures or fixtures;
- (iv) The sign is constructed of weather resistant material;
- (v) The sign is maintained in good condition;
- (vi) The sign is placed on the public walkway only during the hours of operation of the related business;
- (vii) The sign identifies the name, address, and telephone number of the business establishment and owner of the sign, if different;
- (viii) The sign displays content limited to the business establishment's goods, wares, services or merchandise for sale at the location of the sign; and
- (ix) The sign does not display advertisement of alcohol or tobacco products.

c. *Penalties.* The Commissioner of Public Works shall be authorized to remove any free-standing signs not in compliance with Section 16-12.3 (b).

d. This ordinance shall be effective upon passage.

Section 2.

This ordinance shall be effective upon passage.

I HEREBY CERTIFY THAT
THE FOREGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.
BY Eugene L. O'Flaherty
EUGENE L. O'FLAHERTY
CORPORATION COUNSEL 