

from the Division, violates the rules. Every such device, therefore, is removable as a nuisance under section 30-A or 31, and the person maintaining it is liable to the penalties of section 33.

#### V—Suggestions for Municipal Regulation of Bill Boards.

Section 29 of Chapter 93 of the General Laws of Massachusetts (with the amendment proposed by the Federation of Planning Boards and enacted as chapter 327 of 1924) authorizes cities and towns to further regulate bill boards, signs and other advertising devices within their respective limits by ordinance or by-law not inconsistent with the General Laws or with the state regulations. Such ordinances and by-laws do not now require approval by the state Highway Division, but may be adopted in the same way as all other ordinances and by-laws. They cannot repeal any restrictions imposed by the state regulations, but may add further restrictions, applicable to local needs, which will have the same binding effect upon the state authorities, in the issuance of permits for advertising within the municipal limits, as the state regulations have.

It is necessary to warn members of Planning Boards and others who desire to draw up municipal regulations for bill boards not to go too far in their enthusiasm for drastic restrictions; but to remember that the problem of enforcement, the most difficult of all, is still ahead of us, and to bear in mind what has been said before in regard to the limitations of the police power by the United States Constitution.

In drawing up the state regulations, the Highway Division had legal advice and endeavored not to overstep safe constitutional limits; so that its rules may be taken at present as models for the class of restrictions that would probably be sustained by the courts. Local ordinances therefore, should contain similar restrictions, which should be carried further in degree or added to only as far as may be necessary to meet local conditions and to cover any important omissions in the general rules. As examples of such omissions, the state regulations set no limits of size for bill boards in business districts, and nowhere set any limit to their height above the ground or their injurious proximity to adjoining

residence or business property. They also permit larger boards in certain places than are needed for successful advertising or wanted by the surrounding community. The claim, made by representatives of the associated billboard companies at a hearing on rules before the Highway Division, that out-door advertising cannot be successfully carried on without boards of dimensions 25 by 12 and 40 by 15 feet, was completely refuted by the greatest and most effective outdoor advertising campaign ever carried on—that in aid of the war-time drives for Red Cross, Liberty Bonds, etc.—which achieved its success chiefly with posters averaging less than 3 by 4 feet in size.

To the end that local laws for control of outdoor advertising may be as far as possible uniform throughout the state, the following suggestions are presented in the form of a by-law for towns, designed to supplement consistently the state rules. Such a by-law or ordinance should be a part of the local building regulations.

#### VI—Proposed Form of By-Law:

Except as provided herein, bill boards, signs, or other devices for the purpose of outdoor advertising shall be permitted to be erected, displayed or maintained within public view in the town of .....only in conformity with the following requirements: No such bill board, sign or device, unless on the wall of a building whose main purpose is other than advertising, shall exceed **thirty-two square feet in area**, or on the wall of a building shall project beyond the boundary of said wall. Every such bill board, sign or device not supported on the wall of a building shall be mounted vertically on **smooth uprights, without braces**; shall, with its supports, be kept well painted on all exposed wood and iron surfaces, and, with the ground about it, neat and free from objectionable matter; **no part of it shall be more than six feet or less than one foot above the average level of the ground immediately in front thereof; nearer than eight feet to the wall of a building or to another such bill board, sign or device; nearer than three hundred feet to any public park or recreation ground, church or public building, if within view of any portion of the same; nearer than one hundred and fifty feet to a point where the cen-**