



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

January 5, 1979

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Sullivan:

I am in receipt of your request to this office regarding the drafting of an ordinance which would provide the following:

1. No political sign is to be placed on any property in the City of Cambridge except at the Headquarters of a political party, or in the case of a non-partisan election at the Main Headquarters of each particular candidate for office; and
2. A fine of Fifty Dollars (\$50.00) shall be levied upon any person or persons guilty of violating this ordinance.

It is my opinion that an ordinance of this nature would be held invalid by a Court of competent jurisdiction, as an infringement of freedom of speech and right to property.

As it is presently drafted, the ordinance would appear to control the posting of political signs on any property in the City, both public and private, residential and commercial, real and personal. Such a restriction would be patently overbroad.

I should point out that at present the Cambridge City Code does provide comprehensive control over political advertisements, as well as other forms of advertising. The applicable sections of the City Code appear as follows:

Sec. 13-1. Defacing public property.

No person shall paint or draw any political signs, words or figures, or post any written or printed matter, upon the property of any person, without the consent of the owner or occupant thereof, nor upon any property of the City, without the consent of the City Manager.

Sec. 19-32. Posting bills.

No person shall post a bill, placard or advertisement within the grounds connected with Fresh Pond, Stony Brook, or Hobbs Brook, or other reservoir of the water works.

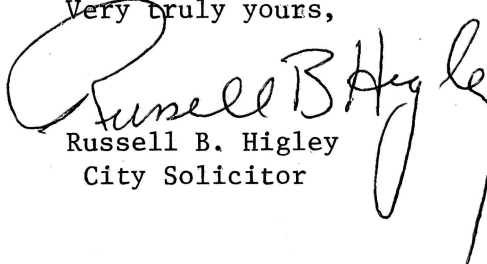
Additionally, the City of Cambridge Zoning Ordinance contains a chapter which regulates signs and advertising. This chapter acts to limit political signs as follows:

1. Section 7.12 effectively prohibits all political signs in residential or office districts.
2. In any other district, political signs may only be erected if they conform to the restrictions of size, height, set back, and illumination as set forth in sections 7.13 and 7.14.

Additionally, no political sign is permitted in such districts unless a permit therefor has been granted by the Outdoor Advertising Authority in accordance with sections 29-33 of Chapter 93 of the General Laws.

If you require further assistance in this matter, please let me know.

Very truly yours,


Russell B. Higley
City Solicitor

RBH:jl



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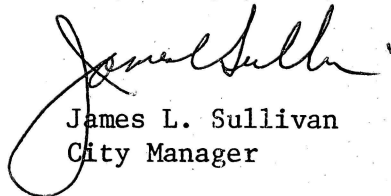
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

January 8, 1979

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 12 relative to an ordinance banning political signs throughout the City, enclosed please find copy of an opinion from Russell B. Higley, City Solicitor.

Very truly yours,



James L. Sullivan
City Manager

JLS/mbf
Enc.

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Agenda #17

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Response to Awaiting Report no. 12 re: ordinance banning political signs throughout the city.

In City Council,
January 8, 1979

1/8/1979

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