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## STAFF MEMORANDUM

Meeting Date: **Wednesday, August 14, 2019**  
DATE: August 7, 2019  
TO: Urban Design Commission  
FROM: Shubee Sikka, Urban Designer  
SUBJECT: **Additional Review Information**

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The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision-making process of the UDC. The Department of Planning and Development's intention is to provide a balanced view of the issues with the information it has at the time of the application's review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit or Fence Appeal applications.

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Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff's recommendations for these items.

### I. Roll Call

### II. Regular Agenda

#### Sign Permits

##### **1. 78 Crafts Street – Premier Limousine**

PROJECT DESCRIPTION: The property located at 78 Crafts Street is within a Manufacturing district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 46 sq. ft. of sign area on the northeastern building façade facing Crafts Street.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 50 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign.

## **2. 165 Needham Street – WW Studio**

PROJECT DESCRIPTION: The property located at 165 Needham Street is within a Mixed Use 1 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted split principal sign, internally illuminated, with approximately 48 sq. ft. of sign area on the northeastern building façade facing the parking lot.
2. One blade split principal sign, non-illuminated, with approximately 4 sq. ft. of sign area on the northeastern building façade perpendicular to the parking lot.

TECHNICAL REVIEW:

- As per §5.2.8, *“In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign.”* Both the proposed split principal signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two split principal signs are allowed, which the applicant is not exceeding, and on this façade of 25 feet, the total maximum size of the sign allowed is 75 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both the split principal signs as proposed.

## **3. 33 Boylston Street – Odd Fellows Ice Cream Co.**

PROJECT DESCRIPTION: The property located at 33 Boylston Street is within Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 417-12. The applicant is proposing to install the following sign:

1. One ceiling-suspended principal sign, internally illuminated, with approximately 18 sq. ft. of sign area on the eastern façade facing the rear parking lot.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which

the applicant is not exceeding, and on this façade of 18 feet, the maximum size of the sign allowed is 54 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign.

#### **4. 33 Boylston Street – Casper**

PROJECT DESCRIPTION: The property located at 33 Boylston Street is within Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 417-12. The applicant is proposing to install the following sign:

1. One ceiling-suspended principal sign, internally illuminated, with approximately 17 sq. ft. of sign area on the northern façade facing the rear parking lot.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 30 feet, the maximum size of the sign allowed is 90 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign.

#### **5. 300 Needham Street – Pressed Café**

PROJECT DESCRIPTION: The property located at 300 Needham Street is within Mixed Use 1 zoning district. The applicant is proposing to replace and install the following signs:

1. One wall mounted principal sign, externally illuminated, with approximately 39 sq. ft. of sign area on the western façade facing Needham Street.
2. One wall mounted secondary sign, externally illuminated, with approximately 43 sq. ft. of sign area on the northern façade facing the side parking lot.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 13 feet, the maximum size of the sign allowed is 39 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 114 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both the proposed principal sign and the secondary sign.

**6. 1009 Chestnut Street – AGS Tax Group, AGS Accounting, ALEF Skincare, and a future tenant**

PROJECT DESCRIPTION: The property located at 1009 Chestnut Street is within Business 1 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, non-illuminated, with approximately 3.5 sq. ft. of sign area on the eastern façade facing Chestnut Street (AGS Tax Group).
2. One wall mounted secondary sign, non-illuminated, with approximately 3.5 sq. ft. of sign area on the southern façade facing Ellis Street (AGS Tax Group).
3. One wall mounted principal sign, non-illuminated, with approximately 3.5 sq. ft. of sign area on the eastern façade facing Chestnut Street (AGS Accounting).
4. One wall mounted principal sign, non-illuminated, with approximately 3.5 sq. ft. of sign area on the eastern façade facing Chestnut Street (Future tenant).
5. One wall mounted principal sign, non-illuminated, with approximately 3.5 sq. ft. of sign area on the southern façade facing Ellis Street (ALEF Skincare).

TECHNICAL REVIEW:

- The proposed principal sign (AGS Tax Group) appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 17 feet, the maximum size of the sign allowed is 51 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign (AGS Tax Group) appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 17 feet, the maximum size of the sign allowed is 17 sq. ft., which the applicant is also not exceeding.
- The proposed principal sign (AGS Accounting) appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 17 feet, the maximum size of the sign allowed is 51 sq. ft., which the applicant is also not exceeding.
- The proposed principal sign (for a future tenant) appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 15 feet, the maximum size of the sign allowed is 45 sq. ft., which the applicant is also not exceeding.
- The proposed principal sign (ALEF Skincare) appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 15 feet,

the maximum size of the sign allowed is 45 sq. ft., which the applicant is also not exceeding.

- These signs are in Newton Upper Falls Historic District (NUFHD). The Newton Upper Falls Historic District Commission has issued a Certificate of Appropriateness for the application as presented for 1003-1009 Chestnut Street to install five signs, with the requirement that the font style, font size, sign material, sign fabrication and color be submitted to Staff for final review and approval.

STAFF RECOMMENDATION: Staff recommends approval of all the proposed principal signs and the secondary sign.

### **7. 108 Madison Avenue – Annie May’s Sweet Café**

PROJECT DESCRIPTION: The property located at 108 Madison Avenue is within Business 1 zoning district. The applicant is proposing to install the following signs:

1. One awning principal sign, non-illuminated, with approximately 44 sq. ft. of sign area on the northern façade facing Madison Avenue.
2. One awning sign, non-illuminated, with approximately 3 sq. ft. of sign area on the western façade perpendicular to Madison Avenue.
3. One wall mounted secondary sign, non-illuminated, with approximately 45 sq. ft. of sign area on the northern façade facing Madison Avenue.

TECHNICAL REVIEW:

- The proposed awning principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 49 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed awning sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, awning signs are allowed that cover up to 20% of awning, which the applicant is not exceeding.
- The proposed secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 31 feet, the maximum size of the sign allowed is 31 sq. ft., which the applicant is also not exceeding. Please note that this sign is on the “Los Amigos” façade frontage and not “Annie May’s Sweet Café” frontage. However, a sign has been approved in the past for this location (attachment A).

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign, awning sign, and the secondary sign.

## **8. 11-19 Commonwealth Avenue – White Mountain Creamery, Dunkin Donuts, Flatbreads**

PROJECT DESCRIPTION: The property located at 11-19 Commonwealth Avenue is within Business 1 zoning district. The applicant is proposing to install the following signs:

1. One painted secondary sign, non-illuminated, with approximately 24 sq. ft. of sign area on the eastern façade perpendicular to Commonwealth Avenue (White Mountain Creamery)
2. One painted secondary sign, non-illuminated, with approximately 24 sq. ft. of sign area on the eastern façade perpendicular to Commonwealth Avenue (Dunkin' Donuts)
3. One painted secondary sign, non-illuminated, with approximately 24 sq. ft. of sign area on the eastern façade perpendicular to Commonwealth Avenue (Flat Breads)
4. One painted secondary sign, non-illuminated, with approximately 18 sq. ft. of sign area on the eastern façade perpendicular to Commonwealth Avenue (All Day Food Destination).

### TECHNICAL REVIEW:

- All the proposed secondary signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed for each business, which the applicant is not exceeding, and on this façade of 37 feet, the maximum size of the sign allowed is 37 sq. ft., which the applicant is also not exceeding.
- All three businesses (White Mountain Creamery, Dunkin Donuts, Flat Breads) have window signs that appear to be more than 25% of the window area. Staff has left a voicemail for the applicant regarding reducing the size of the window signs.

STAFF RECOMMENDATION: Staff recommends approval of all the proposed secondary signs on the condition that the window signs are less than 25% of the window area. Staff seeks advice from UDC regarding the "All Day Food Destination" sign and the overall sign and the arrow.

## **9. 47 Boylston Street - Bianca**

PROJECT DESCRIPTION: The property located at 47 Boylston Street is within Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 417-12. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 41 sq. ft. of sign area on the southern façade facing Boylston Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 41 sq. ft. of sign area on the northern façade facing Boylston Street.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 55 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 59 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both the proposed principal sign and the secondary sign.

## **Design Review**

### **1. 340 River Street – Design Review**

The Petitioner is seeking a special permit to develop a residential housing project on 27,283 sq. feet of land at the corner of Lexington Street, River Street and Rumford Avenue at the West Newton & Auburndale line. The project will consist of two buildings, one, on the corner, is a 32,000 square foot, three and one half story, 45 room, extended short term stay residence (Boutique Hotel) and the other is a 10,000 square foot, three story moderate income (workforce) apartment complex (rent to be adjusted for tenants earning from 65% to 115% of Newton AMI - \$104,887.00) consisting of 1 three bedroom, 1 one bedroom and 8 two bedroom units. Parking for the extended short term stay residence is under the building and the 10-unit residence has on ground covered parking with two floors of residential units above and front and rear ground level apartments. The rear yard has outdoor recreation space for adults (Barbeque area) and a 400 square foot play area for children.

At the request of the Planning Department, the petitioner has been asked to present the project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building's design; bulk and massing; and relationship to context and the street.

### **2. 1844 Commonwealth Avenue – Lasell University Free-standing Sign**

#### ***Lighting Review***

1. Lighting of one free-standing sign, non-illuminated, with approximately 8 sq. ft. of text on a 25 square feet granite and brick base at the corner of Commonwealth Avenue and Central Street (sign 1).

2. Refacing of one free-standing sign, non-illuminated, with approximately 8 sq. ft. of text on a 25 square feet granite and brick base at the corner of Myrtle Avenue and Grove Street (sign 2).
3. Lighting of one free-standing sign, non-illuminated, with approximately 34 sq. ft. of text on a 75 square feet granite and brick base at the corner of Commonwealth Avenue and Cheswick Road (sign 3).
4. Lighting of one free-standing sign, non-illuminated, with approximately 34 sq. ft. of text on a 75 square feet granite and brick base at the corner of Forest Avenue and Woodland Road (sign 4).
5. Lighting of one free-standing sign, non-illuminated, with approximately 34 sq. ft. of text on a 75 square feet granite and brick base at the corner of Grove Street and Woodland Road (sign 5).

TECHNICAL REVIEW:

- As per section 20-24, *“Light pollution prohibited, (a) No person shall install or maintain a light source which emits light unless such light source conforms to each of the following requirements:  
(1) it shall emit a steady and constant light and shall not emit a flashing or irregular light;  
(2) it shall shine downward and not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of such light source.  
(b) This section shall not apply to the following light sources:  
(1) light sources which are rated at a total that does not exceed 100 lumens”.*
- Staff has spoken to the applicant about either reducing the light source to a total of less than 100 lumens or apply to the Planning and Development Board for a waiver (as per section 20-16) (attachment B). The applicant will come to the UDC meeting with a decision about how they would like to proceed.

STAFF RECOMMENDATION: Staff is waiting to hear from the applicant.

## **Old Business**

### **1. 978 Boylston Street – CVS Pharmacy Minute Clinic**

PROJECT DESCRIPTION: The property located at 978 Boylston Street is within a Business 2 district and has a special permit via Board Order # 682-68. The applicant is proposing to replace and install the following signs:

3. One wall mounted secondary sign, internally illuminated, with more than 100 sq. ft. of sign area on the northern façade facing the parking lot. The applicant has not provided dimensions of both the signs in one box. The staff has asked the applicant for those dimensions. The applicant will be bringing drawings with the dimensions at the UDC meeting on August 14<sup>th</sup>.
4. Window sign appears to be more than 25% of the window size.



**TECHNICAL REVIEW:**

- There is an existing free-standing principal sign.
- The proposed secondary sign does not appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 133 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is exceeding. If the applicant would like to proceed with the proposed sign, the applicant will need to apply for a Special Permit to the Land Use Committee of the City Council.
- The Window sign appears to be more than 25% of the window area. Staff has spoken to the applicant to provide the exact dimensions of the window and the window sign.

**STAFF RECOMMENDATION:** Staff seeks recommendation from UDC for the Land Use Committee of the City Council regarding the secondary sign. Staff is waiting to receive exact dimensions for the secondary sign and window sign from the applicant.

**ATTACHMENTS:**

- Attachment A: 108 Madison Avenue – Annie May’s Sweet Café
- Attachment B – Light Trespass Ordinance

## DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON  
Massachusetts

## INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: January 4, 2005

TO: Gerald Brown  
Acting Commissioner of Inspectional Services

FROM: Michael Kruse, Director of Planning and Development  
Juris G. Alksnitis, Chief Zoning Code Official



LOCATION: 108 Madison Street  
CONTRACTOR:

BUSINESS: Basil Tree

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Section 30-20(c)(1) and (j)(2), as amended, allows the Director of Planning and Development, in consultation with the Urban Design and Beautification Commission (Commission), to review sign permit applications. The Commission reviewed the proposed sign on December 15, 2004 and has provided the enclosed recommendation (see referenced item).

I concur with the Commission and recommend approval of the proposed sign(s) described in the application and plans of reference:

- Principal fixed canopy sign is approved as submitted.
  - A second principal wall sign on same frontage as the canopy principal sign is approved as submitted.
- Note: Second sign adds direction for the portion of the building that is visually set back from Walnut Street and the business district. The Commission considers this circumstance to be unique with respect to this building and therefore believes two principal signs are warranted. The two principal signs together comprise approximately 40 sf, which meets the area limitation of 30-20 (f)(2)

This application requires no further review by this Department.

**On receiving this notice, the applicant must go to Inspectional Services to pick-up the permit and pay the required fee.**

**Cc:**

Kathee Carr, Basil Tree, 108 Madison St., Newtonville, PHN: 617-224-2389  
Joan Calabro - Planning Department file  
Urban Design and Beautification Commission file

Google Maps 198 Madison Ave



Image capture: Oct 2011 © 2019 Google

Newton, Massachusetts



Street View - Oct 2011

**ARTICLE III.  
LIGHT TRESPASS**

**Sec. 20-23. Definitions.**

For purposes of sections 20-23 through 20-28, the following words and phrases shall have the meanings respectively ascribed to them as follows:

*Direct Light:* Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a light source.

*Lumen:* A unit of light output as that term is defined by international standards. One footcandle is one lumen per square foot. For the purposes of sections 20-23 through 20-27, the lumen-output rating shall be the manufacturer's rating of the light source.

*Light Source :* A lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply. (Ord. No. X-142, 03-21-05)

**Sec. 20-24. Light pollution prohibited.**

(a) No person shall install or maintain a light source which emits light unless such light source conforms to each of the following requirements:

- (1) it shall emit a steady and constant light and shall not emit a flashing or irregular light;
- (2) it shall shine downward and not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of such light source.

(b) This section shall not apply to the following light sources:

- (1) light sources which are rated at a total that does not exceed 100 lumens; and
- (2) light sources which are located entirely within an enclosed structure, provided however, that a structure with a transparent or translucent roof, dome or cupola shall not constitute an enclosed structure for purposes of this subsection; and
- (3) light sources which are required pursuant to state or federal law; and
- (4) light sources which are used to illuminate the flag of the United States of America or other flag, or an architectural feature such as a cupola or steeple; and
- (5) light sources installed or maintained by the City or a utility to illuminate a public or private way; and
- (6) internally illuminated signs which emit light only from a vertical surface, and
- (7) festive or holiday light sources which are illuminated on a seasonal basis.

(c) Each installation or maintenance of a light source that does not conform to the requirements of this section shall constitute a separate violation of this section. (Ord. No. X-142, 03-21-05)

**Sec. 20-25. Light trespass prohibited.**

(a) No person shall install or maintain a light source or light sources which emit(s) light which falls outside the boundaries of the parcel of land upon which the light source(s) is sited, unless 1) such person has the permission of the owner or person in control of the parcel of land upon which the light falls or 2) the illuminance of light measured at any point which is located five or more feet outside of the boundary of the parcel of land upon which the light source is located does not exceed .35 horizontal or .35 vertical footcandles after astronomical twilight, provided however, that during the three-year period immediately following the effective date of this section, the standard shall be .5 horizontal or .5 vertical footcandles after astronomical twilight.

(b) The prohibition against maintaining a light source as set forth in subsection (a) shall not apply between the hours of 6:00 a.m. and 9:30 p.m.

(c) This section shall not apply to the following light sources:

- (1) light sources installed or maintained by the City or a utility to illuminate a public or private way; and
- (2) light sources which emit light which falls upon the abutting public way and not upon any other property outside the boundaries of the parcel of land upon which the light source is sited; and
- (3) light sources which are required pursuant to state or federal law.

(d) Each instance of emitting light upon a parcel of land in violation of this section shall constitute a separate violation of this section.

**Sec. 20-26. Waiver.**

(a) Upon application by the owner or tenant of a property, the planning and development board may grant a Waiver to allow an exception to the prohibitions contained in section 20-24 and/or section 20-25.

(b) An applicant for a waiver shall submit such information as the planning and development board reasonably requires, including (i) a diagram or plan illustrating the location and extent of the light trespass and/or light pollution; and (ii) evidence of the measures taken by the applicant to abate the light trespass and/or light pollution.

(c) A Waiver may be granted only if the planning and development board determines that literal enforcement of the section would cause substantial hardship, financial or otherwise, to the applicant or community, taking into account: (i) the extent of light pollution and/or light trespass caused by granting the Waiver; and (ii) whether reasonable efforts have been made to abate the light pollution and/or light trespass.

(d) The planning and development board shall determine the term for each waiver granted hereunder and shall limit each waiver to the days and times that are necessary to achieve the purpose for which the waiver is granted. To the maximum extent possible, consistent with the relief granted, each waiver shall be limited both as to term and the geographic area to which it applies. Such waivers may include other reasonable conditions, as the planning and development board deems appropriate and consistent with the spirit and intent of the section for which the exception is granted.

(e) Except as provided in subsection (f), the planning and development board shall give written notice of such application (i) to the owners of the estates which abut the site for which a waiver is sought and ii) in the case of an application for a waiver from the provisions of section 20-25, to the owners of the estates upon which the light falls or will fall. For purposes of this subsection, the estate(s) located on the opposite side of a public or private way shall be considered abutting. The planning and development board may not grant a waiver until fourteen (14)

days following the giving of such notice, during which time such owners may submit comments for the planning and development board's consideration in evaluating the application.

(f) Applications for waivers with terms of not more than thirty (30) days shall not be subject to the notice and comment period set out in subsection (e).

(g) Upon granting a Waiver, the planning and development board shall promptly provide notice thereof to the owners of the estates which abut the site for which the waiver was granted. Such notice shall describe the nature and scope of the waiver, including its duration and conditions. (Ord. No. X-142, 03-21-05)

#### **Sec. 20-27. Enforcement.**

(a) City agencies that review applications for construction and alteration of properties covered by the standards set out in sections 20-24 and 20-25 shall inform applicants of such standards.

(b) Boards and commissions that review applications for licenses and permits which allow the conduct of business or other activities at stated locations shall take cognizance of the standards set out in sections 20-24 and 20-25 and shall incorporate them as part of their review of such applications where applicable, consistent with the jurisdiction of such board or commission, provided however that nothing contained in such standards shall restrict a board or commission from imposing more stringent standards. (Ord. No. X-142, 03-21-05)

#### **Sec. 20-28. Transitional provisions.**

(a) Light sources which are in place and in regular use as of the date of adoption of section 20-24 shall not be subject to the provisions of such section until five years after the effective date hereof.

(b) Light sources which are in place and in regular use as of the date of adoption of section 20-25 shall not be subject to the provisions of such section until two years after the effective date hereof.

(c) Nothing in sections 20-24 and 20-25 shall require the removal or destruction of an existing light source which would be in violation of such section(s) if it were to be used to emit light, so long as such light source is turned off and does not emit light. (Ord. No. X-142, 03-21-05)

#### **Secs. 20-29—20-49. Reserved.**

### **ARTICLE IV. MISCELLANEOUS OFFENSES**

#### **Sec. 20-50. Defacing property.**

No person shall make any indecent figures, or write any obscene words upon, or deface any fence, building, sidewalk, crosswalk or bridge. (Rev. Ords. 1973, § 14-1; Rev. Ords. 1995, § 20-1)

#### **Sec. 20-51. Depositing of litter.**

No person shall in any manner place or deposit or cause to be placed or deposited on any street or sidewalk, or on any park, playground or other public grounds, or upon any other premises, without the consent of the owner thereof, any noxious substance or liquid or any discarded articles or materials or any dirt, leaves, grass clippings, trimmings from trees or shrubs, wood chips, or other yard waste or any rubbish or litter of any kind except in containers set out for collection in accordance with the provisions of Chapter 11 of the Revised Ordinances. (Rev. Ords. 1973, § 14-2; Rev. Ords. 1995, § 20-2; Ord. No. A-96, 12-05-16)