



STAFF REPORT

DATE: March 9, 2023

TO: Governing Body/City Manager

FROM: City Attorney

RE: Addresses on Curbs

Discussion:

The curb is within the city roadway right-of-way, so the City controls what goes into this space. The City could allow addresses painted on that curb, but would need to set parameters so that the City does not create a forum for free speech or have to make arbitrary approval decisions based on likeability of the curb painting. The slippery slope question is- ***Is the curb painting art space, or other first amendment speech space, or is it an informational sign?*** I recommend handling this as an informational sign. If the City decides to take the informational sign route, it would be important for the City to publish that explicitly; the stated purpose of allowing curb address painting is to identify addresses for public safety and emergency services. Having the addresses on curbs could be permitted in lieu of or even together with the current requirement that address signs be posted on the house.

The code should also be amended to state that though curb addresses are permitted the preferred posting of addresses (particularly in new developments and duplexes) is 30 inches- 8 feet high above grade for visibility of each location.

If curb addresses are allowed, the sign code should be amended to authorize a special permit with a site plan to be approved by the City and restricting painting to the following parameters:

Signs shall only contain:

1. Numbers within a specified size range on a colored background. (content clarity goes to safety)
2. No more than four visible colors. (visibility and neatness- goes to safety and welfare)
3. No other artwork on the sign. (goes to content neutral purpose-not forum and informational purpose)
4. Chipping or cracked paint, and signs that are otherwise deteriorated will be abated under the nuisance code.

Although not as fun as allowing all sorts of art and designs, allowing curb painting in this more restrictive manner regulates for consistency and makes it easier to identify what to enforce against under the legal standards. There may be some additional restrictions Council and Staff might want to include. Since it would be in the right of way, City would be responsible for regulating/cleaning up if not maintained and enforcing violations under the current nuisance code.