

**News Release
FOR IMMEDIATE RELEASE**

Tuesday, November 17, 2009

CONTACT: Melissa Bedford Fears
Public Communications Coordinator
(816) 969-1014



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City Informs Residents Painting Addresses on Curbs is Code Violation and not Endorsed by Public Safety Departments



The City of Lee's Summit has recently received numerous inquiries regarding notices left at residences throughout the community which imply that home addresses painted on curbs is what Public Safety officials look for to locate residences. This is a false statement.

The City of Lee's Summit does not endorse this activity or the notices being sent to Lee's Summit homes. Painting address numbers on curbs located within the City's right-of-way is prohibited under the City's Unified Development Ordinance.

Furthermore, residents should be aware that painting addresses on curbs does not satisfy the City's adopted Fire, Building, and Property Maintenance Code requirements because painted numbers on curbs are often obstructed by parked vehicles, snow and ice, and often

times soil/plant debris.

The adopted Fire, Building and Property Maintenance Codes require structures to have address numbers displayed in a position easily observed and legible from the public street. Address numbers shall contrast with the background and be Arabic numerals at least 4 inches in height with a minimum ½ inch stroke.

In addition, as a result of Safe Community Task Force efforts to improve public safety and prevent crime, an ordinance recently adopted requires dwelling units constructed on or after August 1, 2008 to have address numbers placed in a position capable of being illuminated during the hours of darkness with a power source connected to the electrical systems of dwelling units. Dwelling units constructed prior to August 1, 2008 are not required to comply with these illumination requirements but are strongly encouraged to consider conformance to this provision as it relates to the positioning of address numbers on the structure.

One of the most effective ways to ensure that Public Safety Departments can locate a structure quickly is to ensure that address numbers may be easily found while driving down the public street. The best way to determine if compliance is achieved is to drive by the

structure in daylight and darkness and look for address numbers. If address numbers are not easily found or legible from the public street, one might consider either replacing or changing the location of the address numbers on the structure.

For more information, contact the City's Director of Codes Administration Mark Dunning at (816) 969-1202.

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FAX TRANSMITTAL

MISSOURI



Lee's Summit Fire Department
207 SE Douglas
Lee's Summit, Missouri
64063-2372

Administration
Telephone: (816) 969-1300
Fax: (816) 969-1313

Communications / EOC
Telephone: (816) 969-7407
Fax: (816) 969-1374

TO: Cooper
ATTENTION: TRACY
FAX: _____ DATE: 11/10/09
FROM: Jim Edson RANK: _____
NUMBER OF PAGES INCLUDING COVER: _____

LEFT ON MY DOOR SUNDAY.

FYI

**SMOKE DETECTORS & CARBON MONOXIDE DETECTORS
SAVE LIVES !!**

NOTICE

Tomorrow, new reflective house numbers are to be applied in front of the homes on your street. This is an important service. The Police, Fire Department, and Ambulance Service look at the curb first for your address. This is also a convenience for friends and delivery services looking for your home. House numbers are hard to see from the street and almost impossible to read after dark.

- Three-inch black numbers are applied to a white background using Marsh stencil ink (not paint). These numbers are waterproof and will last for years. All work is professional and guaranteed. The cost for this service is only \$10.00.
- Three-inch white numbers applied to a black background \$15.00

Permit# - 16339 Bus Lic.# - 23101

Complete this notice and return it to the front door tomorrow morning. A representative will be by to collect after the work is completed.

**PLEASE ADDRESS
MY FRONT CURB**

Signed: _____
Address: _____
Tel. No.: _____
Date: _____

From: "Rhoads, Randy L." <rhoadsrl@bv.com>
To: <steve.lewis@lees-summit.mo.us>
Date: 9/27/05 9:48AM

Attached is a copy of an announcement that was taped to my front door yesterday (Monday, 9/26).

I find this announcement to be disturbing. It states that there is some sort of a "Community Wide Safety Program" and that our emergency personnel are not able to respond adequately because addresses are not painted on the curb.

Is there anything we should be doing to stop this type of mis-information?

<<Curb Painting.PDF>>

Thanks.

R.L. Rhoads, P.E.
Black & Veatch Special Projects Corp.
913-458-9388/Fax: 913-458-9392
rhoadsrl@bv.com

Please note that the information and attachments in this email are intended for the exclusive use of the addressee and may contain confidential or privileged information. If you are not the intended recipient, please do not forward, copy, or print the message or its attachments. Notify me at the above address, and delete this message and any attachments. Thank you.

CC: "Williams, Ron" <rwilliams@mid-west.net>

Attached is a copy of an announcement that was taped to my front door yesterday (Monday, 9/26).

I find this announcement to be disturbing. It states that there is some sort of a "Community Wide Safety Program" and that our emergency personnel are not able to respond adequately because addresses are not painted on the curb.

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Community Wide Safety Program

Dear Neighbor,

We want our neighborhoods to be as safe and emergency-service-friendly as possible. If for any reason an emergency vehicle needs to find your home, your address should be painted on your curb so it stands out and is easy for emergency vehicle drivers to see. Tomorrow will be the only day we're in the neighborhood painting addresses on curbs. We paint two address signs for you (one on each side of your driveway). Your painted address will **last several years!**

Surveys indicate that 80% of houses are not numbered adequately enough for the **ambulance, police and fire trucks** to find them quickly.

I paint addresses for police and firefighters all the time and they always say the same thing again and again, "John, I wish everyone would have you paint their address".

The more people who have their address marked on the curb actually help **prevent crime**, because it shows unity in the neighborhood. I've had entire neighborhoods contract me to paint every address for this reason alone.

If by chance, an emergency vehicle should need to find your house, you need to have your address clearly and neatly marked on your curb. Don't take a chance; with the lives of the ones you love, the cost is only \$10.

If you would like to take advantage of this special offer please write your house number on the line below and tape this flyer (securely with 2 pieces of tape) to your window by **8:00 o'clock tomorrow morning.**

After you address is painted on the curb, I will leave a conveniently self addressed envelope so you can mail your payment. I never accept payment until the work is done. Call John Gottshall at 816-935-7263 with any questions.

Write your house # here: _____

Your Name: _____

Even if the weather is bad, please put your flyer in the window so I can record your request



CITY OF LEE'S SUMMIT

**LAW DEPARTMENT
PROSECUTION DIVISION**
10 NE Tudor Road
Lee's Summit, MO 64086

TELEPHONE (816) 969-7441

FACSIMILE (816) 969-7521

MEMORANDUM

TO: Administration

FROM: Rachel Townsend Brown
Prosecuting Attorney

THROUGH: Robert Handley
City Attorney

RE: Councilman Rhodes' question regarding painting of curbs

DATE: November 6, 2001

Question Presented:

On September 28, 2001, Councilman Rhodes indicated to City Administrator John Pinch that he received a call from a constituent (C. Plank) concerning the practice of a private business offering to paint house numbers on residential curbs. Councilman Rhodes indicated that this business is advising that "police and fire departments are recommending that this be done for safety reasons." Councilman Rhodes wanted to know if this practice was permissible under the law. He was particularly concerned about painting on City

property, and whether this business was involved in deceptive business practices.

Answer:

Article 13, Section 13.040, subsection I of The Uniform Development Ordinance (UDO), as adopted by the City of Lee's Summit, prohibits individuals from painting signs on curbs located within the City's right-of-way. The City may elect to prosecute the perpetrator under this Section.

The flyer being distributed indicates that "City emergency crews are encouraging the painting of your house number on your front curb." This is a false statement that should qualify as a deceptive merchandising practice under Section 407.020.1 RSMo, which states in part that, "the act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce . . . in or from the state of Missouri is declared to be an unlawful practice." The Missouri Attorney General or the Jackson County Prosecutor should be alerted to this deceptive merchandising practice pursuant to Section 407.020.4.

The solicitor indicates in his flyer that "a highly visible house number greatly reduces delays in locating your house." The solicitor may be referencing the International Fire Code and the International Building Code, as adopted by the City of Lee's Summit. The International Fire Code, Section 505, Premises Identification states,

505.1 Address numbers. New and existing buildings shall have approved

address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numeral or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

Chapter 7 of the Lee's Summit Code of Ordinances, referencing the International Building Code, contains substantially similar language. Section 16-321 (Property Maintenance Code) also requires that the number be displayed "in a position easily observed and readable from the public way."

Painting the address number on a curb does not satisfy the Fire and Building Code requirements. For instance, parked vehicles often obstruct the view from the street. Snow and ice frequently blanket the curb in the winter, making the curb impossible to see. Soil and plant debris may also obstruct the painted curb number.

Conclusion:

Painting numbers on curbs located within the City's right-of-way is prohibited under the Uniform Development Ordinance. Furthermore, a painted number on the curb identifying the premises does not comport with the premises identification requirements of the International Fire Code and the International Building Code, and such practice is not endorsed in any way by the City of Lee's Summit.

Please advise of any further action that you wish the Law Department to take in this matter.

City of Lee's Summit

207 SW Market St.

Lee's Summit, MO 64063



FAX

Date: 9/29/05

Number of pages including cover sheet: 4

To: KEITH MARTIN

Re: CURB PAINTING

Phone: _____

Fax phone: _____

CC: _____

From: MIKE COPELAND
City of Lee's Summit
Codes Administration Dept.

Phone: 816-969-7308

Fax phone: 816-969-7402

REMARKS: Urgent For your review Reply ASAP Please comment

S.Y.I.
OLD INTERPRETATION ON CURB PAINTING
FROM CODES PERSPECTIVE

CITY OF LEE'S SUMMIT



**LAW DEPARTMENT
PROSECUTION DIVISION**
10 NE Tudor Road
Lee's Summit, MO 64086

TELEPHONE (816) 969-7441

FACSIMILE (816) 969-7521

MEMORANDUM

TO: Administration

**FROM: Rachel Townsend Brown
Prosecuting Attorney**

RE: Councilman Rhodes' question regarding painting of curbs

DATE: October 25, 2001

Question Presented:

On September 28, 2001, Councilman Rhodes indicated to City Administrator John Pinch that he received a call from a constituent (C. Plank) concerning the practice of a private business offering to paint house numbers on residential curbs. Councilman Rhodes indicated that this business is advising that "police and fire departments are recommending that this be done for safety reasons." Councilman Rhodes wanted to know if this practice was permissible under the law. He was particularly concerned about painting on City property, and whether this business was involved in deceptive business practices.

Answer:

The International Fire Code, Section 505, Premises Identification states,

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numeral or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

Chapter 7 of the Lee's Summit Code of Ordinances, referencing the International Building Code, contains substantially similar language. Section 16-321 (Property Maintenance Code) also requires that the number be displayed "in a position easily observed and readable from the public way."

Painting the address number on a curb does not necessarily satisfy the Fire and Building Code requirements. For instance, parked vehicles could obstruct the view from the street. Snow and ice frequently blanket the curb in the winter, making the curb impossible to see. Soil and plant debris may also obstruct the painted curb number. Mark Schaufler, Director of Codes Administration, indicated that painting a curb number by itself, with no other premises identification, would be insufficient to comply with Building Code requirements. Battalion Chief Jim Eden of the Lee's Summit Fire Department voiced similar sentiments.

The International Fire Code and the International Building Code, as adopted by the City of Lee's Summit, do not prohibit premises identification by painting a number on the curb in a prescribed manner. Painting curbside street numbers does not constitute an obstruction in the right-of-way pursuant to Sec. 26-2. The Design and Construction Manual, Comprehensive Zoning Ordinance, and Uniform Development Ordinance does not address this practice.

If the painting defaces the curb in any way, which is a subjective determination, it would be prohibited under both Sections 26-1 (Interfering with normal use of public property, et al) and 17-85 (Property Damage) of the Lee's Summit Code of Ordinances.

Provided that the person/entity painting these numbers has a business license, is not defacing the curb, and is not engaging in unlawful business practices (e.g., misleading advertising), this practice appears to be permissible. The Missouri Attorney General or the Jackson County Prosecutor should be alerted to any suspected deceptive merchandising practices engaged in by the person/entity.

Since there is no ordinance specifically addressing this situation, one may ask whether the City may enact an ordinance generally regulating curb painting. For example, the City may want to allow number painting only, and disallow all other painting, including the written word. If the City wants to enact an ordinance restricting speech, the proposed ordinance will be subject to "strict scrutiny" by the courts if challenged on constitutional grounds. In other words, the proposed ordinance must be narrowly tailored to serve a compelling governmental interest. Allowing only number painting on the curbs and prohibiting all other speech to be painted on the curb would likely withstand constitutional muster because such ordinance relates to protecting public safety and is in fact seemingly legitimized by the International Fire Code and International Building Code. Furthermore, persons have alternate means of expression close to the curb.

Conclusion:

Painting numbers on curbs is permissible, but a painted number on the curb identifying the premises does not by itself comport with the premises identification requirements of the International Fire Code and the International Building Code. The Police Department, the Fire Department, and Codes Administration do not specifically endorse this practice.