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Law and Legislation Committee  
City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** AN ORDINANCE AMENDING SECTIONS 38.8 THROUGH  
38.12-2 OF THE SACRAMENTO CITY CODE, RELATING  
TO PAINTING HOUSE NUMBERS ON CURBS

**SUMMARY**

This report recommends enactment of an ordinance strengthening the City's curb painting permit requirements.

**BACKGROUND**

On September 23, 1987 and November 4, 1987, the City Council at the request of staff enacted moratoria ordinances suspending issuance of curb painting permits while staff prepared recommendations for improved permit procedures which would better protect property owners from improper requests for compensation and poor quality work. This report presents those recommendations.

Existing regulations do not contain any criteria for permit issuance. There is no opportunity to screen applicants and inadequate identifying information which may be used to hold permittees accountable for their actions. The recommendation is to call for basic identifying and background information on applicants: name, address, telephone, criminal history, an agreement to hold the City harmless, liability insurance of \$25,000, and a certification that the applicant is familiar with the consumer protection provisions of the City's curb-painting regulations. The recommendation includes procedures for denial, issuance, renewal, suspension and revocation of permits, all totally absent from the current code.

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

## AN ORDINANCE AMENDING SECTIONS 38.8 THROUGH 38.12-2 OF THE SACRAMENTO CITY CODE, RELATING TO PAINTING HOUSE NUMBERS ON STREET CURBS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

### SECTION 1.

Sections 38.8 through 38.12-2 of the Sacramento City Code are hereby amended to read as follows:

#### **Sec. 38.8 Painting house numbers on curbs--permitted.**

A homeowner shall be permitted to paint or cause to be painted a house number on the curb fronting his or her house in residential zones in accordance with the provisions of this chapter. The size, style and colors of numbers shall be in accordance with regulations established by the Department of Public Works.

#### **Sec. 38.9 Curb painting permit required.**

It shall be unlawful for any person to engage in the business of painting house numbers on street curbs or on any other location or structure without first complying with Chapter 23 of this code (Business Operations Tax) and obtaining a curb painting permit.

#### **Sec. 38.10 Applications.**

- (a) Applications for a curb painting permit shall be filed with the Director of Finance or the Director's designee and shall contain the following:
  - (i) The individual and business name, street address, and telephone number of the permit applicant. If the applicant is a non-profit organization or if the applicant is under 18 years of age, there shall be included the name, street address, telephone

number and signature of a person 18 years of age or older who assumes all responsibility for activities undertaken pursuant to any permit which may be issued.

- (ii) The name and address of all persons having a financial interest in the business.
- (iii) For each person with a 10% or greater financial interest in the business, a list, signed under penalty of perjury, of each criminal conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted.
- (iv) A non-refundable application fee in an amount set by resolution of the city council, which resolution may set reduced fees or fee exemptions for non-profit organizations.
- (v) An agreement to indemnify and hold harmless the City, its officers, employees and agents from any and all liability for personal injury or property damage resulting from the applicant's activity pursuant to the permit not predicated on active negligence of the City.
- (vi) A certificate of insurance in form acceptable to the city attorney demonstrating that the applicant has in force liability insurance against injury to persons and damage to property arising from activities undertaken pursuant to the permit in an amount not less than \$25,000.00.
- (vii) A certification that the applicant is familiar with all requirements and restrictions of this article.
- (viii) Such other information as may be requested by the Director.

**Sec. 38.11 Denial; issuance and renewal; suspension or revocation; appeal.**

- (a) A curb painting permit shall not be issued if the Director finds:
  - (i) The application is incomplete or contains a false statement.

- (ii) The applicant has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has done any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit himself or herself, or another, or substantially injure another.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (ii) only if, in the opinion of the chief of police, contained in a recommendation to the director, the crime or act is substantially related to the qualifications, functions or activity of painting curb numbers. However, no person shall be denied a permit solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under State Penal Code Sections 4852.01, et seq., or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01, et seq.

- (b) Curb painting permits shall expire on the October 31 following the date of issuance unless sooner suspended or revoked, and shall be subject to renewal upon payment of a renewal fee set by resolution of the city council. Renewal may be denied for any reason which is grounds for denial, suspension, or revocation of the permit.
- (c) The Director may suspend or revoke any permit issued hereunder whenever the Director finds that any activity authorized by the permit is being conducted, maintained or carried on in a manner contrary to, or in violation of, any state law, this chapter or any other provision of the city code, or any condition imposed upon the granting of the permit, or in a manner which constitutes a nuisance, or is injurious to the public welfare. No permit shall be suspended or revoked until a hearing has been held by the Director or the Director's designated representative after no less than five (5) days' written notice to the permittee at the address set forth on the permit or any other address which may be provided by the permittee.
- (d) Any applicant aggrieved by the Director's decision to deny a permit, deny a renewal permit, suspend a permit or revoke a permit may appeal said decision to the

city council by filing a notice of appeal with the City Clerk within ten (10) days after the date the Director's decision is issued and paying an appeal fee set by resolution of the city council. The City Clerk shall cause such appeal to be referred to a hearing officer pursuant to the provisions of Chapter 2 of this code. The decision of the hearing officer shall be final.

**Sec. 38.12 Regulations.**

- (a) It is unlawful for any person to paint any house numbers on any curb unless said person has first obtained consent in writing from the property owner.
- (b) It is unlawful for any person to request, demand, solicit or receive any payment, compensation, donation or other consideration for the painting of house numbers on any curb unless, prior to the painting, such person secures from the property owner in front of whose premises the number is painted written consent to paint the curb and a written agreement to pay the amount requested, demanded, solicited or received.
- (c) No property owner or occupant of any property shall be liable for any payment, compensation, donation, or other consideration relating to the painting of house numbers on curbs in front of his or her premises unless the property owner agreed in writing prior to the painting to make such payment.
- (d) Any writing which purports to be a billing for services rendered in connection with the painting of house numbers on any curb shall contain on its face the text of Sec. 38.12(b) and (c) of the Sacramento City Code, in at least 10-point type.
- (e) It is unlawful for any person to receive any payment, compensation, donation or other consideration for the painting of house numbers on any curb before the painting has been completed and inspected by the property owner.
- (f) Any person who seeks consent to paint house numbers on a curb or who requests, demands, solicits or receives any payment, compensation, donation or other consideration for the painting of house numbers shall give to or leave with each property owner contacted a receipt or other document which sets forth the person's name, street address, telephone number, and city curb painting permit number.

(g) Each employee, agent, representative or contractor of a curb painting permittee shall, at all times when engaged in activity covered by the permit, carry on his or her person and display upon request a copy of the valid permit pursuant to which he or she is operating.

Sec. 38.12-1 Deleted.

Sec. 38.12-2 Deleted.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK