



City Council Agenda Item Report

FROM: Ryan Cummins, City Manager
Jake Witte and Trent Cunningham, City Attorney

MEETING DATE: October 8, 2025

SUBJECT: Use of Chalk on Sidewalks

DESCRIPTION:

Lately, there has been some discussion about sidewalk chalk being used on the City's sidewalks. The City has been working with legal counsel to consider what regulations may be applicable, if any, to sidewalk chalk being used on the City's sidewalk. Ultimately, how to regulate (or not regulate) sidewalk chalk is a policy decision for the City Council. Below are different policy options for the City Council to discuss and consider.

I. Regulatory Options for the City to Consider

While using chalk to write a message on a sidewalk is a form of expression that is protected to some extent by the First Amendment, individual freedom of expression is subject to lawful limitations when it takes place on government property, even in a traditional public forum like City sidewalks. Against this backdrop, there are three general approaches that the City Council could consider:

1. **Prohibit All Sidewalk Chalk Inscriptions:** The City could prohibit all chalk inscriptions on public sidewalks. Although this would effectively prohibit one medium of expression in a traditional public forum, there would still be ample avenues for expression in that forum. For instance, a resident could simply stand there and speak, they could wear a shirt with an expressive message on it, or they could write in chalk on their own driveways or in a private parking lot.
 - a. **Pros:** This is a relatively easy prohibition for the City to enforce. All chalk-drawn messages on City sidewalks would be prohibited.

- b. Cons: This could be viewed as an overly restrictive approach that is not consistent with the City's character.
- 2. **Allow All Sidewalk Chalk Inscriptions:** The City could decide to allow all sidewalk chalk inscriptions on public sidewalks.
 - a. Pros: This option comes with low administrative burden as the City would not be putting itself in a position where sidewalk chalk inscriptions need to be reviewed or approved. This could also be viewed as consistent with the City's character as a place that embraces expressive behavior and especially art.
 - b. Cons: If the City takes this position it would essentially be allowing **any** messages to be written on its sidewalks, which means it would be surrendering its regulatory authority altogether. In addition to messages that could be offensive, disagreeable, or inconsistent with the City's character, this could also result in conflicts related to the use of sidewalks outside of residences or businesses for certain messages (for instance, a scenario in which someone writes "Eat at the Butler" on the sidewalk in front of Wick's Park Bar & Grille).
- 3. **Impose Specific Requirements:** Lastly, the City could proscribe specific regulations for sidewalk inscriptions. By way of example, this could include limits on size, limits on how long a message can be displayed, limits on what sidewalks can be used for this type of expressive activity, and prohibitions on blocking or impeding the public use of sidewalks when inscribing a message in chalk.
 - a. Pros: This would avoid some potential conflicts and would help alleviate potential adverse impacts of this activity while still allowing a wide degree of expression.
 - b. Cons: This would be the most administratively involved approach. If standards were created via the pending sign amendment to the City Code, that amendment could be set up to impose generally applicable conditions to sidewalk chalk messages. This option would require legal counsel and the Planning Commission to spend time developing this issue.

This Memorandum is meant to provide the City Council with some discussion items and policy options to consider when addressing the issue of sidewalk chalk inscriptions on City sidewalks. The goal of this discussion should be to provide clear direction to City staff and legal counsel to assist with implementing the City Council's policy decisions as to sidewalk chalk inscriptions on City sidewalks. We look forward to the discussion.

BUDGET ACTION:

None at this time.

LEGAL REVIEW:

Legal has reviewed and will be at the workshop meeting.

SAMPLE MOTION:

Workshop item at this time.