

		City of Longview Policies and Procedures
Policy Name: Policy on Memorials in Right of Way (xxxx)		Effective Date: May 1, 2017
Supercedes:	Originating Office: Public Works	Approved by:
Responsible Office/Person: Public Works Director		

PURPOSE OF THIS POLICY:

The purpose of this policy is to recognize that city residents may respond to the unexpected death of a friend or family member by placing memorial items near the location of death and that this location may be within the public right of way. This policy allows temporary memorials in the public right of way, but is not intended to encourage the placement of temporary memorials in the public right of way.

DEPARTMENTS AFFECTED:

This policy is applicable to the Public Works Department and Community Development Department.

DEFINITIONS:

A memorial is considered to be any object left as an expression of grief at or near the location of an unexpected death. A memorial commonly consists of flowers, cards, photos, candles, or statues either arranged or randomly placed in the public right of way.

The public right of way means all real property owned or held by the city in fee, or by way of easement, or dedicated to the public and located within the city, and used or intended for use as a street, alley, sidewalk, public way or easement for public or private utilities, whether developed or undeveloped.

RESPONSIBILITIES:

The establishment of memorials shall not be encouraged. If a memorial is established, the items placed are the responsibility of the persons that placed the objects. The City shall not be responsible for maintaining or protecting objects left in the public right of way.

The Public Works Department shall be responsible to remove any materials that create a safety issue, interfere with maintenance, or do not comply with this policy.

POLICY/PROCEDURE:

100.0 General Policy

Placing a temporary memorial within the public right of way is not a right; it shall be considered a privilege granted to community members to help with the grieving process. Temporary memorials complying with the provisions in Section 110.0 are allowed within the public right of

way to memorialize an unexpected death that occurred in the right of way. City staff will deal sensitively with memorials but will not encourage placement in the public right of way.

110.0 Type, Size, and Location of Memorials.

1. Memorials shall not be placed within 50 feet of an intersection.
2. Memorials shall not be placed on or attached to traffic signs, traffic signals or control equipment, street lights, trees, power poles, or other City or utility infrastructure.
3. Memorials shall be placed as far from the edge of the traveled way, sidewalk, or path as is feasible and shall not impede travel or access on the roadway, sidewalk, or path.
4. Placing fill, excavating, or otherwise modifying the right of way to facilitate placement of a memorial or to allow safe access to the memorial, is not allowed.
5. Memorial objects placed in the right of way shall be an appropriate expression of grief and may consist of flowers, toys, religious items, pictures or memorabilia. Alcohol, marijuana, and other controlled or illegal substances shall not be part of a memorial.
6. The size of memorial objects shall be small enough not to create a visual distraction to motorists or create a safety hazard.
7. Memorial objects shall not interfere with operations and maintenance activities in the right of way.
8. The City shall make the final determination on the appropriate scale, height and location of roadside memorials, consistent with the interests of public safety.
9. The City shall make the final determination on removing items that obstruct maintenance activity, disrupt traffic or create a safety hazard.

110.1 Notice to the City.

The bereaved parties are encouraged to notify the Public Works Department of the placement of memorial objects in the right of way.

110.2 Time Allowed for Memorial.

All memorials are considered temporary and allowed to remain for up to ninety (90) calendar days. Removal of a memorial is the responsibility of the person(s) that placed the memorial.

The City will attempt to contact individuals associated with placement and/or maintenance of a memorial if it has not been removed after 90 days. If the City is unable to contact a responsible party or the responsible party fails to remove the memorial in a timely manner after contact by the City, the City will remove and store the memorial contents for thirty (30) calendar days. If the responsible party fails to retrieve the memorial contents before the end of the 30-day period, the City will dispose of the memorial contents in an appropriate manner.

110.3 City's Right to Remove Memorial.

The City reserves the right to immediately remove any memorial or specific object of a memorial if, in the City's sole judgement, the memorial or object creates an unsafe distraction for motorists, creates an unsafe condition or the potential for an unsafe condition, blocks public travel or access, or impedes operations and maintenance of the right of way.

REFERENCES:

None.