




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transportation Operations and Maintenance Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	January 31, 2022
SUBJECT/REPORT NO:	Roadside Memorial Policy (PW22006) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Field (905) 546-2424 Ext. 4576
SUBMITTED BY:	Mike Field Acting Director, Transportation Operations & Maintenance Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Roadside Memorial Policy, attached to Report PW22006 as Appendix “A”, be approved as part of the City’s Transportation Quality Management System.

EXECUTIVE SUMMARY

Roadside memorials can be erected by the public to commemorate victims of tragic events that take place within the municipal right-of-way. These memorials can sometimes pose safety hazards, interfere with maintenance and operations activities or result in public complaint.

The City of Hamilton (City) does not have a policy to manage roadside memorials and it was determined that a policy would be beneficial and work to ensure public safety is maintained. A municipal-scan was conducted to determine how other municipalities manage memorials and to establish what policy best practices exist.

The proposed Roadside Memorials Policy attached to Report PW22006 as Appendix “A” is intended to establish a framework to manage Roadside Memorials erected alongside roadways including allowable time periods, allowable dimensions and the procedures on removal. The provisions and standards in the policy would work to

ensure that a sensitive and consistent approach is taken in the management of Roadside Memorials, without compromising public safety.

This policy will not apply to existing memorials and shall apply to all newly established memorials from the date this policy is approved by City Council.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: Existing staffing resources within the Transportation Operations & Maintenance Division are adequate for managing the proposed Roadside Memorial Policy.

Legal: N/A

HISTORICAL BACKGROUND

N/A

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Municipal Act, 2001 (the Act) permits municipalities to regulate the use of its highways (including streets, avenues, parkways, driveways, squares, roadways) and subject to conditions, the permission given to place or install objects on its highways.

The Hamilton Sign By-Law No.10-197 regulates signs in the City but does not directly include parameters to manage the erection of roadside memorials. Approval of the Roadside Memorial Policy attached to Report PW22006 as Appendix “A” would establish a framework to manage Roadside Memorials erected alongside roadways therefore filling a policy gap that currently exists.

RELEVANT CONSULTATION

The following internal parties have been consulted in the development of this report:

- Chief Road Official
- Planning and Economic Development; Licensing and By-law Services
- Corporate Services; Legal and Risk Management Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

When collisions occur on City roadways, that occasionally result in a fatality, roadside memorials are occasionally erected by the public within the municipal right-of-way to commemorate the victims. These memorials are placed by families and friends of the deceased, members of the community where the incident occurred, and/or by others.

In most cases roadside memorials are located well away from the travelled portion of roadways and are comprised of flowers and other small objects. The majority of roadside memorials are temporary and are removed by those who erected them after a short period of time. While rarer, they can also be installed with the intent of being permanent/semi-permanent. Roadside memorials can inadvertently create public safety hazards, interfere with maintenance and operations activities, or generate public complaints.

The City does not have a policy to aid in the management of roadside memorials. It was identified that developing a policy would be beneficial and work to ensure a safe, accessible and efficient transportation system for the movement of people, goods and services across the City is maintained. Further a policy would provide the public with a point of reference and transparent expectations for the erection of roadside memorials and inform on how the City manages them.

Transportation, Operations & Maintenance Division conducted a municipal scan of policies from 13 municipalities (including Ottawa, Toronto, Mississauga, Vaughn and Burlington) to understand how other Canadian municipalities manage roadside memorials and what best practices, from a policy perspective, exist. While policy components varied from municipality to municipality, all formally allowed the placement of roadside memorials by the public, none utilized a permit application process and most defined parameters related to a time-limit for installation, size/composition and removal.

The proposed Roadside Memorial Policy, attached to Report PW22006 as Appendix "A", was constructed based upon the findings of the municipal scan. The policy establishes the following:

1. Permits the placement of roadside memorials along highways or roadways;
2. The period of time a roadside memorial will be allowed to remain in place;
3. The permitted location of roadside memorials;
4. The permitted dimensions, materials and configuration of roadside memorials;
and
5. Procedures to handle the relocation or removal of roadside memorials.

Under the policy's framework, roadside memorials are permitted for a maximum of 18 months, placed in a location where they would not pose a public safety hazard to the general public and those who are visiting the memorial, constrained in size and composition and not interfere with the maintenance and operation of infrastructure.

Further, the policy identifies how the City will manage the identification, inspection and removal of memorials in a respectful manner. Prior to removal (or alteration due to non-compliance), the City will contact and coordinate with the stewards of the memorial and in circumstances when a public contact cannot be found then the location of the memorial will be physically marked with City contact information and the date of removal. All non-perishable materials will be stored by the City at a central location for a period of 60 days.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW22006 – Roadside Memorial Policy