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Roadside Memorial Policy

POLICY STATEMENT	<p>It is recognized that the placement of roadside memorials at or near an accident site to commemorate victims of tragic events occurs and that the erection of these memorials can aid grieving family and friends to respectfully honor a victim's memory.</p> <p>While recognizing why roadside memorials are made, this Policy outlines the City's approach to managing these memorials to ensure public safety as the City of Hamilton is committed to providing a safe, accessible and efficient transportation system for the movement of people, goods and services across the City in keeping with applicable provincial legislation, accepted standards, and Council approved service levels.</p> <p>The City's authority is provided by the Municipal Act, 2001 (the Act) which 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.</p>
PURPOSE	<p>The purpose of this Policy is to establish a framework to manage roadside memorials erected alongside roadways including allowable time periods, allowable dimensions and the procedures on removal.</p> <p>The provisions and standards in this Policy shall be followed to ensure that a sensitive and consistent approach is taken in the management of roadside memorials, without compromising public safety.</p>
SCOPE	<p>This policy shall apply to all roadside memorials erected by a family member(s) or friend(s) or a member of the general public located alongside a highway (assumed and maintained as a public highway by the City of Hamilton) or roadway and including but not limited to sidewalks, walkways and trails. It excludes memorials installed and maintained by the City, memorials that are located on parceled properties owned and managed by the City (such as cemeteries, parks, open spaces, and facilities) and memorials installed on private property.</p>

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	This policy establishes the following: <ol style="list-style-type: none"> 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. 	
DEFINITIONS Highway Roadway Infrastructure Roadside Memorial	<p>A common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between lateral property lines thereof (<i>Highway Traffic Act</i>, R.S.O. 1990, c. H.8).</p> <p>The part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all the roadways collectively (<i>Minimum Maintenance Standards for Municipal Highways</i>, O. Reg. 239/02).</p> <p>Assets that include, but not limited to: fences, posts, retaining walls, buildings, fire hydrants, street light poles and trees which are owned by the City or a public utility company (for example Alectra Utilities, Hydro One Network Inc., Bell Canada and Enbridge Gas Inc.).</p> <p>Tributes, such as but not limited to, photos, wreaths or crosses, placed by a family member or friend or member of the general public alongside a highway or roadway to memorialize an accident victim(s) who has died as a result of a tragic event such as a motor vehicle related collision. Typically, roadside memorials are maintained by a family member or friend.</p>	
TERMS & CONDITIONS	The following terms and conditions apply to roadside memorials: <ol style="list-style-type: none"> 1. Placement 	

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- a. Roadside memorials may be erected alongside a highway or roadway, provided they are installed in compliance with this Policy.
- b. A name and contact information for a person responsible ("Contract Person") to maintain the roadside memorial is required by the City (telephone number and/or e-mail address).

2. Duration

- a. Roadside memorials erected by the general public shall be temporary non-permanent installations for a maximum period of 18 months, after which it shall be removed by the person(s) responsible for the memorial, or by the City.

3. Location

Roadside memorials shall:

- a. not present a safety hazard, for example, impeding the safe and efficient movement of vehicular or pedestrian traffic. This includes safe access to the roadside memorial by visitors either on foot or by vehicle;
- b. not be located on the travelled portion of roadways, within intersection sight triangles, medians, traffic islands, sidewalks, and multi-use pathways;
- c. not be located along expressways, entrance/exit ramps or locations where pedestrian access is prohibited, deemed to be significantly hazardous or prohibited by the Highway Traffic Act and any other applicable regulations;
- d. not cause sightline obstructions or cause a distraction to motorists;
- e. not be placed on or attached to any municipal or public utility Infrastructure;
- f. not involve any permanent site alterations, damage municipal property, impede access to Infrastructure and should not be installed within 1.0 m or less from curbs, sidewalks and all other types of roadway Infrastructure; and
- g. be respectful to abutting land owners and not impede the use of private property, partially or fully, without permission from the applicable lands owner(s).

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4. Configuration

Roadside memorials shall:

- a. not be larger than 1.0 metre long by 1.0 metre wide and not be taller than 1.0 metre in height;
- b. not include any materials that can shatter (i.e. glass) or have any form of illumination such as candles, solar lights, or reflective devices;
- c. not be placed below grade, require excavation or have components that would require underground utility locates or interfere with Infrastructure;
- d. not be constructed from heavy materials such as concrete nor include any large objects that have a solid base or secured in such a manner that creates a hazard to an errant vehicle or a trip and fall hazard to pedestrians;
- e. not contain any materials or messaging that may reasonably be perceived as being offensive;
- f. be always kept in a good state of repair; and
- g. include the name and contact information (telephone number and/or e-mail address) of the person(s) responsible for the upkeep of the memorial.

5. Relocation or Removal

- a. Roadside memorials in compliance with this Policy are permitted to a maximum of 18 months at which time it shall be removed.
- b. All reasonable efforts will be made by the City to provide advance notification to the Contact Person and the applicable Ward Councillor prior to undertaking any steps on removal of a Roadside Memorial. Should insufficient action be taken towards removal, the City will remove the Roadside Memorial. Perishable items (flowers, wreaths, etc.) will be disposed of and non-perishable items (photographs, signs, toys, crosses, etc.) will be retained by the City for a period of 60 days from the date of removal;
- c. Roadside memorials which have not been maintained and or abandoned may be removed before the 18 month

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period at the discretion of the City. The City will make a reasonable effort to reach the Contact Person in advance of such removal;

- d. Should the City determine in its sole discretion that a Roadside Memorial is an immediate safety hazard, the City will make a reasonable effort to advise the Contact Person and immediate removal will be undertaken.
 - e. If a Roadside Memorial is non-compliant with this Policy, though not an immediate safety hazard to the general public, it will be brought to the attention of the Contact Person to determine if it can be altered or relocated to become compliant with this Policy. If this cannot be facilitated within a period of 30 days from notification, the City will take steps on removal;
 - f. Roadside Memorials that are placed at a location that could be disrupted by planned or un-planned construction work shall be removed or relocated by the City and may be reinstated after the work has been completed in consultation with the Contact Person when possible;
 - g. Following removal, the former location of the roadside memorial will be physically tagged for a period of 60 day with information on the date of removal as well as City contact information on how to retrieve non-perishable items. In addition, reasonable efforts will be made to reach the Contact Person to advise of removal. Items not recovered within this time period will be destroyed.
- Following removal, the former location of the Roadside Memorial will be physically tagged for a period of 60 day with information on the date of removal as well as City contact information on how to retrieve non-perishable items. Items not recovered within this time period will be destroyed.

6. Liability

- a. The City shall not be responsible for any damage that may occur to a roadside memorial once erected. This includes damage caused by roadway operations and maintenance, snow removal, or by vandalism, theft, or any other circumstances.
- b. The City is not liable for possible injury to those persons who enter the untraveled portion of the highway or roadway to erect and/or maintain a

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RESPONSIBILITIES	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</p> <p>Public Works Department, Transportation Operations & Maintenance Division</p> <ul style="list-style-type: none"> ▪ Overall lead for ensuring compliance with this policy and managing roadside memorials City-Wide; ▪ Actively monitor, assess and record the location and condition of all roadside memorials; ▪ Remove or relocate roadside memorials; and ▪ Notify where possible the contact person responsible for the roadside memorial and the applicable Ward Councillors of any issues related to a roadside memorial including non-compliance with this Policy, removal and collection of non-perishable memorial materials.
COMPLIANCE	<p>Employees who aid in fulfilling the terms and conditions of this policy are expected to be aware of and act in compliance with it. Failure to comply with this Policy may result in appropriate disciplinary measures, up to and including dismissal.</p>
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <ul style="list-style-type: none"> ▪ Public Works Department, Chief Road Official ▪ Planning and Economic Development Department, Licensing and By-law Services Division ▪ Corporate Services Department, Legal and Risk Management Services Division