
Section 19-3-6 Roadside Memorial Minor Encroachment Class 1 Permit

A roadside memorial shall be permitted within the City's rights of way in accordance with the provisions of this section.

- A. An application for the erection and placement of a roadside memorial shall be made through the City of Buckeye Public Works Department. The applicant will be issued a no-cost Class 1 Encroachment Permit for the purposes of the roadside memorial. The following procedures and guidelines shall govern the placement, size and type of memorial:
1. Memorials shall be limited to traffic related fatalities occurring on City roadways in the vicinity of the actual accident.
 2. Requests shall be made to the Public Works Department by the victim's family (or with the victim's family's consent). No other requests will be considered.
 3. The request shall include the intended design and desired location of the memorial.
 4. Only one memorial will be allowed.
 5. The final placement of the memorial shall be determined by the Public Works Department and such that it would not create a traffic hazard. The following guidelines for placement shall be considered:
 - a. Locations shall be as close to the edge of the right of way line as possible, preferably near a utility pole or at such location as public works equipment would not be affected.
 - b. Memorials shall not be placed in medians or other landscaped areas maintained by homeowners associations (unless the homeowners association should agree in writing to the location within their landscape tract).
 - c. Memorials shall not be placed within the right of way directly in front of a developed property, unless written permission is obtained by the family from the adjacent property owner.
 6. Memorials are not limited in design but shall not create a visual distraction for motorists. The following guidelines shall govern the fabrication and types of materials; however, the Public Works Director, in his/her professional judgement, shall have discretion with respect to final size, placement and design:
 - a. The size of the memorial should be no greater than 30 inches high and no wider than 48 inches. The memorial may be embedded into the soil no more than 12 inches deep; however, no permanent foundation materials such as concrete or metal footings are permitted.
 - b. The memorial can be made of durable materials such as plastic, wood or metal and be of such mass that normal weather conditions will not cause it to move from its approved location.
 - c. A plaque may be placed with the memorial that is firmly placed which may contain the victim's name, date of birth and date of death. No other wording shall be considered. Photographs are not allowed. Visitation is not allowed. Memorials are not for the purposes of stopping, standing or parking as this would create a roadside hazard. The intent of allowing for the memorial is to remind the traveling public of the dangers of unsafe driving.
- B. Memorials may be placed for a maximum of 180 days. During which time the permittee is responsible for maintaining the memorial and ensuring that it remains in good repair.
1. At any time during the period, the City notices any disrepair, the permittee will be contacted to either make repairs or remove the memorial.

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2. If a memorial does create a roadside hazard due to non-compliance with any of the above procedures, or for any other unforeseen condition, it will be photographed and removed immediately and the permittee will be notified.
 3. Removed materials will be stored at the public works yard and the permittee will be contacted so that they can retrieve their property.
 4. The Public Works Department shall only be obligated to store the property for 60 days after notification of the permittee. After which time, the property shall be appropriately discarded.

(Ord. No. 21-17, § 3(Att.), 9-19-2017)