

# **CITY OF STOUGHTON POLICY REGARDING ROADSIDE MEMORIALS ON CITY STREETS**

## **I. BACKGROUND**

Loss of life from a traffic crash has a devastating impact on families and friends of the victim. The City of Stoughton recognizes the distressing shock of loss of life from a traffic accident. The City of Stoughton also recognizes that some people grieve by placing a memorial within a street right-of-way near the crash site.

The City of Stoughton also recognizes that the placement of roadside memorials can pose potential safety hazards:

- Obstructing a motorist's view
- Distracting a driver's attention
- Compounding damages or injuries in the event of a crash
- Endangering the safety of individuals who are erecting memorial signs along busy street
- Presenting obstacles to crews who maintain (plow, grade, mow, etc.) roadways

State Statutes and City of Stoughton Ordinances do not specifically authorize the placement of signs, markers, tokens, flowers or other such items within the street right-of-way. For safety, statutes and ordinances require that only items that perform a specific street function be allowed within a street right-of-way.

## **II. PURPOSE**

This policy attempts to allow the grieving process to proceed while addressing the City's primary obligation of keeping roadways safe. The public right-of-way needs to be retained for only public use while also acknowledging the need for some persons to have a longer-term acknowledgment in the form of a temporary roadside memorial.

While the City of Stoughton acknowledges the need some people feel to express their grief in this way, the placement of memorials within a roadway's right-of-way is not specifically authorized under State Statutes and City ordinances. The City of Stoughton further recognizes that other individuals may call for enforcement of existing statutes and ordinances.

This policy attempts to balance conflicting desires.

## **III. POLICY**

This policy applies to highways and streets under the jurisdictional authority of the City of Stoughton.

A roadside memorial placed near the location of the fatal traffic accident, in the direction of travel where the accident occurred and at the edge of the street right-of-way farthest from the roadway will be allowed to remain subject to the following conditions:

- A. Any memorial placed on public right-of-way is temporary. Roadside memorials may be allowed to remain in place for approximately, and in no case longer than, one year, if they don't interfere with roadway and right-of-way maintenance, are not safety hazards, or if no complaint is filed.
- B. The Stoughton Street Department (department) shall, at any time, remove a memorial:
  1. if it poses a safety concern, for example:
    - If it interferes with roadway safety features or vision
    - If it negatively impacts the free flow of traffic
    - If it would be a hazard should it be hit
  2. It interferes with routine maintenance
  3. It falls into disrepair
  4. The department receives a complaint. A complaint on a specific roadside memorial shall be sufficient to remove the roadside memorial at any time if:
    - the basis of the complaint is specified in a written form with the name of a contact person
    - the basis of the complaint is communicated via a telephone call with the persons name and contact information
  5. Roadside memorials are not allowed in any highways or streets where pedestrians are prohibited by law and shall be removed immediately.
  6. Roadside memorials are not allowed in medians and shall be removed.
  7. Otherwise, the memorial typically will not be removed. If a memorial is removed, the owner will be contacted, if known, and told where it may be retrieved.

#### **IV. ALTERNATIVES TO ROADSIDE MEMORIALS IN THE RIGHT-OF WAY**

The department strongly encourages grieving parties who wish to place a memorial near the site of the fatal crash to work with an adjoining landowner to designate an appropriate location, off a road's right-of-way, for placement of a memorial.

**APPROVED BY THE COMMON COUNCIL: July 28, 2009**

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