

## City-Wide Policy --GS – 5 – Memorials on City Property

### PURPOSE

To establish a policy that provides guidance for the treatment and removal of unauthorized memorials on City of Durham property, including rights-of-way.

### POLICY

The City of Durham is responsible for managing public property and rights-of-way in such a manner that public use and/or safety are preserved. Unauthorized memorials placed in City rights-of-way or on City property will be managed consistent with the provisions of this policy.

### DEFINITIONS

**City right-of-way** - A strip of land acquired by purchase, donation, reservation, dedication, prescription or condemnation and accepted by the City Council for maintenance.

**City property** - Property owned by the City of Durham. This policy does not apply to property that is leased by the City.

**Memorial** - A marker (including associated flowers, notes and personal mementos other than a grave marker), which honors the site where a person died suddenly and/or unexpectedly, or where a similar tragedy or event is commemorated. Regulations for memorials that honor a deceased person, and are authorized by the appropriate managing authority, are not included in this policy.

**Nuisance** - Something that is unpleasant, causing trouble, annoying or bothersome.

### PROCEDURE

When a memorial that is placed on City property or right-of-way is reported to City staff as a nuisance, City staff will inspect the site to determine if the memorial interferes with public use and/or safety.

If City staff determines that the reported memorial, placed on City property or right-of-way, does not interfere with public use and/or safety, City staff will allow the memorial to remain in its current location for up to 45 days from the date it was brought to the City's attention. City staff will make an attempt to notify the individual(s) who placed the memorial, if identifying information can be found, allowing them the opportunity to remove the memorial at the end of the 45 days to retain their personal items and mementos.

If City staff determines that the reported memorial, placed on City property or right-of-way, does interfere with public use and/or safety, City staff will make an attempt to notify the individual(s) who placed the memorial, if identifying information can be found, allowing them the opportunity to remove the memorial to retain their personal items and mementos. If City staff cannot identify the individual(s) who placed the memorial, City staff has the authority to remove the roadside memorial immediately.

In the event that the individual(s) who placed the memorials are not able to be identified at the time the memorial is removed, the Department of General Services will store the materials for 30 days, after which the items will be disposed of if they have gone unclaimed.

The Director of General Services and/or the Director of Parks and Recreation have the authority to implement this policy, and their decision in matters of memorial treatment and removal shall be considered final.

**OTHER**

The Department of General Services is responsible for implementing this policy where it applies to City rights-of-way and public property, except parks and recreation centers. The Department of Parks and Recreation is responsible for implementing this policy where it applies to City parks and recreation centers.

**ATTACHMENT(S)**

**NONE**