

# HALIFAX

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**Item No. 15.1.1**  
**Halifax Regional Council**  
**June 4, 2019**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** March 8, 2019

**SUBJECT:** Roadside Memorials Policy on Placement in HRM Public Right of Way

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## **ORIGIN**

At its meeting of September 11, 2018, Halifax Regional Council, approved a motion:

THAT Halifax Regional Council request a staff report focusing on roadside memorials and policy surrounding the placement of such within the public right of way throughout the Halifax Regional Municipality and that this report return to Regional Council for consideration.

## **LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, Part XII – Streets & Highways

By-Law S-300 Respecting Streets:

Section 3. In this By-law...(g) "Engineer" means the Engineer of the Halifax Regional Municipality and includes a person acting under the supervision and direction of the Engineer.

Section 30. (1) No person shall obstruct any street without first obtaining a Street & Services permit from the Engineer...(3) The Engineer may permit any person to use any portion of a street for construction or other temporary purpose subject to any conditions that he may reasonably impose.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council direct the CAO to prepare the necessary By-Law and Administrative Order amendments to permit the placement of Roadside Memorials in the HRM public Right of Way, based on the criteria outlined in this report.

## **BACKGROUND**

On September 11, 2018, Regional Council requested a staff report focusing on roadside memorials and policy surrounding the placement of such within the public right of way throughout Halifax Regional Municipality (HRM). Regional Council's discussion leading to the request of the staff report highlighted that there is currently no policy for the placement of roadside memorials within HRM. Due to the lack of policy, there have been roadside memorials removed from HRM Right of Way, which has caused distress to those members of the public who placed the memorials, as well as HRM staff involved in the removal.

## **DISCUSSION**

This report addresses the placement of roadside memorials within the HRM public right of way. HRM recognizes that roadside memorials are installed by friends and family of persons who have been the victim of a motor vehicle fatality. In some instances, a memorial is erected at a location where a crime has been committed and an individual has passed away.

### *Existing Policy Related to Roadside Memorials*

Under By-law S-300 Respecting Streets, no person may obstruct the street without first obtaining a Street & Services permit from the Engineer (Section 30(1)). Any item placed within the HRM right of way is classified as an obstruction, including roadside memorials. If an obstruction without a permit is identified within the HRM right of way, the policy is to attempt to contact the person who has placed the obstruction if possible, or the obstruction may be removed by staff. These obstructions are typically identified through public complaints or observation by HRM staff.

There is currently no HRM policy in place related to roadside memorials, and there is no process to issue a Streets & Services permit for their placement. To issue a Streets & Services permit for a roadside memorial, an applicant would be required to submit details of the memorial for review by staff, meet the permit conditions (e.g. supply an insurance certificate), and pay a permit fee.

Policies related to roadside memorials within other Municipal and Provincial rights of way across Canada were reviewed to gain an understanding of the processes followed elsewhere. It was noted that in most other jurisdictions, a policy related to roadside memorials does exist. Typically, no permit or license is required, and conditions are outlined within the policy for residents to follow when placing roadside memorials. Conditions within these policies focus on maintaining public safety and access within public rights of way, as well as allowing for municipal operations and maintenance activities.

### *Proposed Policy Related to Roadside Memorials*

Given the effort associated with issuing a Streets & Services permit for the applicant at a time when they may be in distress, and based on how roadside memorials are handled in other jurisdictions, it is recommended that the placement of roadside memorials within HRM public right of way be addressed through amendments to the Streets By-Law.

Guidelines have been outlined to consider the following concerns identified by HRM staff with the placement of roadside memorials within the public right of way:

- Public safety and access to HRM rights of way, including driver/pedestrian/cyclist sightlines, clear travel ways and sidewalks, and reduction of hazards.
- Municipal operations within the HRM right of way, including snow clearing, street cleaning, and other road operations.
- Maintenance of HRM right of way, including road and sidewalk repairs, capital projects, and other maintenance projects.

The proposed guidelines for placement and removal of roadside memorials within the public right of way are comparable to those guidelines currently in place in other Municipal and Provincial jurisdictions.

### *Roadside Memorial Guidelines*

- Roadside memorials must not present a hazard to those using or maintaining the roadway or sidewalk.
- Roadside memorials must not be located on the travelled portion of the roadway, medians, traffic islands, sidewalks, bicycle paths and multi-use trails.
- Roadside memorials must not cause intersection sightline obstructions or cause a significant distraction to motorists.
- Only one memorial per individual or event may be installed.
- A memorial may be placed for a period of a maximum of 12 months. During this period, the Municipality reserves the right to relocate or remove the memorial if operational issues arise.
- The name and telephone number of the person responsible for the memorial and the date of installation must be included on the memorial.
- The memorial must not be larger than 90cm by 90cm (3ft by 3ft) and should be placed no deeper than 30cm (1ft) below grade. If the memorial must be deeper than 30cm, underground locates/clearances must be obtained from all utilities prior to placing the memorial.
- Roadside memorials must not be placed on any infrastructure owned by HRM or public utilities, including but not limited to parking meters, parking or traffic signs and posts, street litter disposal containers, traffic control devices and signal control boxes, trees, street furniture, bus shelters, bicycle racks, hydrants, or utility poles.
- Roadside memorials must not damage HRM property.
- Persons placing the memorial should be respectful of adjacent property owners and/or commercial businesses.
- HRM will not be responsible for any damage that may occur to the memorial once erected. This includes damage caused by road operations and maintenance, snow removal, or by vandalism, theft, or any other circumstance.
- HRM assumes no responsibility for the installation, maintenance, or replacement of memorials.

#### *Removal of Roadside Memorials*

- If a roadside memorial is placed that does not meet the above guidelines, it may be removed by HRM.
- If HRM staff determine that it is necessary to remove a memorial for safety, construction or maintenance purposes, staff will attempt to contact the person responsible for the memorial and facilitate its removal or relocation to a suitable location.
- If the roadside memorial becomes unsightly and not maintained, it may be removed and disposed by HRM staff.
- If a roadside memorial does not contain contact information, HRM may hold the memorial for up to 30 days until contacted by the person responsible for the memorial. The memorial will then be returned to its intended location with the contact information in place. If no person claims the memorial, it may be disposed of by HRM.
- Any memorial that is still in place at the end of the twelve-month period will be removed by HRM and the owner contacted.
- There are currently a number of roadside memorials in place around HRM. Any roadside memorials placed prior to this policy would be removed 12 months following the effective date of the By-Law, providing residents an opportunity to remove existing memorials and place a memorial that meets the Roadside Memorial Guidelines.

#### *Permanent Memorials*

Residents may wish to install a permanent memorial for a loved one. There is currently a Gifts for Parks program in place within HRM Parks; the Parks Civic Support Program provides individuals and organizations the opportunity to commemorate a person, place or event, while at the same time improving the community's livability through the donation of park benches or trees. Permanent memorials shall not be permitted within the public right of way, and residents who are interested in a permanent memorial will be directed towards this existing program.

### **FINANCIAL IMPLICATIONS**

There are no financial implications to consider at this time. Financial implications would be limited to HRM staff resources associated with removal of memorials if required, and will be addressed through business process implementation during preparation of the amendments.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this report. The risks considered rate Low.

### **COMMUNITY ENGAGEMENT**

There has been no community engagement related to the preparation of this report. The development of an Administrative Order respecting the Placement of Roadside Memorials in HRM Public Right of Way would follow the established community engagement process.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications identified with the recommendations in this report.

### **ALTERNATIVES**

1. Regional Council may direct staff to not proceed with the implementation of a Roadside Memorials Policy. This alternative is not recommended due the concern of Regional Council surrounding the current ambiguity caused by a lack of policy, and the associated impacts on members of the public and HRM staff.
2. Regional Council may direct staff to proceed with the preparation of amendments respecting the Placement of Roadside Memorials in HRM Public Right of Way, based on different criteria than outlined in this report. If this alternative is chosen, staff will have to explore the implication of different criteria on public safety and municipal road operations and maintenance prior to the preparation of the amendments.

### **ATTACHMENTS**

No attachments.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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