

Township of Brock Corporate Policy



Policy Name: Roadside Memorial Policy

Policy Type: Public Works

Policy Number: PW4

Reference: Committee of the Whole Resolution Number 55-6

Date Approved: June 14, 2021

Date Revised:

Approval By: Council

Point of Contact: Director of Public Works

Description

This policy shall attempt to allow the grieving process to proceed while addressing the Township of Brock's primary legal obligation and responsibility of keeping the roadway safe at all times.

Definition

A roadside memorial may be described as an object or image built, erected, planted, painted or placed within the road allowance in honour of individual(s) whose lives were lost on the road way.

The Township of Brock also recognizes that the placement of roadside memorials can pose potential safety hazards:

- Obstruct a motorist's view
- Distract a driver's attention
- Compound damages or injuries in the event of a crash
- Endanger the safety of individuals who are erecting memorial signs within the road allowance
- Present obstacles to crews who maintain the roadway structure
- After time pose aesthetically displeasing views of local residents, where property values then become an issue
- Becomes representative of something other than the initial intent of the purpose of remembrance (ie. personal items or structures erected/placed that may be considered offensive to the general public)

The Township of Brock By-Laws do not specifically authorize the placement of signs, markers, tokens, flowers, flags or other such items within the road allowances for this purpose.

Procedure

This procedure applies to all roadway structures under the authority/jurisdiction of the Township of Brock.

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

Any memorial placed on the public roadway is temporary. Roadside memorials may be allowed to remain in place no longer than two years (24 months), if they do not interfere with roadway and road allowance maintenance, and are not safety hazards, or if no complaint is filed.

The Township of Brock shall at any time, remove a memorial if it poses a safety concern, for example:

- If it interferes with roadway safety features or creates sight line obstructions
- If it negatively impacts the free flow or traffic
- If it should become a hazard should it be hit

The Public Works Department staff shall, at any time remove a memorial if:

- It interferes with routine maintenance
- It falls into disrepair
- The Township receives a valid complaint

A complaint on a specific roadside memorial shall be sufficient to remove the memorial at any time if:

- The basis of the complaint is specified in a written form with the name, location, and dated from the complainant.
- The Township would make a reasonable effort to notify, via telephone, the affected family with the Township's intent.

Township of Brock staff will:

- Track and monitor memorials (requested and not) as they appear.
- Work with Durham Regional Police where memorials may become a site line or other obstruction to the public.

Roadside memorials are not permitted on any Township of Brock road allowance where pedestrians are prohibited by the Highway Traffic Act and shall be removed immediately.

Roadside memorials will not be allowed in medians and shall be removed.

This policy is delivered in accordance with the Municipal Act, Ontario Traffic Manual, and the Highway Traffic Act.

Allowable Memorials

The entire memorial must occupy an area no more than one (1) metre in height (measured from the surface of the ground), forty-five (45) centimetres in width, and ten (10) centimetres in depth. All objects that can shatter such as glass are not permitted and will be removed.

The Township of Brock shall be notified by the party responsible for the memorial of the date and location of the construction of the monument.

Participants who gather at the memorial must comply with the Highway Traffic Act and conduct themselves in an orderly and peaceful manner such that the privacy of the abutting property owners are respected at all times.

If, at any time the memorial falls into a state of disrepair, damaged, or vandalized the Township of Brock retains the right to remove all materials affiliated to / and the monument if required.