

ADMINISTRATIVE ORDER NUMBER 6-27

SUBJECT: POLICY FOR MONUMENTS AND MEMORIALS ON CITY PARKS, FACILITIES, EASEMENTS, TRAILS, AND RIGHT-OF-WAY

Responsible Department: City Manager's Office

Date Issued: September 17, 2013

Date Revised: Month XX, 2023

Approved: (Signature on file)

Purpose

To establish criteria and guidelines for the consideration and installation of monuments outdoors in parks or plazas deemed by the City to be appropriate to serve as the site for a monument and to establish a policy for the handling of temporary memorials placed on City parks, facilities, easements, trails, and right-of-ways. In doing so, the City recognizes the following considerations:

- Monuments can convey a connection between the City of Fresno and its history.
- It is important that monument and placement be limited to circumstances of the highest community-wide importance and to minimize conflicts with the active and variable use of public spaces.

Notwithstanding the foregoing, the City may decide, in its sole discretion, to reject a proposal for a monument or memorial and/or may determine the appropriate site for any and all monuments and memorials.

Definitions

"Monuments" are markers, statues and other similar permanent installations, which are installed by the City on City property, or which are accepted by the City and installed on City property with the City's permission. Monuments may be in various forms, including statues, fountains, gardens or other forms of monuments as deemed acceptable by the City. Monuments convey a connection between the City of Fresno and its history.

"Memorials" can be permanent, semipermanent, or temporary and serve as a way for the community to express their grief, honor a loved one that has passed away, or celebrate the life of an individual that has had a significant impact.

- Permanent memorials may include a permanent artwork, an engraved stone, memorial bench, a permanent plaque, or similar.
- Semipermanent memorials are renewable or living memorials such as tree planting, a memory garden, or dedication of spaces.

- Temporary memorials may include candlelight vigils or an impromptu memorial site (collection of balloons, flowers, stuffed animals, photos, or ghost bikes)
Temporary memorials are short term.

“Ghost Bikes” shall mean a bicycle that has been placed on public property and intended as a memorial for someone who is deceased, and which may be painted white or have a sign posted on or near it, or flowers or other mementos in the basket.

Policy

All monuments and permanent and semipermanent memorials must be of City-approved materials, size, design and specifications, with a goal toward simplifying their review and long-term care. The City Manager or designee shall approve or deny monument and memorial proposals and may enact administrative guidelines and procedures to implement this policy, including, without limitation, designation of locations deemed appropriate for monuments or types of monuments that City will consider for approval. The City Manager’s Office will serve as the lead Department for proposals of monuments and memorials located on City property and shall establish maintenance obligations of the City, if any.

Notwithstanding that certain City property is operated or managed by a private operator pursuant to an agreement, the evaluator of the monument and the final decision makers shall be the City and not the private operator or manager.

No memorial or portions of a memorial shall remain in any location for any period of time which create hazards to the general public, city personnel, or others including, but not limited to, distractions to motorists, obstructions to the free movement of pedestrians or motorists, and threats to surrounding property, such as flammable materials.

Memorials shall not remain in any area if they interfere with routine maintenance activities such as mowing, irrigation, painting, weed removal, or related activities. Memorials shall not be allowed in any permitted construction or maintenance work zone.

City of Fresno employees shall have no role in placing, erecting, or maintaining temporary memorials.

Review Process

The City shall establish and make publicly available an application form that allows the public to submit proposals for monuments or temporary memorials and identifies a primary contact for the proposal.

The City Manager or his/her designee shall provide the initial screening of monument and memorial proposals to determine if the proposed monument or memorial complies with the provisions of this Policy including, without limitation, to evaluate the suitability of the proposed monument site, if any. The City Manager or designee shall decide whether to forward the proposal for further review or to decline further consideration of the monument or memorial, based upon considerations consistent with this policy. The City shall have final approval of all monument project design, construction or to accept a donated monument.

All required environmental review shall be approved by the City's Planning and Development Department prior to the City committing to installing a monument. The monument shall be consistent with adopted City master plans unless those plans are amended as a part of the review process.

Monument Review Criteria

A proposed monument must be made of durable materials, able to withstand the elements for a minimum of 50 years with minimum maintenance, shall be made of materials resistant to vandalism and graffiti as much as reasonably possible, shall be of a scale, materials, color and style appropriate and consistent with aesthetics of the proposed location and other reasonable factors as the City Manager determines.

The City may decline to approve or accept a monument for any lawful reason.

In reviewing a proposed monument, the City Manager shall review the proposal based upon the criteria set forth in this policy, including the following:

- A. Whether the person, group or event being memorialized deemed by the City to have made a significant enough contribution to merit a Monument of the scale, cost and visibility of the proposed Monument.
- B. The Monument does not duplicate existing Monument themes. Multiple monuments for similar or related groups shall be avoided.
- C. The Monument proposal has been through community outreach conducted by the group or person suggesting that the City install the Monument, and that the installation and maintenance of the Monument is within the priorities of the work plan of the responsible Department. Outreach should inform the community that this policy only authorizes one Monument to honor a particular event, person or topic. The Community outreach should be consistent with the outreach conducted for similar City projects.
- D. The proposed Monument is not objectionable to the persons or community that the Monument is intended to honor. If through the public outreach process, the

City Manager finds that a proposed Monument is a source of substantial dissention or discord within the City, the City Manager shall seek further direction from the Mayor/Council before making a final determination.

- E. The proposed site in the park or plaza for the Monument is related to the underlying purpose of the Monument or the site in the park or plaza has been designated in a master plan or other approval of City Council or City Manager as a particularly appropriate site for a proposed Monument.
- F. The Monument has been designed by or under the direct supervision of a qualified professional in the art or design field, and is able to provide a quality, scale and character commensurate with the location, circulation and use patterns of the City property.

Qualified professionals include registered architects, engineers, landscape architects, and artists who can demonstrate professional recognition in the form of public commissions or permanent public installations. The City may solicit input from art and design professionals such as artists, architects, landscape architects, planners or urban designers In making this determination.

Monuments shall not displace the intended function or use of said property, as articulated in adopted master plans or similar City documents.

- G. There is a committed and verifiable funding source for the review, design, fabrication, installation and maintenance of the Monument before proceeding to incur City costs and staff time.
- H. Semipermanent or smaller scale monuments (such as a plaque) may not require the same level of community outreach, however, the City Manager has discretion to require community engagement if deemed necessary to confirm the appropriateness of the proposed monument.

Suggestions that the City recognize a significant event, person or other approved topic by means of a Monument, will be more favorably received if the advocates for the Monument provide the City with funds that cover the cost of review, design, fabrication and installation and an adequate endowment to cover the cost of the Monument's maintenance as determined by the City. In addition, if the proposer is amendable to the City's proposal as to the type and location of a monument it may help to expedite requests in some instances, as it may simultaneously fill the practical or aesthetic needs of City projects that are already in progress.

While less desirable, the City may consider accepting an agreement from a group to maintain a Monument in perpetuity and in accordance to City standards rather than a cash endowment; however, this will require the City to incur additional effort and cost. In any Monument maintenance agreement, the City will require an up-

front endowment or deposit to cover at least one year's maintenance of the Monument to protect the City against future default. Notwithstanding the City's decision to enter into a maintenance agreement, the Monument remains City property and the City may remove the Monument at any time and for any reason.

The following additional criteria and factors shall be considered in evaluating a site for a proposed Monument:

- Due to the unique features, limited capacity and uses of Eaton Plaza, Shinzen Friendship Gardens, and other similar facilities will not be considered for use as monument sites.
- Monuments may be considered in Neighborhood Parks of more than five acres. Monuments in Neighborhood Parks should have a connection to the neighborhood through history, individual or group contributions and accomplishments, or similar factors.

Public Right of Way

Monuments proposed to exist in the public right-of-way are limited to memorial plaques. The City Manager or designee may authorize the installation of memorial plaques in the public right-of-way if each of the following conditions exists:

1. The memorial plaque commemorates a person or an event that represents a connection or significant contribution between to the City of Fresno.
2. The property owner adjacent to the location of the proposed memorial plaque has been consulted on the placement of the memorial. In the event the property owner does not agree to the proposed location, the City will attempt to locate a nearby alternative location.
3. The memorial plaque must be flat and level with the sidewalk, and placed behind the curb.
4. The memorial place must not interfere with the public use of the sidewalk or right-of-way area.

Policy for the Removal of Temporary Memorials

Although temporary memorials are often spontaneous creations that result from the public's desire to honor an individual or express grief, the City encourages organizers of temporary memorials to complete a Monument/Memorial application form so that the City has a primary contact to communicate with regarding the memorial and can cooperate with the individual to return materials from the memorial that the organizer

wants to preserve after the temporary memorial is removed.

If a memorial is deemed unsafe or detrimental to the public interest by the City Manager or his/her designee, the memorial shall be immediately removed.

Temporary memorials set-up at locations not deemed unsafe will be allowed to remain for up to 90-days or until the site stops being maintained (i.e. temporary materials deteriorate and the site appears unkempt).

When a memorial is removed for any reason, the City will make reasonable efforts to contact either family or friends of the deceased or those placing the memorial, prior to removal. The City will also make reasonable efforts to collect and preserve photographs, writings, or objects with tangible monetary or reasonably objective sentimental value for 30 days, and thereafter, those materials will be destroyed.

Other Policies

This policy does not limit the City's ability to place signage or plaques on City property to provide donor or sponsor recognition, public information regarding a City project, or to place historical markers or to provide other information to the public. City Departments may enact administrative guidelines regarding plaques or signage for donor or sponsor recognition.

If a memorial is placed on private property, the City's zoning regulations, lease arrangements, or a variety of other rules may apply depending on the size, scale, and location of the memorial.

Related Administrative Orders

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Attachments