



## AGENDA BILL APPROVAL FORM

|  |   |                                   |
|--|---|-----------------------------------|
| <b>Agenda Subject:</b><br>Ordinance No. 6137 |   | <b>Date:</b><br>November 19, 2007 |
| <b>Department:</b><br>Public Works           | <b>Attachments:</b><br>Ordinance No. 6137 | <b>Budget Impact:</b><br>\$ 0     |

**Administrative Recommendation:**

City Council introduce and adopt Ordinance No. 6137.

**Background Summary:**

Ordinance No. 6137 adds section 12.68 to ACC, which will allow for a memorial sign program. Staff have made the following changes since bringing it to the Public Works Committee for review on November 13, 2007.

- Clarify that the City will remove the sign when 5 years has passed or when the sign is no longer serviceable. The City will also remove the sign if written opposition is received from an immediate family member.
- Clarify the distances that memorial signs must be from each other and from other signs. Also note that there can be one sign on each side of the road in the same area.
- Take out the reference to a fee and add that to the fee schedule instead. The fee has been changed to \$150.00 and does not include any replacements.
- Added section 12.68.55 related to informal memorials.
- Suggest changing the wording on signs from "Please Don't Drink and Drive" to "Please Drive Sober". This would more accurately reflect that we want people to not drive impaired from either drugs or alcohol instead of just alcohol. This also matches the other sign message, "Please Drive Safely", better and sends a more "positive" message.
- Suggest adding a fourth sign type that would allow a family to sponsor a sign for a driver who was killed while driving unsafely (e.g. speeding etc). The sign would say, "PLEASE DRIVE SAFELY" and a separate name plaque that reads "SPONSORED BY (the sponsor's name and shall not include the driver's name)".

W1203-2  
03.10.11

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| <p><b>Reviewed by Council &amp; Committees:</b></p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Arts Commission</td> <td><input type="checkbox"/> COUNCIL COMMITTEES:</td> </tr> <tr> <td><input type="checkbox"/> Airport</td> <td><input type="checkbox"/> Finance</td> </tr> <tr> <td><input type="checkbox"/> Hearing Examiner</td> <td><input type="checkbox"/> Municipal Serv.</td> </tr> <tr> <td><input type="checkbox"/> Human Services</td> <td><input type="checkbox"/> Planning &amp; CD</td> </tr> <tr> <td><input type="checkbox"/> Park Board</td> <td><input checked="" type="checkbox"/> Public Works</td> </tr> <tr> <td><input type="checkbox"/> Planning Comm.</td> <td><input type="checkbox"/> Other _____</td> </tr> </table> | <input type="checkbox"/> Arts Commission         | <input type="checkbox"/> COUNCIL COMMITTEES: | <input type="checkbox"/> Airport | <input type="checkbox"/> Finance | <input type="checkbox"/> Hearing Examiner | <input type="checkbox"/> Municipal Serv. | <input type="checkbox"/> Human Services | <input type="checkbox"/> Planning & CD | <input type="checkbox"/> Park Board | <input checked="" type="checkbox"/> Public Works | <input type="checkbox"/> Planning Comm. | <input type="checkbox"/> Other _____ | <p><b>Reviewed by Departments &amp; Divisions:</b></p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Building</td> <td><input type="checkbox"/> M&amp;O</td> </tr> <tr> <td><input type="checkbox"/> Cemetery</td> <td><input type="checkbox"/> Mayor</td> </tr> <tr> <td><input type="checkbox"/> Finance</td> <td><input type="checkbox"/> Parks</td> </tr> <tr> <td><input type="checkbox"/> Fire</td> <td><input type="checkbox"/> Planning</td> </tr> <tr> <td><input checked="" type="checkbox"/> Legal</td> <td><input type="checkbox"/> Police</td> </tr> <tr> <td><input checked="" type="checkbox"/> Public Works</td> <td><input type="checkbox"/> Human Resources</td> </tr> </table> | <input type="checkbox"/> Building | <input type="checkbox"/> M&O | <input type="checkbox"/> Cemetery | <input type="checkbox"/> Mayor | <input type="checkbox"/> Finance | <input type="checkbox"/> Parks | <input type="checkbox"/> Fire | <input type="checkbox"/> Planning | <input checked="" type="checkbox"/> Legal | <input type="checkbox"/> Police | <input checked="" type="checkbox"/> Public Works | <input type="checkbox"/> Human Resources |
| <input type="checkbox"/> Arts Commission  | <input type="checkbox"/> COUNCIL COMMITTEES:     |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Airport  | <input type="checkbox"/> Finance                 |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Hearing Examiner   | <input type="checkbox"/> Municipal Serv.         |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Human Services   | <input type="checkbox"/> Planning & CD           |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Park Board   | <input checked="" type="checkbox"/> Public Works |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Planning Comm.   | <input type="checkbox"/> Other _____             |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Building   | <input type="checkbox"/> M&O                     |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Cemetery   | <input type="checkbox"/> Mayor                   |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Finance  | <input type="checkbox"/> Parks                   |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input type="checkbox"/> Fire   | <input type="checkbox"/> Planning                |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input checked="" type="checkbox"/> Legal   | <input type="checkbox"/> Police                  |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |
| <input checked="" type="checkbox"/> Public Works  | <input type="checkbox"/> Human Resources         |  |                                  |                                  |   |  |   |  |                                     |  |   |                                      |  |                                   |                              |                                   |                                |                                  |                                |                               |                                   |   |                                 |  |  |

**Action:**

Committee Approval:                     Yes    No

Council Approval:                       Yes    No                      Call for Public Hearing    \_\_\_/\_\_\_/\_\_\_

Referred to \_\_\_\_\_ Until \_\_\_/\_\_\_/\_\_\_

Tabled \_\_\_\_\_ Until \_\_\_/\_\_\_/\_\_\_

|                                       |                              |
|---------------------------------------|------------------------------|
| <b>Councilmember:</b> Wagner          | <b>Staff:</b> Dowdy          |
| <b>Meeting Date:</b> December 3, 2007 | <b>Item Number:</b> VIII.A.5 |

**ORDINANCE NO. 6 1 3 7**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING TITLE 12 OF THE AUBURN CITY CODE BY THE ADDITION OF A NEW CHAPTER 12.68, RELATING TO A MEMORIAL SIGN PROGRAM

WHEREAS, the City of Auburn receives requests from the public to erect memorial signs in the City rights-of-way; and

WHEREAS, the City Council finds that to protect the public safety, signs placed within City rights-of way

accordingly has developed a process for managing and accommodating these requests;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Amendment to City Code.** That Title 12, Street, Sidewalks and Public Works, of the Auburn City Code be and the same hereby is amended by the addition of a new Chapter 12.68, Memorial Sign Program, to read as follows:

**ACC CHAPTER 12.68**

**Memorial Sign Program**

Sections:

- 12.68.010 Purpose.
- 12.68.020 Application Procedure For a Memorial Sign for a Fatally Injured Victim of an Accident Caused by a Drunk Driver.
- 12.68.030 Application Procedure for a Memorial Sign for a Drunk Driver Who was Fatally Injured in an Accident.

- 12.68.040 Application Procedure for a Memorial Sign for an Individual Fatally Injured in an Accident Not Involving Alcohol.
- 12.68.050 City Review of Memorial Sign Application.
- 12.68.060 Location, Placement, and Ownership of Memorial Signs.
- 12.68.070 Informal Memorials.
- 12.68.080 Wording on Memorial Signs.
- 12.68.090 Name Plaque Limit on a Single Memorial Sign Installation.
- 12.68.100 Time Allowed for Memorial Signs in City Rights-of-Way.
- 12.68.110 Application Filing Deadlines.
- 12.68.120 Multiple Memorial Sign Applications.

**12.68.010 Purpose.**

The purpose of the memorial sign program is to:

- A. Provide friends and relatives of persons fatally injured in accidents with the opportunity to memorialize them by sponsoring a memorial sign to be erected near the scene of the accident in a safe and consistent manner; and
- B. Combat drunk driving and increase the public's awareness of the need to drive safely and responsibly.

**12.68.020 Application Procedure For a Memorial Sign for a Fatally Injured Victim of an Accident Caused by a Drunk Driver.**

A. The following conditions must be satisfied to qualify for a memorial sign on a city right-of-way under this section:

- 1. The intoxicated driver was convicted of second degree murder, or gross vehicular manslaughter, or vehicular manslaughter under RCW 46.61.520(1)(a); or
- 2. The intoxicated driver died or could not be prosecuted because of mental incompetence.

B. An immediate family member of the deceased victim may apply to the city to sponsor a sign memorializing an individual who was fatally injured in a vehicle accident, in which another driver was at fault and drugs or alcohol was involved. An immediate family member is a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather. Any person who is not an immediate family member may request a sign provided that person also submits written consent from an immediate family member.

C. The applicant must complete and return a memorial sign application furnished by the City. The application must include the following attachments:

- 1. A copy of the accident report (this is needed to verify the date and location of the accident). Other equally reliable sources for this information supplied by the applicant will be considered.

2. Proof of conviction from court records, or proof of intoxication from coroner's records if the driver died. Other equally reliable sources for this information supplied by the applicant will be considered.

**12.68.030 Application Procedure for a Memorial Sign for a Drunk Driver Who was Fatally Injured in an Accident.**

A. An immediate family member of the deceased may apply to the City to sponsor a sign memorializing an individual who was fatally injured in a vehicle accident, in which the fatally injured was the driver at fault and drugs or alcohol was involved. An immediate family member is a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather. Any person who is not an immediate family member may request a sign; provided, that person also submits written consent from an immediate family member.

B. The applicant must complete and return a memorial sign application furnished by the City. The application must include the following attachments:

1. A copy of the accident report (this is needed to verify the date and location of the accident). Other equally reliable sources for this information supplied by the applicant will be considered.

2. Proof of the driver's intoxication from coroner's records. Other equally reliable sources for this information supplied by the applicant will be considered.

**12.68.040 Application Procedure for a Memorial Sign for an Individual Fatally Injured in an Accident Not Involving Alcohol.**

A. An immediate family member of the deceased victim may apply to the city to sponsor a sign memorializing an individual who was fatally injured in an accident that did not involve drugs or alcohol. An immediate family member is a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather. Any person who is not an immediate family member may request a sign provided that person also submits written consent from an immediate family member.

B. The applicant must complete and return a memorial sign application furnished by the City. The application must include the following attachments:

1. A copy of the accident report (this is needed to verify the date and location of the accident). Other equally reliable sources for this information supplied by the applicant will be considered.

**12.68.050 City Review of Memorial Sign Application.**

Within 30 days after the city receives a correctly completed application submitted under ACC 12.68.020, ACC 12.68.030 or ACC 12.68.040 and the City has inspected the proposed site for the memorial sign, the City will send a written

decision to the applicant as to whether the proposed sign installation is in compliance with this chapter.

#### **12.68.060 Location, Placement, and Ownership of Memorial Signs.**

A. Once approved, the applicant must pay the fee as described in the City of Auburn fee schedule to cover the cost of administration, fabrication, installation and maintenance of the memorial sign.

B. The City will furnish, install, remove, and retain ownership of memorial signs.

C. Signs will be installed in accordance with applicable City policies and standards for signs. This includes posts, hardware, materials, vertical, longitudinal, and lateral positioning.

D. The City of Auburn will NOT install or maintain a memorial sign if there is written opposition from any immediate family member. If written opposition is received from any immediate family member after the sign has been installed, the City will remove the sign.

E. Memorial signs shall be placed only in a City right-of-way; however, signs will not be installed in the median of any city roadway.

F. Only one sign will be installed in one direction of travel on the right side of the City roadway, facing oncoming traffic, in close proximity to where the accident occurred at a location where it is safe and practical to do so.

G. Only one sign will be installed per intersection or per 1,000 feet of roadway for each direction of traffic. However, a memorial sign will not be placed nearer than 200 feet from an existing traffic sign or where the memorial sign obstructs the visibility of an existing traffic sign.

H. Only one sign will be installed per accident. Should a sign already exist, the victim's name may be added to the existing sign upon City approval. Multiple victim names may appear on the sign.

I. The City will not replace the sign should it be vandalized or found missing. However, the applicant may apply for a new sign to be installed provided they meet the requirements of this chapter to include paying the full fee as described in the City of Auburn fee schedule.

#### **12.68.070 Informal Memorials.**

The placement of informal memorials in the right-of-way shall be allowed for up to 30 days after an accident due to concerns about the safety of passing motorists and people in the right-of-way who are maintaining or visiting the memorial. After that time, the City will remove the memorial and keep the items at the Maintenance and Operations facility for 30 days where the person placing the memorial may retrieve them.

#### **12.68.080 Wording on Memorial Signs.**

A. If a memorial sign is applied for under ACC 12.68.020 and approved by the City under this chapter, the city will install a cautionary sign that reads "PLEASE DON'T DRINK AND DRIVE" and a separate name plaque that reads "IN MEMORY OF (the victim's name)".

B. If a memorial sign is applied for under ACC 12.68.030 and approved by the City under this chapter, the City will install a cautionary sign that reads "PLEASE DON'T DRINK AND DRIVE" and a separate name plaque that reads "SPONSORED BY (the sponsor's name and shall not include the driver's name)".

C. If a memorial sign is applied for under ACC 12.68.040 and approved by the City under this chapter, the City will install a cautionary sign that reads "PLEASE DRIVE SAFELY" and a separate name plaque that reads "IN MEMORY OF (the victim's name)".

**12.68.090 Name Plaque Limit on a Single Memorial Sign Installation.**

No more than three name plaques of victims or sponsors may appear below the memorial cautionary sign on a single memorial sign installation.

**12.68.100 Time Allowed for Memorial Signs in City Rights-of-Way.**

Unless it determines that public safety requires removal, the City of Auburn will maintain the sign for 5 years or until the City determines that condition of the sign has deteriorated to a point where it is no longer serviceable, whichever occurs first. The City will remove and maintain ownership of the sign.

**12.68.110 Application Filing Deadlines.**

A person may file an application under ACC 12.68.020, ACC 12.68.030, or ACC 12.68.040 to memorialize a death in an accident that occurred not more than 5 years prior to the application date.

**12.68.120 Multiple Memorial Sign Applications.**

A. If more than one sponsor applies for a memorial sign to be located near a single accident site, the City will consider the multiple applications in the order in which they are received.

B. If the City approves, under this chapter, the application of additional sponsors who apply for a memorial sign for additional victims who were fatally injured as the result of the same or a different accident at a single accident site, the additional sponsors may apply to

1. Attach name plaques to the first sign installation, if the requirements of this chapter are satisfied; or
2. Have a memorial sign installed across the roadway from the first sign installation so that the second sign installation faces the traffic approaching from the opposite direction.

C. For purposes of this section, "single accident site" means the site of all accidents that occur within 1,000 feet from each other, regardless of when they occur.

**Section 2. Fee Schedule Amended.** That the Fee Schedule for the City of Auburn, Washington, be and the same hereby is amended by the addition to Part H, Public Works Fees, of the following item to read as follows and incorporated as part of the complete City of Auburn Fee Schedule:

Memorial Sign Program                      \$150.00

**Section 3. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 4. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective date.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

DATED and SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2007.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

CITY OF AUBURN

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PETER B. LEWIS  
MAYOR

ATTEST:

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Danielle E. Daskam,  
City Clerk

APPROVED AS TO FORM:



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Daniel B. Heid,  
City Attorney

Published: \_\_\_\_\_