

ORDINANCE NO. 6 1 4 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, SUBSTITUTING FOR ORDINANCE 6137 AND ADDING A NEW CHAPTER 12.68 TO THE AUBURN CITY CODE, RELATING TO A MEMORIAL SIGN PROGRAM

WHEREAS, the City of Auburn receives requests from the public for signs in the City rights-of-way memorializing those who were killed in traffic accidents; and

WHEREAS, the City Council finds that such memorial signs allow friends and relatives to honor those who have died, while providing an important traffic safety message to the public; and

WHEREAS, the City needs to regulate the location of such signs to protect the public safety; and

WHEREAS, The City Council sought to adopt an Ordinance that provided for such regulation, reviewing language for such Ordinance through its committee review process; and

WHEREAS, Ordinance No. 6137, as adopted by the City Council on December 3, 2007, inadvertently omitted changes and additions made to the Ordinance by the City Council's Public Works Committee; and

WHEREAS, the City Council wishes to include the Committee's revisions in the adopted Ordinance,

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

Section 1. Substitution of Ordinance No. 6137. That this Ordinance No. 6149 shall be and the same hereby is adopted as a substitute ordinance for Auburn City Council Ordinance No. 6137, fully and completely replacing the same.

Section 2. Amendment to City Code. That the provisions of Chapter 12.68 of the Auburn City Code, as initially adopted through Ordinance No. 6137, be and the same hereby are adopted, amended and modified to read as follows:

CHAPTER 12.68
Memorial Sign Program

Sections:

- 12.68.010 Purpose.
- 12.68.020 Definitions.
- 12.68.030 Application Procedure.
- 12.68.040 City Review of Memorial Sign Applications.
- 12.68.050 Location, Placement, and Ownership of Memorial Signs.
- 12.68.060 Informal Memorials.
- 12.68.070 Wording on Memorial Signs.
- 12.68.080 Name Plaque Limit on a Single Memorial Sign Installation.
- 12.68.090 Time Allowed for Memorial Signs in City Rights-of-Way.
- 12.68.100 Application Filing Deadlines.
- 12.68.110 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 impaired driving and increase the public's awareness of the need to drive safely and responsibly.

12.68.020 Definitions.

As used in this Chapter:

An "At-Fault Driver" is a driver who caused the death of the Deceased, but who was not under the influence of drugs or alcohol.

The "Deceased" is an individual who was fatally injured in a vehicle accident, and for whom an applicant seeks the erection of a memorial sign. The Deceased may be a person killed by an Intoxicated Driver, a person killed by an At-Fault driver, or an Intoxicated Driver or At-Fault Driver killed in an accident that the driver had caused.

An "Immediate Family Member" means a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather of the Deceased.

An "Intoxicated Driver" is a driver who, while under the influence of drugs or alcohol, cause the death of the Deceased.

12.68.030 Application Procedure.

A. An Immediate Family Member, or another person who submits the written consent of an Immediate Family Member, may apply to sponsor a sign memorializing the Deceased, including a Deceased who caused his or her own death by being an Intoxicated Driver or an At-Fault Driver.

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

1. A copy of the accident report.
2. For an accident involving an Intoxicated Driver:
 - (a) Court records showing that the Intoxicated Driver was convicted of second degree murder, gross vehicular manslaughter, vehicular manslaughter under RCW 46.61.520(1)(a), or that the driver could not be prosecuted because of mental incompetence; or
 - (b) if the Intoxicated Driver could not be prosecuted due to his or her death, proof of intoxication from coroner's records.
3. In the absence of the documents set forth in 1 and 2, above, the City may consider other documents presented by the applicant that the City deems to be equally reliable sources of information in evaluating the application.

12.68.040 City Review of Memorial Sign Application.

Within 30 days after the City receives a correctly completed application submitted pursuant to this Chapter, the City shall inspect the proposed site for the memorial sign and shall send a written decision to the applicant as to whether the proposed sign installation is approved or denied.

12.68.050 Location, Placement, and Ownership of Memorial Signs.

A. Once an application has been approved, the applicant must pay the fee set forth 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. The application fee for a sign that is removed or not installed due to such opposition shall not be refunded to the applicant.

E. Memorial signs shall be placed only in a City right-of-way, on the right side of the roadway, facing oncoming traffic. Signs will not be installed in the median of any City roadway.

F. Memorial signs shall be placed in close proximity to where the accident occurred at a location where the City determines 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 in a location where the memorial sign obstructs the visibility of an existing traffic sign.

H. The City will not replace the sign should it be vandalized, damaged, or found missing; however, the applicant may apply for a new sign under the requirements of this chapter, including payment of the fee set forth in the City of Auburn fee schedule.

12.68.060 Informal Memorials.

The placement of informal memorials up to three feet in height in the right-of-way shall be allowed for up to 30 days after an accident; provided, that the memorial does not cause unsafe conditions for passing motorists or for people who are maintaining or visiting the memorial. At the end of the 30 day period, the City shall remove the memorial and keep the items at the City's Maintenance and Operations facility for 30 days to allow the person placing the memorial to retrieve the items. Items left with the City after the 30 day holding period shall become the property of the City.

12.68.070 Wording on Memorial Signs.

A. A memorial sign for a Deceased who is the victim of an Intoxicated Driver shall read "PLEASE DON'T DRIVE IMPAIRED" with a separate name plaque that reads "IN MEMORY OF (the Deceased's name)."

B. A memorial sign for a Deceased Intoxicated Driver shall read "PLEASE DON'T DRIVE IMPAIRED" with a separate name plaque that reads

"SPONSORED BY (the sponsor's name)." The name plaque shall not identify the driver or include the driver's name.

C. A memorial sign for a Deceased who is the victim of an At-Fault Driver shall read "PLEASE DRIVE SAFELY" with a separate name plaque that reads "IN MEMORY OF (the Deceased's name)".

D. A memorial sign for a Deceased At-Fault Driver shall read "PLEASE DRIVE SAFELY" with a separate name plaque that reads "SPONSORED BY (the sponsor's name)." The name plaque shall not identify the driver or include the driver's name.

12.68.080 Name Plaque Limit on a Single Memorial Sign Installation.

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

12.68.090 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 unless the sign sponsor requests, in writing, to have ownership of the sign after its removal.

12.68.100 Application Filing Deadlines.

A person may file an application under this Chapter to memorialize a death in an accident that occurred not more than 5 years prior to the application date.

12.68.110 Multiple Memorial Sign Applications.

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

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

C. The City may approve applications for an additional memorial sign at an existing accident site, under the following circumstances.

1. Additional name plaques can be attached to the existing sign installation; or

2. A second memorial sign can be installed across the roadway from the first sign installation so that the second sign installation faces the traffic approaching from the opposite direction.

D. 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 3. Fee Schedule Amended. That the Fee Schedule for the City of Auburn, Washington, be and the same hereby is re-amended to add a Memorial Sign Program fee to read as follows, to be incorporated as part of the complete City of Auburn Fee Schedule:

Memorial Sign Program	\$150.00
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Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. 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 6. 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: _____

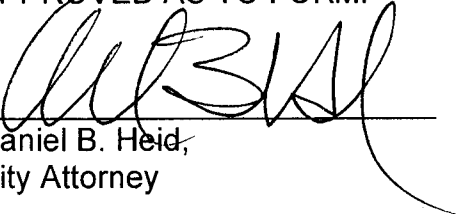
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____