

ORDINANCE NO. \_\_\_\_

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING CHAPTER  
13.14 OF TITLE 13 OF THE ROSEVILLE MUNICIPAL CODE  
REGARDING TEMPORARY MEMORIALS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 13.14 is hereby added to Title 13 of the Roseville Municipal Code  
to read as follows:

**Chapter 13.14**  
**TEMPORARY MEMORIALS**

**Sections:**

**13.14.010 Purpose.**

**13.14.020 Definitions.**

**13.14.030 Duration of temporary memorials.**

**13.14.040 Physical restrictions of temporary memorials.**

**13.14.050 Unauthorized or unsafe displays; Immediate removal.**

**13.14.060 Abandoned property; Removal, storage and disposal.**

**13.14.070 Posted notice prior to removal.**

**13.14.080 Temporary memorials on private property.**

**13.14.090 Penalties for violations.**

**13.14.100 Severability.**

**13.14.010 Purpose.**

The purpose of this chapter is to promote the public health, safety, and welfare by regulating temporary memorials on public property. Specifically, this chapter is intended to:

- A. Afford citizens a reasonable opportunity to express their grief and condolences when tragedies occur;
  
- B. Establish the acceptable duration and contents of temporary memorials;
  
- C. Reduce hazards to the general public, city personnel, and public property;
  
- D. Enhance and protect the physical appearance of the city; and
  
- E. Allow the city to properly and safely maintain public rights-of-way, streets, sidewalks, easements or other areas of thoroughfare, parks, trails, and other public property.

**13.14.020 Definitions.**

For purposes of this chapter, the following words shall have the meanings set forth in this section:

- A. “Public property” means any public street, right-of-way, sidewalk, curb, easement or thoroughfare, alleyway, parking lot or parking garage, park, trail, open space, or other property owned or controlled by the city.
  
- B. “Temporary memorial” means the placement, at or near the site of a tragic event, of a single item or collection of items, including but not limited to real or plastic flowers, crosses, or other mementos made of any materials, in memory of, or as a tribute to, a victim of a tragic event.

**13.14.030 Duration of temporary memorials.**

Any temporary memorial placed on public property shall be allowed to remain for no more than forty-five (45) days from the date on which the incident giving rise to the temporary memorial occurred. The city shall have the sole discretion to remove the temporary memorial at any time thereafter.

**13.14.040 Physical restrictions of temporary memorials.**

A temporary memorial shall be no more than thirty (30) inches in height, measured from the paved surface, two (2) feet in width, measured along the roadway or sidewalk, and one (1) foot in depth, measured perpendicular to the roadway or sidewalk.

**13.14.050 Unauthorized or unsafe displays; Immediate removal.**

The city reserves the right to immediately remove and dispose of a temporary memorial prior to the expiration of the 45-day period, without notice of any kind or liability to any person or entity, upon a determination that a temporary memorial violates any of the following standards:

A. Temporary memorials shall not create hazards to the general public, city personnel, or others, including, but not limited to, pose a distraction to motorists; obstruct sight lines for motorists or pedestrians, including in the Clear Vision Triangle (See Chapter 19.95, Definitions); or obstruct the free movement of motorists or pedestrians on any public street, sidewalk, or bike lane.

B. Temporary memorials shall not threaten the surrounding property, including, but not limited to, by having flammable material.

C. Temporary memorials shall not interfere with routine maintenance activities of the city, such as landscaping, mowing, irrigation, painting, tree removal, or related activities. Memorials shall not be allowed in any permitted construction or maintenance work zone.

D. Temporary memorials shall not cause any type of damage to public property or any personal property located on public property, including, without limitation, trees, signs, or traffic control devices.

E. Temporary memorials shall not emit music and/or amplified sound.

F. Temporary memorials shall not damage or deface public property or be permanently affixed to the site.

G. Temporary memorials shall not be constructed from, contain, or include any glass items, including, but not limited to, picture frames, bottles, and candles, or any other item with or containing the potential for, an open flame.

H. Temporary memorials shall not include any drugs or alcohol, or contain vulgar or obscene language or images.

**13.14.060 Abandoned property; Removal, storage, and disposal.**

A. All items placed at a temporary memorial that remain after the 45-day period shall be considered abandoned, shall immediately become the property of the city, and may be removed and disposed of in any manner in the city's sole discretion.

B. All perishable items, including, but not limited to, food and flowers, shall be discarded. All nonperishable items will be placed for storage at the city's Corporation Yard under the direction and supervision of the Parks, Recreation & Libraries Department. Items collected by the city will be released to family member(s) of the temporary memorial honoree

upon written request. All items will be discarded by the city if not claimed within thirty (30) calendar days of storage.

**13.14.070 Posted notice prior to removal.**

Prior to the removal of a temporary memorial, but no later than five (5) calendar days prior to the removal of the temporary memorial or the expiration of the 45-day period, whichever is later, the city shall post in a conspicuous place near the temporary memorial a notice reading substantially as follows:

“CITY OF ROSEVILLE  
NOTICE OF INTENT TO  
REMOVE AND DISCARD TEMPORARY MEMORIAL

(RMC Chapter 13.14)

In order to provide an avenue to memorialize or pay tribute to victims of tragic accidents, while at the same time helping to protect the public health, safety and welfare of the community, temporary memorials are permitted on public property for up to 45 calendar days from the date on which the incident occurred that gave rise to the temporary memorial, or the date on which the city received notice, whichever is later. Thereafter, all items are considered abandoned, become the property of the city and may be removed and disposed of in any manner in the city’s sole discretion.

Persons who place any item at a temporary memorial are unequivocally indicating that they do not intend to retain the item and that it may be discarded by the city. The city shall not be responsible for the loss or theft of any item placed at a temporary memorial.

NOTICE IS HEREBY GIVEN that on or after \_\_\_\_\_ (“Removal Date’), the city will remove and dispose of all items that comprise or are a part of this temporary memorial. Any person who wishes to recover any item that comprises or is a part of this temporary memorial should remove such item prior to the Removal Date. Items remaining after the Removal Date shall be considered abandoned property, shall become the property of the city, and may be removed and disposed of in any manner in the city’s sole discretion.”

The city manager or his/her designee is authorized to approve revisions to this notice, so long as the notice remains consistent with the terms of this chapter.

**13.14.080 Temporary memorials on private property.**

Temporary memorials are prohibited on private property without the consent of the property owner.

**13.14.090 Penalties for violation.**

Violation of any provision of this chapter may be charged as an administrative citation, infraction, or misdemeanor, at the discretion of the City Attorney.

**13.14.100 Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

SECTION 2. The City Clerk is hereby authorized and directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote on roll call:

AYES            COUNCILMEMBERS:

NOES            COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

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MAYOR

ATTEST:

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City Clerk