



**City  
of  
Milwaukee**

*INTERDEPARTMENTAL CORRESPONDENCE  
LEGISLATIVE REFERENCE BUREAU*

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## **M E M O**

**To:** Ald. Mike McGee, Jr.  
**From:** Amy E. Hefter, Legislative Research Analyst  
**Date:** 9/23/2005  
**Subject:** Legislation relating to roadside memorials in various communities

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The following is in response to your request for information regarding roadside memorials legislation. Roadside memorials are primarily regulated by states, although a few municipalities have passed ordinances or have policies regulating roadside memorials. The City of Leominster (MA) passed an ordinance regulating roadside memorials. The cities of Chicago (IL) and Oakland (CA) regulate roadside memorials through police department policy. The town of Poolesville (MD) regulates roadside memorials through mediation with victims' families and property owners where the fatalities have occurred.

The City of Leominster (MA) passed an ordinance in April of 2004 prohibiting roadside memorials on all public roads, sidewalks, and walkways within the city. Temporary memorials are allowed for 90 days, in cases of fatal accidents or occurrences. The ordinance allows for an immediate family member to buy a permanent memorial sign, for a fee of \$50, to be erected at the site of the fatality. The ordinance requires a request for the city sign to be filled within 180 days of the incident. Requests are not accepted after 180 days. The permanent memorial sign is round, 18-inches in diameter, white sign with the words in blue lettering, "Drive Safely In Memory of (Deceased's Name)." The memorial sign is installed on a pole. The top of the sign is located 4 1/2-feet from the ground.

The City of Oakland (CA) Police Department instituted a policy in September 2004 requiring roadside memorials for murder and accident victims to be dismantled within 48 hours. This followed a shooting at a roadside memorial which killed an Oakland man and injured five others. The City of Oakland Citizens' Police Review Board endorsed this policy as the memorials had become magnets for retaliatory shootings, traffic congestion, vandalism, and loitering. Oakland police contact the victim's family prior to dismantling the memorial to advise them that the memorial will be removed.

The City of Chicago Police Department handles dismantling of roadside memorials on a case-by-case basis. Chicago Police consider the following factors before dismantling a roadside memorial: the number of people gathering, the amount of noise created, and associated traffic problems. In an article reported by the *Chicago-Sun Times* on August 9<sup>th</sup>, 2005, a roadside memorial was dismantled because the victim was an alleged gang member which increased concerns over retaliatory shootings.

The Town of Poolesville (MD) Police Department brokered a deal between the families of two teens who died in a car accident and the property owner where the accident occurred, as reported by *The Wall Street Journal* on September 1, 2005. The accident occurred in 2000 and for years the teens' friends and loved ones would loudly honk car horns when they drove by. After the property owner went to the police for assistance, the police were able to work with both parties, and the result was a smaller memorial and no horn blasts.

In the State of Wisconsin, the placement of roadside memorials within a roadway's right-of-way is not allowed under state statutes, but the Department of Transportation has published guidelines for memorials along Wisconsin roadsides. Memorials are removed if they interfere with routine maintenance, roadway safety features or vision, negatively impact the flow of traffic, are a hazard should they be hit, fall into disrepair, or the department receives complaints. Otherwise memorials will not be removed. Below are examples of how other states handle roadside memorials:

COLORADO -- Families can petition the state Department of Transportation to have signs erected for loved ones killed in crashes involving drugs and alcohol on state highways. The families must pay \$100 for the signs to be at the crash sites for three years. All other memorials are removed.

NEW JERSEY -- The state Transportation Authority will escort the family to the crash site, then remove the memorial after 10 days.

ALASKA -- The state Department of Transportation offers state-made signs with public service messages against drunken driving or promoting safe driving. A bill signed in June 2003, now allows impromptu roadside memorials.

IDAHO -- The state recently relaxed a 1992 rule that allowed 12-inch gold stars along roadsides to memorialize crash victims. Now families can erect memorials up to 16 by 36 inches and 7 pounds in weight.

WEST VIRGINIA -- The state legislature authorized roadside memorials in 2000. The state asks families to mark the memorials with names and register them with the state Department of Highways. Permits must be issued for permanent markers.

I hope this information will prove useful to you. Please feel free to contact me at x2290 with any questions for further data.

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