

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Engineering**

AGENDA DATE: **October 10, 2006**

CONTACT PERSON/PHONE: **Rick Conner, City Engineer ext. 4423**

DISTRICT(S) AFFECTED: **All**

SUBJECT:

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES) CHAPTER 15.08 (STREET RENTALS) SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION C, (EXCEPTIONS), OF THE EL PASO CITY CODE TO ADD AN EXCEPTION FOR MEMORIAL MARKERS, THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.

BACKGROUND / DISCUSSION:

The staff has been working with Mothers Against Drunk Driving for over a year to come up with a plan to allow Memorial Markers at sites where people have been killed by drunk drivers on our City streets. After much work and much research, we have come up with a program and marker that meet all safety codes and is acceptable to the MADD representatives. Because this will be a private acknowledgement (and therefore rental) on public right-of-ways, the current ordinance must be amended to allow this process to proceed. We have attached a copy of the proposed Policy for your review. This is an administrative policy that will be amended and modified as necessary to accommodate this process, though we expect very few changes. We will present the signage itself at the Council Meeting.

PRIOR COUNCIL ACTION:

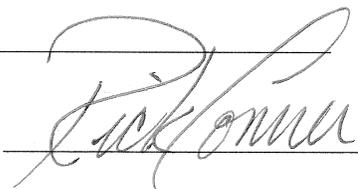
N/A

AMOUNT AND SOURCE OF FUNDING:

No funding will be necessary, the process will pay for itself.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____


APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES) CHAPTER 15.08 (STREET RENTALS) SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION C, (EXCEPTIONS), OF THE EL PASO CITY CODE TO ADD AN EXCEPTION FOR MEMORIAL MARKERS, THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 15 (Public Services), Chapter 15.08, (Street Rentals), Section 15.08.120, (Special Privilege Licenses), Subsection C, (Exceptions), of the El Paso City Code shall be amended to add the following exception:

10. Memorial markers, provided that the placement of such markers are approved by the City and comply with the policies and procedures established by the City Engineer.

2. Except as expressly herein amended, Title 15 (Public Services), Chapter 15.08, (Street Rentals), Section 15.08.120, (Special Privilege Licenses), Subsection C, (Exceptions), of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2006.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto, Deputy City
Manager Development and
Infrastructure Services

THE CITY OF EL PASO POLICY AND PROCEDURE FOR MEMORIAL MARKERS WITHIN THE RIGHT-OF-WAY

1. Policy

The City may allow memorial markers on certain areas of the City's right-of-way provided that the placement of such markers has been approved by the City Engineer or his designee and complies with the provisions of the procedures outlined herein. The purpose of this policy is primarily to place markers to remind passing motorists of the dangers of unsafe driving and to place such markers in a safe location on the City right of way.

2. Guidelines

a. Markers are limited to traffic related fatalities occurring on the City street system. The request to place a marker should be submitted by the victim's family to the Traffic Engineering Division; however, Mothers Against Drunk Drivers may submit the request on behalf of the family, provided that the request includes written permission from the family.

b. No more than one marker will be allowed per incident.

c. No more than one marker will be allowed per location. Where a location is the site of multiple fatalities as the result of an event, the marker may contain all of the names of the victims, if requested by the victim's family(s).

d. Markers will remain up for a period of one year. After the expiration of the one-year period, the applicant may request that the marker remain and pay the cost of a renewal fee. If a marker is removed, the family must go through the original procedures, to include payment of an application fee, to have a replacement marker placed.

e. The marker MAY NOT state that the death was the result of intoxicated driving unless the request is accompanied by proof of a DWI CONVICTION.

f. No marker may be placed on any State maintained roadway without prior approval from the Texas Department of Transportation.

g. If the placement of a memorial marker at a specific location where a traffic fatality has occurred is not possible because the City Traffic Engineer determines that it could present a safety hazard, then the applicant shall be so informed and the application fee shall be refunded to the applicant.

3. Approval

The City Engineer or his designee may, based on the appropriate criteria established herein, authorize the placement of a memorial marker for any traffic related fatality.

4. Procedures

a. An application may be obtained from the City's Traffic Engineering Division (TED) or from a representative of Mother's Against Drunk Drivers.

b. The cost for the application or renewal of an existing application is \$124.00. This covers the processing of the application, maintenance of the marker, and costs for signs, material and labor to install the signs

c. Once the City Engineer or his designee determines that all the requirements have been met, the Street Department will then be asked to install the memorial sign as per instructions provided by the Traffic Engineering Division. The memorial marker will remain at that location for a period of one year from the date installed.

d. If the applicant requests the memorial marker to remain longer than one year, the application can be renewed in one year increments at the rate currently in effect for applications. If the marker has deteriorated significantly, the City may require a new marker to be purchased at the application rate in effect at that time. If a marker is not renewed, it will be removed by the City of El Paso.

5. Placement

The City of El Paso Street Department will, upon approval of an application by the Traffic Engineering Department as outlined herein, erect a standard marker. The marker will be located as near the right-of-way line as possible, preferably near a utility pole or at the edge of a non-mow area. The marker will not be placed in medians or between the main lanes and frontage road of a controlled access roadway. The marker will not be located in front of developed property unless the adjacent property owner has given written permission to the requestor. Markers will not be affixed to traffic control devices such as signs, signals, etc., or their supports. Although the Traffic Engineering Division will determine the best placement of the marker to protect the public safety, it is recommend that the requestors meet with the Traffic Engineering Division so that the location selected by the Traffic Engineering Division represents the general location of the incident being memorialized. If after placement of the marker the City Engineer determines that it is necessary to move the marker, the applicant will be informed and the marker will be moved.

6. Fabrication and Materials

The only marker allowed is a City of El Paso standardized marker placed at the appropriate height to help prevent debris from hitting a windshield should a vehicle impact the marker. The marker will contain the victim's name, date of birth and date of the accident.

7. Non-Permitted Markers

The placement of non-permitted markers is prohibited. When a non-permitted memorial or marker is found, the City will remove the marker. Markers removed will be kept fifteen days before final disposal.

MEMORIAL MARKER – PERMISSION FORM

I would like to request a memorial monument be created in memory of

_____.
(name as it is to appear on the marker)

My name is _____.
(please print clearly)

My relationship to the victim is that I am their _____.*

I give my permission to Mothers Against Drunk Driving to request a monument in the area of

(site of crash)

_____ in memory of their death as a result of a traffic accident at this location; or

_____ in memory of their death as a result of in an alcohol-related** accident at this location on

_____, (month and day) (year)

The Victim's Date of Birth is: _____.

Signature: _____ Date: _____

***Need to provide some proof of the relationship with the victim.**

****Documentation must be provided to verify that the person involved in the crash was convicted of DUI for the incident.**