

ORDINANCE NO. 2009-09

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, CHAPTER 15 – OFFENSES AND MISCELLANEOUS PROVISIONS

BE IT ORDAINED, that the Code of Ordinances of the City of Phenix City, Alabama, Chapter 15 – Offenses and Miscellaneous Provisions be amended to include the following:

Section 15-56 – Roadside Memorials

Sec. 15-56.1 Definition

- a) **Memorial** – Typically considered as a commemorative object which is intended to remind people of an individual that has died or an event in which people have died. For the purpose of this article a **Memorial** shall be a cross intended to honor individuals that lost their lives on a roadway in the City of Phenix City and the police jurisdiction.

Sec. 15-56.2 Permit

It shall be unlawful for any person to erect or locate a memorial within the city or its police jurisdiction without first obtaining a permit from the building department. All permits for memorials shall be subject to the provisions of this article. Only one (1) memorial permit per individual to be honored shall be granted. The City of Phenix City reserves the right to remove any memorials that do not have a permit.

Sec. 15-56.3 Application

Application for permit shall contain the name, address and phone number of applicant. The location where the memorial is to be erected and such other information regarding the placement of the memorial as required by the building inspector to ensure compliance with this article.

Sec. 15-56.4 Issuance; Duration

Permits for memorials shall have a duration of sixty days (60) from the date the permit is issued. Applicants may not request an extension. Memorials in place past the sixty (60) days permitted shall be removed and disposed of by the City of Phenix City.

Sec. 15-56.5 Size and Construction Requirements

Memorials shall be constructed of materials able to withstand wind pressures and exposure to outside elements. Memorials shall be no larger than 36 inches in height and in width. Memorials shall be of a color that is reflective and clearly visible at night and during periods of inclement weather. It shall be unlawful to decorate or accessorize a memorial in any manner other to include the name of the individual being memorialized and date of birth and death.

Sec. 15-56.6 Unsafe and Unlawful Memorials

If the building inspector shall find that any memorial erected is unsafe, insecure, or a menace to the public or has been constructed or erected or is being maintained in violation with the provisions of this article, the building inspector shall give written notice to the permittee of the violation. If the permittee fails to bring the memorial into compliance within ten days of notification, the memorial may be removed from the location.

Sec. 15-56.7 Location Limitations

Memorials shall not be located in, encroach upon, or be located in such a manner as to constitute a hazard to the health or safety of persons on any public right of way. At intersections, memorials shall not obstruct the view of traffic entering the intersection.

Sec. 15-56.8

Any memorials already in place shall have sixty (60) days from the date of adoption of this ordinance to be removed. Any memorials that do not have permits beyond sixty (60) days from adoption of this ordinance will be removed and disposed of by the City of Phenix City as outlined in Section 15-56.2 above.

The provisions of this ordinance shall apply to memorials within the city limits of the City of Phenix City and the police jurisdiction.

The provisions of this ordinance are severable. If any section, subsection or provision thereof be for any reason declared void or invalid, such invalidity shall not affect any other section, subsection or provision of this Ordinance.

This ordinance shall become effective upon its adoption and publication as required by law.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2009.

/s/ H. S. Coulter
MAYOR

/s/ Jimmy Wetzel

/s/ Max Wilkes

/s/ Michelle E. Walker

/s/ Arthur L. Sumbry
MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:

/s/ Charlotte L. Sierra
CITY CLERK

APPLICATION FOR A
ROADSIDE MEMORIAL PERMIT

Application Date

Name of Applicant

Street Address

Home Phone No.

Alt. Phone No.

City, State, Zip Code

Please list the names of the individuals to be memorialized on following lines and your relationship to each.

Location:

Display Dates:

_____ From

_____ To

Initial

Should any memorial(s) a permit has been granted for become unsafe, insecure, or a menace to the public safety, or is found to be maintained in a manner that is in violation of this Ordinance, it shall be the applicants responsibility to correct the issue within 10 days of notification and that failure to do so could result in memorial being removed.

The City of Phenix City reserves the right remove any memorial in place beyond the sixty (60) days granted by this permit.

Signature of Applicant

Approved

Date