

City of Boulder City
Public Memorials and Monuments Policy

1. Purpose:

- a.** Cities play an important role in commemorating people, history and ideas central to a society's sense of identity and value. Memorials and monuments are tangible and easily recognizable forms of commemoration that enrich the city's physical and social environment.
- b.** The purpose of the Public Memorials and Monuments Policy is to establish a clear, objective, fair, and robust process for responding to requests to install memorials and monuments on city-owned property (e.g., public parks, right of ways). This policy encourages commemoration while ensuring that fair and balanced decisions are made.
 - i.** All reviews and approval of memorials shall be based on the totality of the criteria outlined in section 9 of this policy.

2. Definitions:

- a.** City-sponsored – a monument or memorial, approved by City Council, for which City of Boulder City staff and/or elected officials are fully or primarily responsible for conception, design and funding.
- b.** City Parks include but are not limited to:
 - i.** ABC Park
 - ii.** Bicentennial Park
 - iii.** Bootleg Canyon Park
 - iv.** Broadbent Park
 - v.** Del Prado Park
 - vi.** Frank T. Crowe Memorial Park
 - vii.** Hemenway Park
 - viii.** Lakeview Park
 - ix.** North Escalante Park
 - x.** Oasis Park
 - xi.** South Escalante Park
 - xii.** Sundial Park
 - xiii.** Teddy Fenton Memorial Park Reflections Center
 - xiv.** Veterans' Memorial Park
 - xv.** Wilbur Square
 - xvi.** Xeriscape Park
- c.** Flag – most commonly a piece of cloth having a distinctive size, color, and design used for a symbol or emblem of a country or institution. This is inclusive of flags of any kind including cloth, metal, paper, or any other material.
- d.** Landscape features – memorials/monuments may also take the form of landscape features, such as areas of the city that can be enhanced, redeveloped, or reclaimed through the use of donor funds or bequests in commemoration of a person, event,

or place as applicable. Features may consist of shrubs, gardens, or other plantings to commemorate an event.

- e. Large Memorials/Monuments – objects whose value (including design, installation and the object itself) is equal to or greater than \$10,000, such as monuments, works of art, busts, playground equipment, architectural items or sculptures.
 - f. Memorial – a statement/object/landscape feature intended to honor a person or event of historical significance.
 - g. Monument – an enduring physical object erected to commemorate the enduring historic significance or association of a notable person, event, place or thing.
 - h. Small Memorials/Monuments – an enduring physical object or statement of historic significance whose value (including design, installation and the object itself) is less than \$10,000. Plaques shall be considered small monuments, regardless of cost.
 - i. For the purposes of this policy, monuments and memorials may simply be referred to as memorials.
 - j. Private Headstones – Private Headstones at the Boulder City Municipal Cemetery are exempt from this policy.
3. **Cost:** All costs associated with the permitting, planning, design, establishment, installation and ongoing maintenance of any memorial subject to this policy shall be paid by the applicant(s)/memorial owner. Final approval of any memorial will not be given until all associated costs have been paid in advance or secured in a form and manner approved by the city.
4. **Application Process:**
- a. **Small Memorials:**
 - i. To install a small memorial at a city park, recreation facility or other city-owned property, an applicant shall submit a written application to the Parks & Recreation Director. The application will be reviewed by the Parks & Recreation Director who, in consultation with the Public Works Superintendent, will approve or deny installation of the small memorial.
 - ii. The Parks & Recreation Director has the authority to approve or deny applications for small memorials based on the criteria in the Criteria section of this policy.
 - iii. If sufficient space is available, the Parks & Recreation Director will have sole discretion as to the type of landscape feature and its location.
 - iv. Plaque: Material, placement, and language inscribed on the plaque shall be approved by the Parks & Recreation Director.

- v. The requestor will be responsible for the purchase of the plaque and city staff will be responsible for installing the plaque.
- vi. For individuals or organizations whose applications have been denied, the applicant may appeal the decision to the City Manager.
- vii. Existing small memorials moved or modified will be subject to the application and approval process similar to a new memorial.

b. Large Memorials:

i. Application for city-sponsored memorial on city-owned property:

1. For city-sponsored memorials proposed for installation on city-owned property, city staff will ensure that the memorial meets all existing city design, construction, and safety requirements. If the memorial is located in the Historic District, the memorial application will be submitted to the Historic Preservation Commission through the Community Development Department. If the memorial is located in a city park the application will be submitted to the Parks & Recreation Commission through the Parks and Recreation Department and/or other applicable committees or commissions.
2. Any Commission or Committee recommendations along with other backup material, will be presented to City Council for review and consideration at a regularly scheduled City Council meeting.

ii. Application for privately sponsored memorial at a city park, recreation facility and city-owned property:

1. Applicants wishing to install a large memorial at a city park, recreation facility or other city-owned property shall submit a written application, including a conceptual plan, to the City Manager for review.
2. The City Manager may designate a department (commonly the Parks & Recreation Department or Public Works Department) to provide advice to the applicant during the submission process, including assistance in identifying an appropriate location(s), explaining the steps and various committees and/or commissions involved in the approval process, describing the city's requirements regarding installation and maintenance responsibilities, and providing the applicant with basic information regarding technical/engineering requirements.
3. The City Manager will forward the application to key city staff with subject matter expertise.
4. Appropriate staff will review and recommend approval or denial of the request to install the memorial at the proposed city-owned

property site based upon the criteria listed in section 10, Criteria of this policy. The city representatives may choose to meet with the applicant or may choose to postpone its review until later in the process, pending input from other reviewers. In addition, city representatives may choose to bypass the review until the installation and maintenance agreement has been considered by City Council, which is the final step in the process.

5. If the memorial is located in the Historic District, the memorial application will be submitted to the Historic Preservation Commission through the Community Development Department. If the memorial is located in a city park the application will be submitted to the Parks and Recreation Commission through the Parks and Recreation Department and/or other applicable committees or commissions.
6. Once the City Manager has received a fully completed application and determined it meets all of the policy criteria, the City Manager shall forward the application package along with staff and Commission recommendations to the City Council for review and consideration at a regularly scheduled City Council Meeting.

5. Cost/Funding:

For memorials that are not city-sponsored, all costs associated with designing, constructing, and maintaining the memorial will be covered in full by the applicant unless otherwise agreed upon in an installation and maintenance agreement.

6. Installation/Maintenance Small Memorials:

- a. In the case of small memorials, the donor shall either purchase the donated items directly or the city will purchase the memorial after receipt of a monetary donation in the full amount as determined by the Parks and Recreation Director's estimate for purchase and installation. Donations may be made payable to the City of Boulder City who will arrange for the purchase of the memorial.
- b. Unless otherwise addressed by a written installation and maintenance agreement, the city shall install and maintain the small memorial donated item for a period of 10 years. After 10 years, the determination of the future of the item will be at the city's discretion, including but not limited to relocating, disassembling, or removing and disposing of, returning to the donor, or making arrangements for the ongoing maintenance and management of the memorial.

7. Large Memorials:

All large memorials must be maintained by the donor for the first 10 years as set forth in an installation and maintenance agreement. After 10 years, determination of the future of the item will be at the city's discretion, including whether to relocate, disassemble or remove and dispose of, return to the donor, or make arrangements for the ongoing maintenance and management of the memorial.

8. Ownership:

- a. All memorials placed or commissioned on a public park, recreational facility or other city-owned public property within the City of Boulder City are deemed to be under control of the city and managed in accordance with standards established by the City Council.
- b. After or once a memorial is accepted by the city, it automatically becomes a city asset included in the city's Asset Management System, which is managed by the city's Finance Department.

9. Criteria:

All reviews and approval of memorials shall be based on the totality of the following criteria:

- i. **Cost:** Determine the cost estimate for the construction of the memorial. Determine who will maintain it and how much that will cost on an annual basis.
- ii. **Subject of the Memorial:**
 - 1. Small Memorials – the subject may commemorate an individual or event.
 - 2. Large Memorial – the subject of a large memorial must demonstrate a high level of significance by recognizing a person or group an outstanding contribution to the cultural, political or social development of the City of Boulder City, the State of Nevada, the United States of America, or the international community; or commemorates a site or event that is historically or culturally significant and/or represents an important and unique city or civic anniversary.
- iii. **Flags:**
 - 1. Flags may only be displayed temporarily and can only be raised during ceremonial events unless it is a federal, state or city flag, or a flag approved by the City Manager.
 - 2. The raising, lowering, maintenance and replacement of all flags included in a memorial are the responsibility of the donor and shall be displayed in conformance with Federal and State policies as stated in the United States Code Chapter (1) Title 4, U.S. Flag Code and the Nevada Revised Statute 201.290, Desecration of Flags.
- iv. **Content:** The content of the memorial should follow these guidelines:
 - 1. Memorial content must be non-commercial and meet the subject requirement herein.

2. Memorial must not contain content which demeans, ridicules, maligns, disparages, expresses bias or disrespect of any individual or group on the basis of race, color, religion, national origin, gender, age, disability, sexual orientation, or marital status or any other protected class, or is obscene, or which violates any city, state or federal law or promotes violence.

v. Location:

1. The proposed site/location is consistent with and does not interfere with the city's Master Plan, or, if applicable, the master plan for the site. The proposed location will not compromise the aesthetic integrity or interfere with the unique, cultural or historic character of the area.
2. The applicant must demonstrate why the selected site is appropriate and provide sufficient justification why the memorial should be placed in that location. Where appropriate, preference will be given to co-location of new memorials within a site of common interest.
3. Consideration will be given to existing uses of the proposed location, with a goal of preventing the memorial from disrupting appropriate public use of city facilities.
4. At the city's sole discretion, a memorial may be relocated at the city's expense to another location.

vi. Risk Assessment: An assessment of potential risks created by placing the proposed memorial at the proposed location will be undertaken by appropriate staff. The assessment will be included in the decision-making process.

vii. Veterans Memorials: The city is committed to providing the highest degree of dignity, honor, and respect to the veterans and their family members who are recognized with a memorial and the memorial must reflect that commitment.

viii. Open Space Preservation: Consideration must be given to the protection and maintenance of open space, the preservation of the natural vistas and options for placement of works by future generations.

ix. Spatial Relationship: Monuments and memorials must be designed and installed in a way that establishes a harmonious relationship with existing monuments and memorials, hardscapes, landscaping, and the natural surroundings.

x. Landscaping Proposed: Landscape features consist of shrubs, gardens, or other plantings to commemorate an event. When proposing the placement of a landscape feature on city grounds, the life expectancy of the memorial and the cost of maintenance shall be considered by the proposing entity. Selection of plant types shall be coordinated with the

Public Works Superintendent for compatibility with landscape plans and existing plantings. The Public Works Superintendent shall encourage the replacement of existing, aging, or ill shrubs in lieu of new plantings. If a living memorial dies it will not be automatically replanted. The placement of any landscape feature must be within the boundaries of the grounds which are under the control and care of the city.

- xi. Code Compliance:** All memorials must be in compliance with City Code, adopted master plans, and other policies.
- xii. Waiver of Intellectual Property Rights:** the artist, designer or creator of the memorial shall sign an agreement acknowledging and agreeing that the artist, designer or creator expressly waives their rights to the memorial and a general release in a form acceptable to the City Attorney.
- xiii. Existing Memorials:** Existing large memorials moved or modified will be subject to the application and approval process similar to a new memorial.