Legislation Details (With Text)

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Title:	To provide for the removal of certain monuments on City-owned property, provide for the disposition of such monuments, and repeal an ordinance accepting the General Thomas J. “Stonewall” Jackson monument, adopted Mar. 3, 1920, as authorized by Va. Code § 15.2-1812.				
Sponsors:	Michael Jones, Stephanie Lynch, Andreas Addison, Vice President Hilbert, Cynthia Newbille, Kimberly Gray, Kristen Nye, Ellen Robertson				
Indexes:	Monuments				
Code sections:					
Attachments:	1. Ord. No. 2020-154, 2. 20200803_Special_2020-154-Public Hearing Handout				

Date	Ver.	Action By	Action	Result
8/3/2020	1	City Council	adopted	Pass
7/21/2020	1	Land Use, Housing and Transportation Standing Committee	recommended for approval	Pass
7/1/2020	1	City Council	introduced and referred	

To provide for the removal of certain monuments on City-owned property, provide for the disposition of such monuments, and repeal an ordinance accepting the General Thomas J. “Stonewall” Jackson monument, adopted Mar. 3, 1920, as authorized by Va. Code § 15.2-1812.

WHEREAS, pursuant to section 15.2-1812 of the Code of Virginia (1950), as amended, localities within the Commonwealth of Virginia, “[n]otwithstanding any other provision of law, general or special, . . . may remove, relocate, contextualize, or cover any . . . monument or memorial [for the veterans of any war or conflict] located on the locality’s public property . . . regardless of when the monument or memorial was erected” after complying with certain provisions; and

WHEREAS, section 15.2-1812 of the Code of Virginia (1950), as amended, further prescribes that, before any such monument or memorial that is publicly owned may be removed, relocated, contextualized, or covered, the local governing body “shall publish notice of such intent in a newspaper having general circulation in the locality,” shall conduct a hearing at which interested persons may present their views “not less than 30 days after publication of the notice,” and, if the local governing body votes to remove, relocate, contextualize, or cover any such monument or

memorial after such public hearing, "shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield;" and

WHEREAS, in accordance with section 15.2-1812 of the Code of Virginia (1950), as amended, the City (i) has published notice of its intent to remove the monuments identified in the document entitled "Monuments to Be Removed" (hereinafter, the "Monuments"), a copy of which is attached to and made a part of this ordinance, (ii) held a public hearing on the matter of such removal no less than 30 days after such publication, (iii) will offer the Monuments to museums, historical societies, governments, and military battlefields for a period of 30 days commencing upon the adoption of this ordinance, and (iv) has complied with all other requirements of applicable law;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as required and pursuant to the authority granted by section 15.2-1812 of the Code of Virginia (1950), as amended, and all other applicable law, and subject to the availability of funds, the Chief Administrative Officer is hereby authorized to cause the removal of the Monuments from their current locations in accordance with the following:

A. **Definitions.** For the purposes of this ordinance, the terms defined below shall have the meanings ascribed to them by this subsection (A).

1. ***Monument.*** For the avoidance of doubt, the word "Monument" means a monument or memorial identified in the document entitled "Monuments to Be Removed," a copy of which is attached to and made a part of this ordinance, consisting of either a statue or a platform, or both.

2. ***Statue.*** "Statue" means that part of a Monument representing the likeness of an individual, animal, or other object, which may be situated upon a platform.

3. ***Platform.*** "Platform" means the solid base of a Monument permanently affixed to City-owned real

property, made of marble, concrete, or other solid material, upon which a statue may be situated.

B. **Timing of Removal.** The Chief Administrative Officer shall cause the removal of the Monuments promptly after the end of the offering period set forth in section 2 of this ordinance.

C. **Phases of Removal.** Upon compliance with this ordinance and all other applicable law, and subject to availability of funds, the Chief Administrative Officer may cause the removal of the Monuments in the following phases:

1. ***Phase One.*** The Chief Administrative Officer first shall cause the removal of each statue as soon as possible after the end of the offering period set forth in section 2 of this ordinance, if the Chief Administrative Officer, or the designee thereof, determines that removal of the entire Monument is not feasible at that time.

2. ***Phase Two.*** After causing the removal of the statues as required by this subsection (C) and subsection (D), the Chief Administrative Officer then shall cause the demolition or other removal of the platform as soon as practicable.

D. **Temporary Disposition of Monuments.** The Chief Administrative Officer shall cause each Monument or, as the case may be, the statues, platforms, or materials from the platforms, to be transferred to and stored on such City-owned property as may be permitted in accordance with section 8-12 of the Code of the City of Richmond (2015), as amended, or on such property not owned by the City as may be permitted in accordance with applicable law until such time as the Council determines the final disposition of the Monuments or, as the case may be, the statues, platforms, or materials from the platforms, by a resolution adopted in accordance with subsection (E).

E. **Final Disposition of Monuments.** Pursuant to section 15.2-1812 of the Code of Virginia (1950), as amended, the Council, by the adoption of a resolution, may accept such offer or offers submitted to the City during or after the time period specified in section 2 of this ordinance or otherwise direct the final disposition of the Monuments

after the offering period set forth in section 2 of this ordinance has expired.

§ 2. That, as required by and pursuant to the authority granted by section 15.2-1812 of the Code of Virginia (1950), as amended, the Council hereby offers the Monuments for relocation and placement to museums, historical societies, governments, or military battlefields for a period of 30 days after the effective date of this ordinance, referred to in this ordinance as the "offering period."

§ 3. That the ordinance accepting General Thomas J. "Stonewall" Jackson Monument, adopted March 3, 1920, is hereby repealed.

§ 4. This ordinance shall be in force and effect upon adoption.

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