

Title 17. Libraries and Cultural Services

Agency 5. Board of Historic Resources

Chapter 40. Regulations Governing Contextualization of Monuments or Memorials for Certain War Veterans

17VAC5-40-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Monument or Memorial" means any object erected on a locality's public property pursuant to § 15.2-1812 of the Code of Virginia, intended to commemorate the veterans of any war or conflict, or any engagement of such war or conflict, to include the following: Algonquin (1622), French and Indian (1754-1763), Revolutionary (1775-1783), War of 1812 (1812-1815), Mexican (1846-1848), Civil War (1861-1865), Spanish-American (1898), World War I (1917-1918), World War II (1941-1945), Korean (1950-1953), Vietnam (1965-1973), Operation Desert Shield-Desert Storm (1990-1991), Global War on Terrorism (2000-), Operation Enduring Freedom (2001-), and Operation Iraqi Freedom (2003-). "Monument or memorial" includes both the object and the pedestal on which it is placed. "Monument or Memorial" does not include any monument or memorial located in a publicly owned cemetery.

"Application" means an application for approval of a marker, in a form prescribed by the Director and containing the basic information required by **17VAC5-40-40**,

"Board" means the Virginia Board of Historic Resources.

"Contextualize" means the use of facts derived from sources that can be cited to explain the circumstances, influences, and conditions that existed at the time a war memorial or monument was erected, and which resulted in its erection.

"Marker" means a marker, plaque, or signage of any kind that contextualizes or purports to contextualize a monument or memorial. A marker is not a monument or memorial.

"Department" means the Virginia Department of Historic Resources.

"Director" means the Director of the Department.

"Locality's Public Property" means any property owned by a locality, excluding any publicly owned cemetery.

17VAC5-40-20. Applicability.

This chapter shall apply to any locality that proposes to contextualize any monument or memorial pursuant to § 15.2-1812 of the Code of Virginia.

17VAC5-40-30. General Provisions.

- A. After first fulfilling the requirements set forth in § 15.2-1812(B) of the Code of Virginia, any locality proposing to contextualize any monument or memorial shall submit an application to the Department and obtain approval of the application from the Board.
- B. No marker shall be erected or placed on or near a monument or memorial without approval from the Board.
- C. If a marker is erected without having received approval from the Board, then such marker must be removed.
- D. If the Board has approved a marker and a locality subsequently desires to change that marker, then the locality must submit a new application for such change.
- E. Markers shall differ in style and appearance from state historical markers, and shall display, on the face of the markers, prominent notice of the governing body, or its agent, which funded its production and erection. The text of a marker shall adhere to the formatting guidelines as described in the application.
- F. Any marker that is erected shall be the property of the locality.
- G. The locality shall be responsible for covering all expenses associated with producing and installing the marker.
- H. The name of the locality and the year the marker was created shall appear on the marker.

17VAC5-40-40. Marker Approval Application.

- A. Subject to the requirements of this Chapter, a locality may, at its own expense, erect a marker on or near any monument or memorial located within its boundaries.
- B. Prior to erecting such a marker, the locality shall first submit an application to the Department and obtain approval from the Board of such application.

C. The application shall be in such form as prescribed by the Director and shall include the following basic information:

1. Name, address, email address, and phone number of the local government official who will serve as the primary point of contact;
2. Location and description of the monument or memorial for which the marker is proposed;
3. The text of any and all inscriptions that appear on the monument or memorial;
4. A statement indicating when the monument or memorial was erected, who erected it, and who paid for it, if known, accompanied by documents verifying this information;
5. A statement of purpose of the contextualization project and marker;
6. The proposed text for the marker, which shall include the following information:
 - i. A description of the circumstances, influences, and conditions that existed at the time the monument or memorial was erected;
 - ii. An explanation of the documented motivation for the monument or memorial's creation;
 - iii. The parties involved in the process of creating the monument or memorial and what their motivations were; and
 - iv. The parties excluded from the process of creating the monument or memorial.
7. The proposed location for the marker, which location shall (i) be at or close to the monument or memorial being contextualized and (ii) permit the public to safely view the marker.
8. Documentation relevant to the application, including, but not limited to (i) copies of any and all references and sources used to draft the proposed text of the marker and (ii) photographs of the monument or memorial to be contextualized;
9. The expected timetable for erection or placement of the marker; and
10. The design, appearance, and size and height for the proposed marker.

D. The Department shall review the application for completeness and accuracy. The Department, as it deems necessary, may request additional documentation and information from an applicant. The Department may deny an application if it is incomplete or otherwise does not

include all the documentation or information required by the Department. After the Department determines that an application is complete and accurate, the Department will present the application to the Board.

17VAC5-40-50. Issuance of Approval.

A. The Board shall evaluate applications presented by the Department to the Board and determine whether to approve such applications. Approval of an application is in the Board's sole discretion. In evaluating whether to approve an application, the Board may consider, without limitation:

1. Whether the proposed marker contains true and correct text;
2. Whether the proposed text provides a complete and accurate historical context of the monument or memorial;
3. The quality and validity of the documented sources and documented research provided;
4. Whether the proposed design, appearance, and size and height for the marker differs in style and appearance from state historical markers; and,
5. The appropriateness of the proposed location of the marker.

B. The actual text, location, design, appearance, and size and height of a marker, as erected, shall not differ from the text, location, design, appearance, and size and height set forth in the application that has been approved by the Board.

C. The Board shall not consider any application until the Department has determined that such application is complete and accurate and that sufficient documentary evidence has been submitted to establish the authenticity of the proposed text for the project.