

The Corporation of The City of Temiskaming Shores

By-Law No. 2023-140

**Being a By-Law to Adopt a Memorial Bench and Tree Policy
for the City of Temiskaming Shores (Repeals 2020-114)**

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and


Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Administrative Report No. RS-030-2023 at the December 19, 2023 Regular Council meeting, and directed staff to prepare the necessary by-law to adopt a Memorial Bench and Tree Policy for the City of Temiskaming Shores, and to repeal By-law No. 2020-114 as amended, for consideration at the December 19, 2023 Regular Council meeting.


Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council adopts a Memorial Bench and Tree Policy for the City of Temiskaming Shores, identified as Schedule "A", attached hereto and forming part of this by-law.
2. That By-law Number 2020-114 and all amendments thereto are repealed in their entirety upon the coming into effect of this By-law.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 19th day of December, 2023.



Mayor



Clerk



Schedule "A" to

By-law No. 2023-140

**Being a By-Law to Adopt a Memorial Bench and Tree Policy
for the City of Temiskaming Shores**

1. Purpose

The intent of this policy is to provide the public with an opportunity to commemorate or honour family, friends or events within the City of Temiskaming Shores. Such installations are provided at the cost of the individual. Responsibility for maintenance of the items, within specific parameters, is provided by the City as identified in this policy.

2. Policy Objectives

This policy will establish standards and requirements for the donation of memorial items to the City of Temiskaming Shores. Temiskaming Shores Staff will coordinate and maintain the program to ensure that standards and requirements are met (i.e., Recreation Department for parks and greenspaces, and the Clerks Department for cemeteries).

3. Program Overview

The program will allow members of the public to provide a monetary donation to the City for the installation of a bench or tree placed on public municipal property. In exchange, the Donor will be able to leave a plaque on the item with a personalized message.

4. Tree, Bench and Plaque Standards

4.1 Bench Standards

Benches will be 6 feet in width and must fit esthetically within the desired location. When no preference for material type is provided by the Donor, the City will purchase a composite material bench to match existing amenities. Benches will be placed on a concrete pad with sufficient size to ensure the entire bench is properly supported and erosion from public use is minimized. Benches will be secured to the concrete pad with fasteners to ensure they cannot be moved without using tools.

Benches are to remain free of décor or additional commemoration beyond a plaque of no more than 4 inches tall by 12 inches wide, placed on the back rest. Nothing herein shall prevent the immediate removal of any item

deemed by staff to constitute an immediate safety concern, or not in compliance with this Policy.

4.2 Tree Species, Height, Planting

All trees must be a minimum of 5 feet in height when planted as part of this program. The City will have final say on the species and cultivar of tree selected by the Donor, with preference for species which are rated for hardiness zone 3a, and that are not surface rooting for those planted in City cemeteries.

All tree planting will be completed by an outside contractor to ensure the correct planting technique is used, and to provide the tree the best opportunity to thrive. Trees will be replaced within the first two (2) years if the tree is not established.

Trees are to remain free of décor or additional commemoration beyond a plaque of no more than 6 inches tall by 6 inches wide, placed on a stand-alone display to the City's specifications. Nothing herein shall prevent the immediate removal of any item deemed by staff to constitute an immediate safety concern, or not in compliance with this Policy.

Any trees that become by means of their roots or branches or in any other way, detrimental to cemetery lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the City may remove such trees, or parts thereof. The City will attempt to contact the original Donor, using the contact information on the application form.

4.3 Plaques

All plaque messages will contain no obscenities or other messages determined to be offensive. The City will have final approval of all plaque messages. Plaques are the responsibility of the purchaser to replace in the event they are damaged, lost, stolen etc. If the City determines that a plaque is in need of replacement, it will attempt to contact the original Donor to arrange for a replacement.

5. Location Selection and Approval

5.1 General Location Availability

Only City-owned parks, greenspaces and cemeteries within the boundaries of the City of Temiskaming Shores will be available for the placement of memorial trees and benches. Not all locations may be suitable for donated benches and trees. Staff will work with the Donor to determine the best location for the tree or bench, dependent on the type selected. Locations not available include private property, sidewalks, vacant land, inside buildings, in waterways and any other area that the City deems as inappropriate. The City reserves the right to restrict certain locations from availability within the program for any amount of time.

5.2 Location Selection Process

Every effort will be made to accommodate the Donor's choice of location. A Donor intending on installing a bench or a tree in a City-owned cemetery, may select a location along the roadway, or another location within the cemetery if approved by City staff. Trees and Benches under this program, are not permitted to be installed on a cemetery plot, or in a location that impedes access to a cemetery plot. The Donor will provide a requested site for the item, and it will then be reviewed by City staff to determine suitability. If the site is found to be unacceptable, the process will be repeated.

The Donor will initial the agreed upon site in their application.

5.3 City Veto / Moving

The City will have complete and final say on all location selections for memorial trees and benches. The City reserves the right to re-locate any memorial item if deemed necessary for any purpose. In all cases where a memorial item is to be moved, the City will attempt to contact the original Donor of the item to agree upon a new location for the item. If the original Donor cannot be contacted or a new location cannot be agreed upon, the City will decide on a new location.

6. Appeals

In the event that any decision or process regarding the memorial tree or bench program is in dispute between a Donor and the City. The Donor will bring their concern, in writing, to the City Manager for resolution.

7. Intake Period

There will be one intake period per calendar year for applications to the program. The application period will be from January 1st until April 15th of each year with all installations to take place by September 30th of the same year. Any applications received after April 15th will be included in the application intake period of the following year.

8. Costs

8.1 Benches

The cost for a memorial bench will be set at \$2,000 which includes the bench, plaque, engraving, shipping, installation and any applicable taxes. The full cost must be paid by the Donor before the item is ordered.

8.2 Trees

The cost for a memorial tree will be set at \$500 which includes the tree, plaque, engraving, shipping, installation and any applicable taxes. The full cost must be paid by the Donor before the item is ordered.


9. City Responsibilities

The City reserves the right to determine the level of general care for all memorial items depending on budget and staff availability. General care is defined as the mowing, raking, pruning and general cleaning of the grounds around benches and trees and the items themselves, as determined by the City.

The City distinctly disclaims all responsibility for loss or damage from causes beyond reasonable control and especially from damage caused by the elements, and Acts of God, thieves, vandals, riots, or order of any military or civil authority, whether the damage is direct or collateral, other than as herein provided. If a bench is damaged or destroyed, the donator has the option to repair and/or

purchase a new bench. The City reserves the right to remove the bench/tree once the bench has reached the end of its life; i.e., its condition is deemed unsafe and/or unsightly or for operational needs as may be required.

Appendix 1 - Memorial Bench & Tree Program Application Form

Memorial Bench & Tree Program Application Form	
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Donor Name:			
Donor Address:			
Donor E-mail:			
Donor Phone Number:			
Memorial Item Purchased:	<input type="checkbox"/> Bench <input type="checkbox"/> Tree, Preferred Species: _____		
Preferred Location (Park / Greenspace / Cemetery):	Initial		
	Donor	City	
Plaque Wording: Recommend no more than 160 characters. You must include spaces and punctuations as part of the allowed characters. Wording will be centre on the plaque and the layout will be at the City's discretion. Tree Plaques are up to 6" x 6" in size, and Bench Plaques are up to 4" x 12" in size. Sample Wording: "In Loving Memory of", or "In Tribute To", or "To Commemorate."			

By signing this application, the Donor agrees to all conditions within By-law 2023-140, as amended, including the following conditions:

1. The City distinctly disclaims all responsibility for loss or damage from causes beyond reasonable control and especially from damage caused by the elements, and Acts of God, thieves, vandals, riots, or order of any military or civil authority, whether the damage is direct or collateral, other than as herein provided. If a bench is damaged or destroyed, the donator has the option to repair and/or

purchase a new bench. The City reserves the right to remove the bench/tree once the bench has reached the end of its life; i.e., its condition is deemed unsafe and/or unsightly or for operational needs as may be required.

2. The City reserves the right to re-locate the memorial item if deemed necessary.
3. The City reserves the right to determine the level of general care for all memorial items depending on budget and staff availability. General care is defined as the mowing, raking, pruning and general cleaning of the grounds around benches and trees and the items themselves, as determined by the City.
4. Messages on benches and plaques will contain no obscenities and must meet the approval of City Staff. Memorial items are to remain free of décor and/or any additional materials, plaques etc. Nothing herein shall prevent the immediate removal of any item deemed by staff to constitute an immediate safety concern, or not in compliance with this Policy.

Acknowledged and signed by the Donor and The City of Temiskaming Shores this _____ day of _____, 20__.

Donor Signature

City of Temiskaming Shores
Signing Authority

Name (Printed)

Name (Printed)

Notice with respect to collection of personal information: Personal information collected on this application form is collected under the authority of the Municipal Act, 2001 and will be used for processing the application and for administrative purposes. Questions about the collection and use of this information in accordance with the Municipal Freedom of Information and Protection of Privacy Act may be made to the Municipal Clerk, P.O. Box 2050, 325 Farr Drive, Haileybury, ON P0J 1K0; by phone: (705) 672-3363 ext. 4136; or by email: clerk@temiskamingshores.ca