



THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

By-law 09-2025

Being a By-law to adopt the Commemorative Tree and Bench Policy

WHEREAS by Section 5(3) of the *Municipal Act, S.O. 2001, c.25, as amended*, provides that powers of every Council are to be exercised by By-law unless specifically authorized to do otherwise; and

WHEREAS the Council of the Corporation of the Municipality of Arran-Elderslie considers it appropriate and proper to adopt the Commemorative Tree and Bench Policy; and

WHEREAS Council passed Resolution 11-01-2025 adopting the Commemorative Tree and Bench Policy.

NOW THEREFORE the Council of the Corporation of the Municipality of Arran-Elderslie enacts as follows:

1. That the Commemorative Tree and Bench Policy, attached here to as Schedule "A", is hereby adopted.
2. That Schedule "A" forms part of this by-law.
3. That this By-law shall come into force and take effect upon receiving the final passing thereof.

Read a first and second time this 27th day of January, 2025.

Read a third time and finally passed this 27th day of January, 2025.

Mayor – Steve Hammell

Clerk – Christine Fraser-McDonald

Policy

Section: 1.0 Administration

Policy: Commemorative Tree and Bench Policy

Policy By-Law: 09-2025

Date: January 27, 2025

Revision:

Coverage:

The policy outlines the Municipality's responsibilities and process for evaluating applications for dedications, as well as the installation and maintenance of commemorative trees, benches, and their associated plaques in parks, along trails and in open spaces owned by the Municipality. It does not apply to lands leased to others for whatever purpose or lands leased from others for park purposes.

Policy Statement:

The Corporation of the Municipality of Arran-Elderslie recognizes that residents often wish to dedicate items within the Municipality's green spaces in commemoration and celebration of cherished moments, events and people. For this reason, the Municipality has established the following policy. The policy provides an opportunity for commemoration by permitting, subject to certain specific conditions, the donation of a tree or park bench in conjunction with dedication plaque.

The purpose of the Commemorative Tree and Bench Policy is to outline the process and parameters for the dedication of trees and benches with commemorative plaques in the Municipality of Arran-Elderslie.

Legislative Authority:

The Municipal Act, 2001, 5.0.2001, c.25

Contents:

1.0 Definitions

1. Donation refers to the participation in the Tree and Bench Commemorative Policy through the gifting of funds to the Municipality for the installation of a commemorative tree or bench dedication.

2. Plaque refers to a plate of metal that would be attached to a bench or installed adjacent to a commemorative tree planting, bearing commemorative text.

2.0 Responsibilities

The Municipality shall:

1. Oversee all matters related to purchase, installation and maintenance of commemorative trees and benches and plaques.
2. Maintain a list of suitable locations for tree and bench dedications, as well as suitable tree species.
3. Repair or replace damaged plaques on benches or trees in accordance with the section below on maintenance.
4. Review, approve, and oversee the application process.
5. Respond to reported damage of a plaque on a bench or tree and coordinate necessary repairs or replacement subject to the discretion of the Municipality. See section below on maintenance.
6. Maintain the minimum donation amount (annually) through Fees and Charges By-law.
7. Maintain a record of dedications and maintain a list of all tree and bench dedication locations.

3.0 General

3.1. Plaques and Wording

1. Subject to the other provisions of this policy, plaques for benches and trees may be donated by individuals, organizations, or corporations with requested wording for plaques subject to review and acceptance by the Municipality.
2. Approximate size of plaques will be 12 x 20 cm (5 x 8 inches).
3. The lettering on the plaques must be: Sans Serif font; Mixed case – not all capitals; and High tonal contrast with background of plaque.
4. The wording on plaques shall be generally a maximum of five lines of text, and approximately 35 characters per line, including spaces, subject to approval by the Municipality
5. In general, wording will not be permitted if it:
 - Would bring the image of the Municipality in disrepute;
 - Uses profane, vulgar or sexually suggestive language as determined by the Clerk in their sole and unfettered discretion;
 - Mentions, whether expressly or by reasonable inference, tobacco, alcohol, cannabis or any controlled substances, or the use of tobacco, alcohol, cannabis or any controlled substances;
 - Indicates political affiliation;
 - Would be considered discriminatory, derogatory or offensive based on one of the protected grounds as set out in the Human Rights Code or other similar grounds;
 - Represents a proprietary brand or is any kind of marketing or form of promotion;
6. A commemorative plaque can be removed by the Municipality at any time if it is deemed to have contravened item 5.

3.2. Trees

1. New tree plantings may only occur at locations approved by staff.
2. Trees must be a variety which is contained on the list of species approved by the Municipality.
3. Donations may be made for the Municipality's purchase of trees with or without dedication plaques. Applicants donating funds for a tree dedication will receive a certificate from the

Municipality recognizing the donation.

4. Dedication plaques will be fixed to a metal stake in the ground and located adjacent to the tree.

3.3. Bench

1. New bench installations may only occur at locations approved by the staff.
2. Donations may be made for the Municipality's purchase of benches with or without dedication plaques. Applicants donating funds for a bench dedication will receive a certificate from the Municipality recognizing the donation.
3. Plaques will be fixed to the backrest of a park bench.
4. Commemorative benches will be installed on a poured concrete base.
5. Bench size and style will be determined by the Municipality on an annual basis. Donors may be offered a choice of colours if available.
6. Benches may be removed seasonally for snow removal and maintenance.

3.4. Installation Timing and Capacity

1. Trees will be planted in the spring of each year. Applications received after May 1st will be planted/installed in the following year.
2. Benches will be installed in the summer. Applications received after June 1st may be installed the following year.
3. The Facilities, Parks, and Recreation Department and Public Works Department will plan to accommodate a maximum number of installations each season based on staffing resources. Applications will be reviewed on a first come first serve basis.
4. The Municipality reserves the right to pause applications should it be determined that there are no available locations for commemorative dedications or if there is a backlog of tree/bench dedication installations.

3.5. Location Considerations

1. Priority location(s) for the installation of new trees and bench dedications will be considered annually where staff deem a significant need exists to ensure efficient delivery of the policy while limiting unwarranted future maintenance and replacement costs.
2. The Municipality will update lists of the available tree planting locations.
3. The Municipality may consider requests from applicants for alternative or non-priority locations for the installation of new tree and bench dedications. Approval of these requests will be at the discretion of the Municipality to ensure the proposed locations are appropriate. The approval of alternative locations may be subject to additional fees to cover the additional staffing time to coordinate, install and water alternative locations.
4. Locations for tree plantings and bench installations must not interfere with active sport facilities, design parameters intended to reduce crime, affect the growth habit of existing trees, or interfere with maintenance operations and installation schedules.

3.6. Costs

1. Minimum Donation amounts for the Municipality's purchase of trees/benches and other costs related to plaques and pedestals will be established annually through the Municipality's Fees and Charges By-law.
2. The Minimum Donation amounts for this policy will be structured to reflect full cost recovery, where possible, and the additional staff time required to plant, install and maintain benches and trees.
3. All purchasing and installation shall be completed by the Municipality. Due to concerns associated with risk management, maintaining quality and safety of product and installation,

and in the case of trees the potential for disease and infestation, substitution by other providers, contractors, or do-it-yourself work shall not be permitted.

4.0 Maintenance

1. All items installed under this policy become the property of the Municipality and are subject to the maintenance and warranty provisions of this section. It shall be the responsibility of the Municipality to maintain the facilities supplied under this policy.
2. Cremains, memorial wreaths, flowers, or any other items in the vicinity of any tree or bench is prohibited and any such items will be removed.
3. All trees, and benches that have been installed as part of the Municipality's Tree and Bench Commemorative Policy will be subject to manufacture/supplier warranties. If during the warranty period a tree, or bench fails or is the subject of vandalism or damage, the Municipality shall replace and/or relocate any trees or benches at no cost to the donor. The Municipality may choose to replant trees or relocate benches to an alternative location to avoid future vandalism or damage. Plaques will not be covered by warranty and may be replaced at the applicant's expense.
4. Commemoration will be observed for a minimum of 10 years. After this time, Municipality staff shall make every effort to contact the donor who may then apply to have the bench or plaque replaced at cost.
5. Should circumstances arise, such as safety concerns or park redevelopment, that require a dedicated tree or bench to be removed by the Municipality, then staff shall make every effort to contact the donor and relocate or replant a tree or bench at an alternative location.

6.0 Future Commemorative Opportunities

This policy does not preclude the potential for the Municipality to develop additional commemorative opportunities. For example, a monument wall or art piece for the purposes of accommodating multiple dedication plaques at landmark locations.

7.0 Donation and Receipts for Income Tax Purposes

1. Donations received by the Municipality to purchase and install trees and benches on Municipality-owned property may be eligible for Official Donation Receipts for Income Tax Purposes ("Donation Receipts") to be issued to the individual providing the donation, in the year the donation was received and subject to the Canada Revenue Agency guidelines.
2. Donation Receipts will be in the amount of the donation received less the cost of the plaque and pedestal (collectively called the "Advantage" on the Donation Receipt), unless this cost is nominal (less than \$75 or as listed by the Canada Revenue Agency)
3. If the Advantage exceeds 80% (or a different amount prescribed by the Canada Revenue Agency) of the donation amount, no Donation Receipt will be issued.
4. Donations will be allocated directly to the Dedications Reserve.