

**THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS**

**BY-LAW NO. 2017-68**

**A BY-LAW to adopt Policy No. 3-20 – a Memorial Bench Policy.**

**WHEREAS** *the Municipal Act, 2001*, as amended, states that a municipality and a local board shall adopt policies with respect to certain matters;

**AND WHEREAS** Council of the Municipality of South Dundas deems it appropriate to allow benches and/or plaques on its property.

**NOW THEREFORE** the Council of the Corporation of the Municipality of South Dundas enacts as follows:

1. That Policy No. 3-20 – a Memorial Bench Policy be approved in accordance with Schedule "A" as attached to this By-law.
2. That this By-law shall come into force and effect on the date of passing.

**READ** and passed in Open Council, signed and sealed this 22<sup>nd</sup> day of August, 2017.

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**MAYOR**

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**CLERK**

**Schedule "A"**  
**to By-Law No. 2017-68**

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| <b>POLICY MANUAL</b>                    | <b>Policy No. 3-20</b>                 |
| <b>For Municipality of South Dundas</b> | <b>Effective Date: August 22, 2017</b> |
| <b>Subject: Memorial Bench</b>          | <b>Department: All Departments</b>     |

**Policy Statement:**

The Corporation of the Municipality of South Dundas recognizes that South Dundas citizens may wish to dedicate a bench and/or plaque in a municipal green space or facility in memory of a loved one. For this reason, the Municipality has established the following policy. The policy provides an opportunity for remembrance by permitting, subject to certain specific conditions, the donation of a memorial bench and plaque, or a memorial plaque on an existing bench.

**Purpose:**

The purpose of the policy is to allow for the provision of memorial benches and memorial plaques, or memorial plaques on an existing bench, in remembrance of a loved one. Such installations are provided at the cost of the individual purchasing the commemorative item(s). Responsibility of the item(s), within specific parameters, is provided by the policy.

**1. Dedication**

1.1 Subject to the other provisions of this policy, memorial benches and plaques, or memorial plaques may be purchased by individuals, organizations, or corporations for the following:

- South Dundas residents in memory of a loved one;
- Past South Dundas residents who are deceased;
- Persons who are deceased and were non-residents, but who have made a significant contribution to public service, charitable works, or volunteering in South Dundas; and,
- Past South Dundas residents or non-residents who are deceased and have performed a heroic act in the service of others in South Dundas.

- 1.2 The Municipality reserves the right to refuse any application in memory of a publicly controversial individual; a controversial historical leader; a loved one that is not deceased; an animal or pet; a fictional character. If circumstances arise that require a donated item to be removed, the Director of Recreation & Facilities will make every effort to contact the donor to advise them.
- 1.3 The wording on plaques shall always be subject to approval by the Director of Recreation and Facilities or designate. In general, wording will not be permitted if it:
- Would bring the image of the Municipality in disrepute;
  - Mentions tobacco, alcohol, or controlled substances;
  - Indicated political affiliations;
  - Would be considered discriminatory, derogatory, or offensive according to race, gender, ethnicity, sexual orientation, religion or similar factors; and,
  - Represents a proprietary brand.

## **2. Inventory**

- 2.1 The Municipality of South Dundas reserves the right to sell memorial benches and plaques, or a memorial plaque on an existing bench on a first come, first served basis to those submitting a complete application by the specified due date, and to limit the number of memorial benches and plaques, or memorial plaque on an existing bench purchased in a calendar year to five benches. The Director of Recreation and Facilities shall determine the style of bench and /or plaque to be installed. The following factors will be considered in approval of sites:
- Current inventory of installed benches requiring dedication;
  - Current density of benches in the area;
  - Access for pedestrian and bicycle movement around the bench;
  - Access for equipment and personnel to install the bench; and,
  - Other site considerations (i.e. Slope of ground, potential flooding for area, etc.).
- 2.2 To maintain a fund for the future replacement of benches, notwithstanding the fact that the proposed plaque may be installed at an existing bench, the donor will be required to contribute the cost of a bench at the time of purchase of the plaque.
- 2.3 Staff will maintain a list of available benches without dedication plaques and/or a list of locations in need of a bench.

- 2.4 Bench model(s) and plaque designs will be determined by the Director of Recreation and Facilities.
- 2.5 The Municipality reserves the right to relocate a memorial bench and/or plaque in the eventuality that such a move is necessary (i.e. Bench is subject to recurrent vandalism, the park is scheduled for re-development or servicing upgrades, etc.).

### **3. Costs**

- 3.1 The donor shall pay the full costs of the purchase, supply, delivery, and installation of the bench and/or plaque, and where required, a hard surface for the bench.
- 3.2 Due to concerns for risk management, maintaining quality and safety of product installation, substitution of other providers, contractors, or do-it-yourself work shall not be permitted.
- 3.3 The Municipality may consider contributing funds or an in-kind donation only when a memorial bench and/or plaque is for a broad community purpose that has affected the entire community.

### **4. Duration of Contract**

- 4.1 Memorial benches and/or plaque contract will be in place for a ten (10) year term from the date of installation.
- 4.2 Once the end of the ten (10) year term is reached, the purchaser will have an opportunity to renew within two weeks of the term expiry. Purchaser will be contacted at the end of term through contact information provided on initial application form to see if they would like to renew term before opening to the public. It is up to the purchaser to provide the Municipality with any changes to contact information. If the purchaser cannot be contacted or chooses not to renew, the bench will become available for a new dedication.
- 4.3 Plaque will be returned to the purchaser at the expiry of the term, if requested.

### **5. Maintenance**

- 5.1 The upkeep and maintenance of the memorial bench and plaques is the responsibility of the Municipality.

5.2 It is noted that from time to time issues of vandalism may occur. Should a case of vandalism occur, the item(s) will be removed. Municipal staff will suggest a location alternative to address the vandalism issue.

## **6. Restrictions**

6.1 The placement of any mementoes (i.e. Wreaths, flowers, vases, statues, etc.) near the memorial bench is not permitted.

## **7. Responsibilities**

7.1 The Director of Recreation & Facilities shall:

- Approve the precise location of the installation of benches and/or plaques; and,
- Oversee the scheduling, supply, delivery, and installation of items

7.2 The Director of Recreation & Facilities shall oversee the application process. Applications may be made in person at the South Dundas Municipal Centre during regular business hours, or online.

7.3 Applications and a list of available locations will be available. The Director shall maintain the fee schedule, as well as record of benches and/or plaques purchased and their location. Any changes to fees will be approved by Council.

## **8. Reporting to Council**

8.1 Staff may report to Council from time to time and seek direction on matters related to this policy involving:

- Policy updates;
- Fees;
- Resolution of disputes;
- Financial implications; and,
- Other matters as deemed appropriate.