The Corporation of the Town of South Bruce Peninsula

By-Law Number 85-2017

Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Bench and Tree Program)

Whereas Section 8 of the Municipal Act, 2001, c.25, as amended, provides that 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 Section 11 of the Municipal Act, 2001, c.25, as amended, authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;

And whereas Section 270 (1) 5 of the Municipal Act, 2011, c.25, as amended authorizes the municipality to adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

And whereas the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by renaming and making amendment to the Bench Program policy.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

1) That a policy PW.12.2 Bench Program is hereby renamed PW.12.2 Bench and Tree Program.

2) That the policy shall be amended as attached hereto and shall be included in the Municipal Policy Manual.

3) That all by-laws and polices inconsistent with this by-law are hereby repealed.

4) That this by-law shall come into full force and effect upon the final passing thereof.

Read a first and second time this 19th day of September, 2017.

[Signatures]

Mayor

Clerk
Read a third time and finally passed this 19th day of September, 2017.

Mayor

Clerk
Bench and Tree Program

Purpose:

To provide direction to municipal staff, residents, visitors, organizations, service clubs, boards and committees in the Town of South Bruce Peninsula wishing to donate and/or place benches and/or trees in municipal parks, recreation facilities, cemeteries or on other municipal properties.

Policy:

1. Definitions

1.1 Council means the persons elected to serve as Council for the Town of South Bruce Peninsula.

1.2 Donor means the person, organization, resident, visitor, service club, Board, Committee, corporation or other such individual or body who is giving to the Town without receipt of compensation from the Town.

1.3 Municipal Heritage Committee means those persons as a body appointed by by-law to serve the Town under a Terms of Reference approved by Council.

1.4 Staff shall mean employees of the Town of South Bruce Peninsula and particularly those employees who are charged with the task of implementing the Bench and Tree Program.

1.5 Town shall mean the Town of South Bruce Peninsula and shall mean and include staff.

2. Memorial Benches

2.1 Donors who wish to donate a memorial bench should first contact staff regarding the location of where they would like the bench to be placed. Staff will work with the Donor to determine the most appropriate location for the bench. Consideration will be given to the current number of benches within the proposed vicinity and overall usage that the bench may receive.

2.2 The Donor then contacts the current bench supplier, as approved by the Town, and arranges to purchase a bench. The Donor arranges payment directly with the supplier.
2.3 The supplier coordinates with staff to ensure that the bench is of the same style that is currently within Town properties. The supplier and staff also work together to place the bench in the location approved by the Town.

2.4 The Donor arranges to have a plaque made and provides the plaque to staff to be installed on the bench.

2.5 Maintenance and care of the benches will be performed by staff. No responsibility will be taken by the Town for fading of the bench as a result of regular bench use.

2.6 Staff reserves the right to remove and/or relocate benches when they interfere with site safety, maintenance or construction activities or for other reasons felt to be justifiable by the Town in their sole discretion. If the Donor information is current, staff will notify the Donor of any action that needs to be taken. In certain situations, such as safety or emergency situations, the notification may be made after the action is taken.

3. Heritage Stone Benches

3.1 When the Municipal Heritage Committee wishes to place a heritage stone bench they should first contact staff regarding the location of where they would like the bench to be placed.

3.2 The Municipal Heritage Committee then contacts the bench supplier, to be named following the initial tender process, and arranges to purchase a bench.

3.3 The supplier coordinates with staff and the Municipal Heritage Committee to ensure that the stone bench is of the same style that is currently within the Town's heritage locations. The supplier and staff also work together to place the bench in the location the Heritage Committee requested.

3.4 Each bench shall include the logo for the Town of South Bruce Peninsula, an approved 90 word (maximum) description of the history of the community, and the text shall be engraved on the seatback of the bench.

3.5 Maintenance and care of the benches will be performed by staff.

3.6 Staff reserves the right to remove and/or relocate benches when they interfere with site safety, maintenance or construction activities or for other reasons felt to be justifiable by the Town in their sole discretion.
4. **Community Improvement Plan Area Benches**

4.1 The design for benches proposed for locations within the Community Improvement Plan Areas (Allenford, Hepworth, Sauble Beach and Wiarton) shall follow the guidelines of the Town’s Community Design Toolkit.

4.2 Benches placed within the Community Improvement Plan Areas will be placed in such locations as deemed appropriate by staff and may be moved or removed for reasons felt to be justifiable by the Town in their sole discretion.

5. **Memorial Trees**

5.1 Donors who wish to donate a memorial tree should first contact staff regarding the location of where they would like the tree to be placed. Staff will work with the Donor to determine the most appropriate location for the tree. Consideration will be given to the type of tree, the care and maintenance required, the growth area required, other trees/plants/uses in the area, the size of the tree, the type of memorial plaque to be erected with the tree and any other factor deemed appropriate for the placement of a tree.

5.2 The Donor then contacts a supplier and arranges to purchase a tree. The Donor arranges payment directly with the supplier. Trees which are not supplied by an approved nursery will not be accepted by the Town.

5.3 The supplier coordinates with staff to plant the tree in the location approved by the Town. Costs for planting the tree will be borne solely by the Donor.

5.4 The Donor arranges to have a plaque made and provides the plaque to staff to be installed at the base of the tree. The plaque should be no larger than 12 inches x 12 inches (12” x 12”). Staff must approve the plaque wording, colour, fastening/display method and material prior to it being produced.

5.5 Maintenance and care of the tree and plaque will be performed by staff. No responsibility will be taken by the Town for damage to the plaque or loss of the plaque should it be removed for any reason by any person. The Town will not replace any plaque so damaged or removed except where a replacement has been provided by the Donor, at the sole expense to the Donor. Any replacement plaque is subject to the provisions contained in this policy.

5.6 Staff reserves the right to remove the tree from its location for any reason whatsoever including but not being limited to disease, age, damage or safety.
concerns. The plaque will be removed when the tree is removed. If the Donor information is current, staff will notify the Donor of any action that needs to be taken and to return the plaque. In certain situations, such as safety or emergency situations, the notification may be made after the action is taken.

6. **General**

6.1 Benches and trees will not be approved for location on property which is not owned by the Town.

6.2 Benches and trees will not be approved in any location or area where staff cannot easily have access with equipment.

6.3 Benches and trees may be approved for location on unopened road allowances with the express permission by resolution of Council. Access for equipment must be available for any such request.

6.4 Benches placed by the Municipal Heritage Committee may require Council authorization and are subject to Council budget approval.

6.5 With the exception of Sections 6.3 and 6.4, staff will be the sole approval authority for benches and trees under this program.

6.6 Donors would be solely responsible for ensuring that their contact information is kept current and is supplied to the Town.

6.7 Any maintenance as described in this policy will be undertaken by the Town in accordance with the generally acceptable maintenance practices employed by the Town.

6.8 Where any staff resources are required for the placement of benches and/or the planting of trees, the Donor will pay the price for said resources as approved in the Town Fee By-Law. Resources may include but not be limited to trucks, floats, trailers, backhoes, etc.