



# Town of Whitby Policy

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<b>Policy Title:</b>	Commemorative Tree and Bench Policy
<b>Policy Number:</b>	MS 260
<b>Reference:</b>	Council Resolution #XX-24
<b>Date Approved:</b>	March 4, 2024
<b>Date Revised:</b>	Replaced MS 260 Tree and Bench Dedication Commemorative Program and Policy
<b>Approval:</b>	Council
<b>Point of Contact:</b>	<b>Community Services</b>

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## Policy Statement

The Corporation of the Town of Whitby (hereafter the “Town”) recognizes that Whitby citizens often wish to dedicate items within the Town’s green spaces in commemoration and celebration of cherished moments, events and people. For this reason, the Town 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.

## Purpose

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 Town of Whitby.

## Scope

The policy outlines the Town’s departmental 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 and along trails in open spaces owned by the Town. It does not apply to lands leased to others for whatever purpose or lands leased from others for park purposes.

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## 1. Definitions

- 1.1. **Donation** refers to the participation in the Tree and Bench Commemorative Program through the gifting of funds to the Town for the installation of a commemorative tree or bench dedication.
- 1.2. **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. Responsibilities

### 2.1. The Parks Operations Division shall:

- 2.1.1 Provide inspection of tree and bench plaques from a hazard perspective as needed.
- 2.1.2 Consult with the Supervisor of Parks Development or delegate, as required on matters related to installation and maintenance.
- 2.1.3 Advise on suitable locations for tree and bench dedications, as well as suitable species.
- 2.1.4 Oversee the supply, delivery and installation of trees and benches.
- 2.1.5 Oversee the installation of plaques on benches or trees.
- 2.1.6 Repair or replace damaged plaques on benches or trees in accordance with the section below on maintenance.

### 2.2 The Parks Planning and Development Division shall:

- 2.2.1 Review, approve, and oversee the application process.

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- 2.2.2 Respond to reported damage of a plaque on a bench or tree and coordinate necessary repairs or replacement subject to the discretion of the Supervisor of Parks Development. See section below on maintenance.
- 2.2.3 Consult with the Manager of Parks Operations or delegate as required, in order to determine suitable locations for tree and bench dedications, as well as suitable tree species to be used for dedications.
- 2.2.4 Oversee the supply and delivery of plaques on benches and trees.
- 2.2.5 Maintain the fee schedule (annually).
- 2.2.6 Maintain a record of dedications.
- 2.2.7 Provide a map with pre-determined planting locations for each season (confirmed by Parks Operations).
- 2.2.8 Provide and maintain a list of suitable tree species to be used for dedications.
- 2.2.9 Provide and maintain an inventory map of all tree and bench dedication locations (confirmed by Parks Operations).

### **3. General**

#### 3.1. Plaques and Wording

- 3.1.1 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 Supervisor of Parks Development, or delegate.
- 3.1.2 Approximate size of plaques will be 10 x 20 cm (4 x 8 inches).
- 3.1.3 The lettering on the plaques must be:
  - Sans Serif font;
  - Mixed case – not all capitals; and
  - High tonal contrast with background of plaque.
- 3.1.4 The wording on plaques shall be generally a maximum of seven lines of text, and approximately 35 characters per line, including spaces, subject to the approval of the Supervisor of Parks Development or delegate.
- 3.1.5 In general, wording will not be permitted if it:
  - Would bring the image of the Town in disrepute;

- Uses profane, vulgar or sexually suggestive language as determined by the Supervisor of Parks Development 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; and

### 3.2. Trees

- 3.2.1 New tree plantings may only occur at locations approved by staff.
- 3.2.2 Any new tree plantings must be of a species of tree which is contained on the list of approved species, as approved by the Town from time to time.
- 3.2.3 Existing trees that are not currently dedicated will be considered for dedication at the request of applicants subject to a review by the Supervisor of Parks Development or delegate and the feasibility of installing a plaque without injuring the tree.
- 3.2.4 Donations may be made for the Town's purchase of trees with or without dedication plaques. Applicants donating funds for a tree dedication will receive a certificate from the Town recognizing the donation.
- 3.2.5 Plaques will be fixed to a concrete pedestal located adjacent to the tree.

### 3.3. Bench

- 3.3.1 New bench installations may only occur at locations approved by the staff.
- 3.3.2 Existing benches that are not currently dedicated will be considered for dedication subject to a review by the Supervisor of Parks Development or delegate.
- 3.3.3 Donations may be made for the Town's purchase of benches with or without dedication plaques. Applicants donating funds for a bench

dedication will receive a certificate from the Town recognizing the donation.

3.3.4 Plaques will be fixed to the backrest of a park bench.

### 3.4. Installation Timing and Capacity

3.4.1. Trees, benches and plaques will be planted and installed in the spring and fall of each year.

3.4.2. Applications received from September 1 – March 31 will be installed in the spring.

3.4.3. Applications received from April 1 – August 31 will be installed in the fall.

3.4.4. The Parks Planning and Development and Parks Operations division 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. Should the number of applications exceed staff capacity for a given season, then applications may be deferred to then next installation season.

3.4.5. The Town 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

3.5.1 Priority location(s) for the installation of new trees and bench dedications will be predetermined seasonally where staff deem a significant need exists in order to ensure efficient delivery of the program while limiting unwarranted future maintenance and replacement costs.

3.5.2 The Town will update online mapping (seasonally), to inform applicants of the predetermined tree planting locations.

3.5.3 The Town 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 Supervisor of Parks Development or delegate, in consultation with the Manager of Parks Operations to ensure the proposed locations are appropriate. The approval of alternative locations will be subject to additional fees to cover the additional staffing time to coordinate, install and water alternative locations.

- 3.5.4 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.
- 3.5.5 An online mapping tool will be available for viewing the location of tree and bench dedications.

### 3.6. Costs

- 3.6.1 Minimum Donation amounts for the Town's purchase of trees/benches and other costs related to plaques and pedestals will be established annually through the Town's Fees and Charges by-law, subject to Council approval.
- 3.6.2 The Minimum Donation amounts for this program will be structured to reflect full cost recovery, where possible, and the additional staff time required to plan and install benches and trees in non-priority locations.
- 3.6.3 All installations shall be completed by the Town. 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.

### 3.7 Maintenance

- 3.7.1 All items installed under this procedure become the property of the Town and are subject to the maintenance and warranty provisions of this section. It shall be the responsibility of the Town to maintain the facilities supplied under this procedure.
- 3.7.2 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.
- 3.7.3 All trees, benches and plaques that have been installed as part of the Town's Tree and Bench Commemorative Program will be warranted for a period of ten years from the date of installation. If during the warranty period a tree, bench, or plaque fails or is the subject of vandalism or damage, the Town shall replace and/or relocate any trees, benches and/or plaques at no cost to the donor. The Town may choose to replant trees or relocate benches to an alternative location to avoid future vandalism or damage.
- 3.7.4 If after ten years from the date of installation a dedication tree, bench or plaque is no longer serviceable, the Town will remove the item. Town staff

shall make every effort to contact the donor who may then apply to have the item replaced at cost.

- 3.7.5 Should circumstances arise, such as safety concerns or park redevelopment, that require a dedicated tree or bench to be removed by the Town, then staff shall make every effort to contact the donor and relocate or replant a tree or bench at an alternative location.

#### **4. Future Commemorative Opportunities**

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

#### **5. Donation and Receipts for Income Tax Purposes**

- 5.1. Donations received by the Town to purchase and install trees and benches on Town-owned property will be eligible for Official Donation Receipts for Income Tax Purposes (“**Donation Receipts**”) to be issued to the person providing the donation, in the year the donation was received.
- 5.2. Donations 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).
- 5.3. 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.
- 5.4. Donations received (for the Town to purchase trees and benches) that are less than the Minimum Donation amounts outlined in the Fees and Charges by-law may be eligible for Donation Receipts outlined in 5.1 but would not be eligible for this program. Such donations will be allocated to directly to the Dedications Reserve.
- 5.5. Donations will be allocated:
- directly to the Dedications Reserve, (a reserve fund that was established in 2011 for the future replacement of trees / benches and is funded from the Commemorative Tree and Bench program donations); or
  - to a capital project for the installation of trees, benches, pedestals (if required), and plaques. Any remaining funding in commemorative tree and bench capital projects, originally funded from donations, will be

transferred to the Dedications Reserve following final payment of all invoices related to the capital project.

## 6. Reporting to Council

6.1. 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.

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**This Policy is hereby approved by Council Resolution #**Resolution Number from Council Meeting Minutes. **on this** Day Number. **day of** Month, **20**Last Two Digits of Year Number.