



Policy Group:	ADMINISTRATION
Policy Title:	COMMEMORATIVE DONATIONS POLICY
Policy Number:	A.32
Date Approved/Amended:	JANUARY 26, 2021

GENERAL STATEMENT OF POLICY

There are those that would like to make a donation of a public improvement in memory of a loved one or just to contribute to a green space in their municipality or a specific project. Guidelines for those donations and information on conditions of acceptance of those donations are required so that information is available to those considering donating a public improvement.

PURPOSE OF POLICY

The purpose of this policy is to establish guidelines, standards and procedures for the installation and care of donated public improvements. These donations may include, but are not limited to, benches, chairs, bicycle racks, picnic tables, waste receptacles and other types of public space accessories including trees and shrubs. This policy does not apply to buildings, land, or naming rights. The Town desires to encourage donations, while at the same time, manage aesthetic impacts and mitigate on-going maintenance costs.

The Town strongly encourages donations that improve the public space ability to meet the varied recreational, social, wellness, and educational needs of users.

Guidelines established by this policy will apply to all donations made after the effective date of this policy. Donations made prior to the adoption of this policy shall be subject to applicable sections of this policy.

GENERAL GUIDELINES

The Town and the community have an interest in ensuring that public space elements that are purchased and installed be of high quality related to style, appearance, durability and ease of maintenance. Town staff will be responsible for coordinating purchases and installations of all public space elements, unless mutual agreement for alternative coordination has been reached.

The Town and the community have an interest in ensuring the best appearance and aesthetic quality of their public facilities. Public space elements should reflect the

character of the space or facility. All public space elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

Maintenance

Donated public space elements will become Town property once installed and/or permanently placed in the mutually agreed upon location. Accordingly, the Town has the duty to provide only routine maintenance and repair of the donation for up to five years post signed donation policy agreement. Within the five-year period, the Town is not obligated to replace the gift or public space improvement if it is stolen, vandalized, worn out, irreparably damaged, destroyed or expires.

Repair

The community has an interest in ensuring that all public space elements remain in good repair. In addition, the community has an interest in ensuring that the short and long-term repair costs are reasonable. Repair parts and materials must be readily available. Donated public space elements must be of high quality to ensure longevity, be resistant to the elements, wear and tear, and acts of vandalism.

Cost

The Town has an interest in ensuring that the donor covers the full-cost for the purchase, installation, and maintenance during the expected life cycle of donated public space elements. The Town also has an interest in ensuring that on-going maintenance costs do not negatively impact the resources available for maintenance of other Town facilities. Consequently, the Town may assess, at the time of purchase, a charge sufficient to cover anticipated on-going maintenance of donated public space elements during their anticipated life cycle.

Procedure for Making Donations

The applicable form (Appendix A) is required to be completed and submitted to the Town Office.

The donation proposed will be reviewed in accordance with guidelines and specific public improvements identified by the town for specific areas. Other donations may be considered upon mutual agreement provided that they are deemed by the town to meet the policy guidelines.

Upon submission and review of the application, the Town will determine whether a donation will be accepted and the conditions of acceptance prior to the actual acceptance of the donation. If a donation is accepted, a Donation Agreement (appendix B) will be completed clearly outlining the conditions of acceptance of the donation.

To accept donation/s of a public space element for a specific facility, the donation must:

- a) meet a true need of the facility;
- b) not interfere with the intended current or future use of the facility; and
- c) not require the relocation of other equipment or infrastructure to accommodate the donation. The Town reserves the right to deem a space and/or facility fully developed and reject the donation.

The Town reserves the right to accept or deny any/all donations.

Below are general donation guidelines. These guidelines are intended to be general in nature and do not serve as formal acceptance criteria.

Donations of public improvements or amenities, which are not on the list of approved amenities (appendix C) will be reviewed by the Town to Town Council acceptance of the donations.

Final approval will be granted by the Town Council for the acceptance of all donations.

Guidelines

All determinations will be based upon, but not limited to, the following guidelines:

1. Flowers, shrubs, bushes
 - a. Donated plants become the exclusive property and maintenance responsibility of the Town.
 - b. Only those plantings that require a maintenance effort consistent with other plantings will be considered.
 - c. Site preparation, installation and site restoration will be the responsibility of the Town.
 - d. Only perennial flowering plants will be permitted and incorporated in existing beds.
 - e. The placement of plants will be based on the variety, color, mature height, size, etc. Compatibility with surrounding areas will be a strong consideration for planted materials and their location.
2. Trees
 - a. Donated trees become the exclusive property and maintenance responsibility of the Town.
 - b. Site preparation, installation, and site restoration will be the responsibility of the Town.
 - c. Tree placement/location will be based upon variety of tree selected, mature height, size, etc. Compatibility with surrounding areas will be a strong consideration for trees and their location.
 - d. Accordingly, the size and species of tree or trees donated shall be limited to those determined by the Town.

3. Signage
 - a. Interpretive signs may be installed at sites that are appropriate for describing the history, geology, environment, and flora and fauna of a particular area. Interpretive signs shall be of a size that is in keeping with the character of the site. Interpretive signs shall be of a design that meets requirements for access to the disabled. Interpretive signs shall be designed in such a manner that is consistent with other interpretive signs on the site. Interpretive signs shall be constructed of materials that are of high quality, vandal resistant, and able to withstand harsh environmental conditions.
 - b. Donation Acknowledgements/Memorial Plaques: Donation acknowledgments will be determined by the Town.
4. Benches, Tables, Chairs, Bicycle Racks, and Other Amenities:
 - a. Donated benches become the exclusive property and maintenance responsibility of the Town.
 - b. Site preparation, installation, and site restoration will be the responsibility of the Town.
 - c. The amenity must be similar to or complement other amenities in the area.
5. Buildings, Structures, and Public Art
 - a. Donated buildings, structures (including playgrounds) and public art are not considered as part of this policy.

Installation

Installation of donated public space elements, including any donor acknowledgement, will be completed by Town personnel, unless mutual agreement for other arrangements has been reached. The installation will be scheduled at a time and date as determined by the Town, so as not to unnecessarily interfere with routine maintenance activities.

Removal/Relocation

The Town reserves the right to remove and/or relocate donated public space elements and their associated signage, when they interfere with site safety, maintenance or construction activities.

Adopted by Council at a Regular Meeting of Council held on January 26, 2021.

Any other Commemorative Donation Policy is hereby repealed.

APPENDIX A



Commemorative Donation Application Form

Contact Information

Name _____

Street Address _____

City/Town _____ Postal Code _____

Telephone (Home) _____ (Cell) _____

E-Mail _____

Donation

Public Improvement/Amenity to be donated _____

Location of Public Improvement/Amenity (please list specific park or area where donation to be located) _____

Other Information _____

I have read the donations policy and agree to the terms and conditions as outlined in the policy.

Applicant Signature _____ Date _____

Please e-mail your form to carbonear@nf.aibn.com. You may also mail the form to P.O. Box 999, Carbonear, NL, A1Y 1A5 or bring to the Town Office at 256 Water Street, Carbonear during office hours (8:30-4:30 Monday to Friday)

For additional information, email the Town of Carbonear at carbonear@nf.aibn.com or phone 709-596-3831.

APPENDIX B

**Agreement Between Town of Carbonear
and [Donors' Name]
for Donation**

THIS AGREEMENT made at Carbonear, in the Province of

Newfoundland and Labrador this day of

, A.D., 202

BETWEEN:

Donor's Name of (Name of Municipality), in the
Province of Newfoundland and Labrador

(hereinafter called "the Donor")

OF THE ONE PART

AND:

TOWN OF CARBONEAR, a Town Council
incorporated under the Municipalities
Act for the Province of Newfoundland
and Labrador

(hereinafter called "the Municipality")

OF THE OTHER PART

WHEREAS the Donor and the Town recognize the importance of public facilities
and amenities;

WHEREAS the Donor has offered to donate (specify item- planting, park amenity,
etc.);

NOW, THEREFORE, the Town of Carbonear and the Donor, for the consideration and
under the described conditions and obligations, hereinafter set forth and agree as
follows:

Section 1. The donation, known as *name of item*, as described below, is donated in its entirety to the Town of Carbonear and to be hereafter owned by the Town of Carbonear and managed by the Town of Carbonear.

Section 2. Description and Location: The item is (describe).
Space or Facility:
Location:
Additional information: (does it have a plaque?)

Section 3. The Town reserves the right to move/remove and/or retire the said donation following cessation of a five-year period. The five-year period shall commence upon the date entered into and indicated above.

Section 4. Maintenance

The Town shall be responsible for maintenance of the item, including any reasonable repairs, and will have the discretion to not replace and/or repair the donation, if it is deemed damaged beyond reasonable repair and/or replacement, suffers repeated vandalism, and/or expires prior to cessation of the five-year period. Maintenance or replacement of the item will be at the Town's sole discretion.

Section 5. Term

The initial term of this agreement shall be five years. Following cessation of the five-year period, the Town may treat the donation, as it would any other Town property similar in nature.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officials:

IN WITNESS whereof the parties have executed this Agreement on the date set forth above.

Mayor or Deputy Mayor

Date

Town Clerk or CAO

Date

APPENDIX C

Approved Public Space Amenities (Examples)

Benches (Heritage Waterfront District)



Benches (Trails)



Chairs



Tables



Waste Receptacles (Heritage Waterfront District)



Waste Receptacles (other parks)



Heritage Waterfront District Recycling Containers

