

TITLE: Memorial Program Policy		PAGE: 1 of 7
EFFECTIVE DATE: March 24, 2020	COUNCIL RESOLUTION: 24-20	

A. PURPOSE

To establish a uniform procedure for the purchase and placement of memorial items in parks and public areas in the City of Chowchilla.

It is the intent of the City to allow persons to recognize or memorialize individuals, groups or significant historical events provided that such individuals or events were related to the local community, that also provides donors with a meaningful way to contribute to the City's parks and public areas. This policy is meant to emphasize the importance of the memorials and assure that they are consistent with City practices and regulations and do not negatively impact City resources.

B. GENERAL POLICY

1. For the purpose of this policy, a park or public area shall mean municipal parks, open space areas, City-owned properties, and City road rights-of-way frequented by the general public.
2. The City presently has two approved memorial programs – Memorial Bench Program and Memorial Tree Program. This policy may be amended by the City Council to add other items.
3. The Public Works Department will identify the number of memorial items that can be approved for each park site and public area so as to balance placements, minimize oversaturation, minimize special maintenance needs and facilitate general site maintenance such as mowing. When the approved number of memorial items in each program at a location has been attained the location will be considered full.
4. Applications for a memorial item will be received and approved by the City Administrator or designee, with site selection review by the Public Works Department.
5. The application is initially reviewed by the City Administrator and/or designee, then submitted and reviewed for recommendation by the Planning Commission, then submitted and reviewed by the City Council for legislative action.
6. Each program will have minimum acceptable provisions of dimensional and design standards, product types and materials, plant species, defined installation locations, and an identifying plaque or similar marker, when and where applicable, as determined by the Public Works Department. A request for a variation must be submitted in writing to the City for review. There is no obligation for the City to accommodate any proposed variation. If necessary the City Council may provide further direction.

7. A fee shall be established for each memorial program to ensure cost recovery including, but not limited to asset purchase(s), shipping, installation materials, personnel time for installation and maintenance. Costs do not include replacement of damaged or aged assets. Costs will be reviewed and adjusted annually by the City Council in the Master Fee Schedule.
8. The fee paid by the memorial program applicant is considered to be a donation to the City. The fee donation may qualify as a charitable contribution tax deduction. For information on charitable contributions refer to IRS Publication #526.
9. Payment of the fee in no way entitles the requestor to any full or partial ownership of the City memorial item or land thereof. Each memorial item is fully owned by and becomes the property of the City of Chowchilla immediately upon placement in a park or public area.
10. If a plaque or similar marker is removed from a memorial item the City will notify and offer it as a keepsake to the donor. The City will retain the plaque or similar marker for a maximum period of one year after removal and if it is not claimed by the donor in that period it may be recycled.
11. All memorial items donated prior to the original adoption of this Memorial Program Policy will be henceforth subject to this policy.

C. PROCEDURES

1. An applicant requests memorial program information, site information and the memorial program application from the City.
2. The applicant submits the completed application to the City for an internal review.
3. The Public Works Department will contact the applicant to schedule a site meeting to determine and approve the exact location of the memorial item.
4. Following action by the City Council the Public Works Department will notify the applicant of the status.
5. If the application is approved the required payment shall be made to the Finance Department that will issue a receipt to the applicant.
6. The application along with a copy of the receipt is given to the Public Works Department for ordering and installation.
7. An approved size single plaque or similar marker, where applicable, can be requested by the applicant and placed directly on or immediately adjacent, upon approval, to the memorial item.
 - a. Plaque dimensions will be determined by the memorial item manufacturer or the City;
 - b. Inscriptions may not contain any pictures, religious, political or commercial statements, or any derogatory statements, or the personal views of the donor, or other information, or language/symbols that may be offensive to the general public;
 - c. A standard plaque inscription similar to the following will be considered: "Donated by ____, "In Memory of ____, " or "Dedicated to ____, " "In Recognition of ____;"

- d. An alternative plaque inscription may be proposed for review and consideration by the City. There is no obligation for the City to accommodate any proposed variation. If necessary the City Council may provide further direction;
 - e. A plaque will not be allowed for a memorial tree but the City may offer an alternative option to the applicant.
8. Upon installation, the Public Works Department will notify the applicant.

D. MEMORIAL BENCH PROGRAM

1. A memorial bench will be installed in accordance with the Memorial Program Policy and the City's Master Plan or an approved list of suitable bench locations as developed by the City.
2. The installation of a memorial bench in a park or public area is defined to ensure that appropriate oversight is provided in preserving site aesthetics. The type, design, dimensions, durability, construction and quality and location of the bench shall fully respect the City's defined memorial program provisions, and the priorities, purpose, and integrity of the City and shall contribute to the community experience and preserve the visual character of the community.
3. The City will approve a memorial bench to recognize or memorialize individuals, groups or significant historical individuals or events provided that such individuals or events were directly related to the local Chowchilla community, and provided that all of provisions of the Memorial Program Policy are met. The City will review each proposal based on the significance of the contribution to the City consistent with this policy.
4. A memorial bench commemorating commercial products, political parties, entities or nonprofit corporations involved in lobbying at any level of government, for-profit corporations, or memorials containing endorsements of products or services, or that otherwise may be construed to be advertising or commercial promotion, are prohibited.
5. No more than three (3) memorial benches, or memorial trees, or combination thereof shall be dedicated to any single person, family, group, or historical person or event within the City of Chowchilla, unless there is a compelling reason for additional dedications as shall be determined by the City.
6. The City does not guarantee a specific location for the placement of a memorial bench and the donor(s) has no rights to, or ownership of, either the memorial bench or the specific location where the memorial bench is placed.
7. A memorial bench site is identified by Public Works Department based on the following criteria.
 - a. The requested site does not interfere with the general use of the location;
 - b. The requested site does not obstruct any walkway or activity;

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- c. The requested site does not interfere with normal activities that take place at the location;
 - d. The requested bench must fit in with the aesthetics of the location;
 - e. The requested bench does not exceed the maximum capacity of a park or public area.
8. Given finite City resources, a desire to moderate the expansion and age diversity of the City's memorial benches, and that the maximum capacity of memorial benches currently allowed has been reached, the City will install memorial benches based on need. There may be years or consecutive years that no memorial benches are installed within the City. The City reserves the right to defer any memorial bench request or installation to a later date.
 9. The City reserves the right to determine the level of general care depending on budget availability. General care of the memorial bench is defined as occasion cleaning and the mowing, raking, pruning, and general cleanup of adjacent grounds as determined by the City.
 10. The City, at its sole discretion, may choose to repair minimal damage to a memorial bench for reasons of aesthetics and safety.
 11. Wreaths, flowers, vases, decorations, photographs, signs and plantings are prohibited in and around a memorial bench and when found the City will remove such items. Placement of a floral tribute or single flower at the base of the bench will be permitted on a significant day each year provided the Public Works Department is notified of the significant day in advance. All item(s) must be removed within five (5) calendar days following the date of initial placement.
 12. The City distinctly disclaims all responsibility for loss or damage of a memorial bench from causes beyond its reasonable control, and especially from damage caused by the elements, Acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
 13. The applicant will have first right to replace the memorial bench at their cost. This right expires after ten (10) years of the original placement date of the memorial bench. It is the responsibility of the applicant to keep the Public Works Department advised of any address, email, or phone number changes.
 14. The City may, without notice, replace any memorial bench with alternative furniture piece or item, such as a chair, or relocate, or indefinitely remove any bench at its sole discretion as a result of aesthetic consideration, and/or changing site developments, and/or changing policy dynamics. In the instance of replacement, the City would bear the cost of the replacement and make a reasonable effort to include a plaque or similar marker. Any plaque or similar marker would be at the City's sole discretion with regard to style, size, wording, as well as the location of the plaque or similar marker on the furniture piece or item.

E. MEMORIAL TREE PROGRAM

1. A memorial tree will be planted in accordance with the Memorial Program Policy and the City's Master Plan or an approved list of recommended species and locations developed by the City.
2. The installation of a memorial tree in a park or public area is defined to ensure that appropriate oversight is provided in preserving site aesthetics. The species, dimensions (varies by species averaging a minimum 1.75-inch to 2.5-inch diameter), quality, location, and the appropriateness of the tree selected for the location shall fully respect the City's defined memorial program provisions, and the priorities, purpose, and integrity of the City and shall contribute to the community experience and preserve the visual character of the community.
3. The City will approve a memorial tree to recognize or memorialize individuals, groups or significant historical individuals or events provided that such individuals or events were directly related to the local Chowchilla community, and provided that all of provisions of the Memorial Program Policy are met. The City will review each proposal based on the significance of the contribution to the City consistent with this policy.
4. A memorial tree commemorating commercial products, political parties, entities or nonprofit corporations involved in lobbying at any level of government, for-profit corporations, or memorials containing endorsements of products or services, or that otherwise may be construed to be advertising or commercial promotion, are prohibited.
5. No more than three (3) memorial trees, or memorial benches, or combination thereof shall be dedicated to any single person, family, group, or historical person or event within the City of Chowchilla, unless there is a compelling reason for additional dedications as shall be determined by the City.
6. The City does not guarantee a specific location for the placement of a memorial tree and the person(s) donating the memorial tree has no rights to, or ownership of, either the memorial tree or the specific location where the memorial tree is placed.
7. A plaque will not be allowed for a memorial tree. The City, at its discretion, may offer an alternative option such as a hanging identifier tag that does not constrict future tree growth. Applicants may elect to not have any form of memorial marker. In either case, following the planting of a memorial tree the applicant may elect to have the City present the applicant with a certificate and a photographic record of the tree to officially recognize the memorial tree. A record of the memorial tree planting will be maintained in the office of the Public Works Department. The certificate will contain the following information:
 - a. Tree species;
 - b. Description of memorial tree location in the park or public area;
 - c. Name(s) of the person(s) or entity being memorialized;

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- d. Date of the memorial tree planting;
 - e. Photo of the memorial tree.
8. The City shall plant a memorial tree at an appropriate time of year (season) dependent upon the tree species requirements. A memorial tree will be planted, pruned, watered, mulched, fertilized, and staked by the City. A memorial tree is to be planted only during normal business days and hours. The City reserves the right to shorten, extend or delay the time for planting a memorial tree depending on availability of plant material, site conditions, and/or inclement weather.
 9. A potential memorial tree site is identified by Public Works Department personnel based on the following criteria.
 - a. The requested site does not interfere with the general use of the location;
 - b. The requested site does not obstruct any walkway or activity;
 - c. The requested location does not interfere with normal activities that take place at the location;
 - d. The requested tree must fit in with the aesthetics of the location;
 - e. The requested bench does not exceed the maximum capacity of a park or public area.
 10. Given finite City resources, the City reserves the right to limit the number of memorial trees planted in a park or public area and reserves the right to designate a certain specific site, area, or location for memorial tree planting purposes.
 11. Applicants are advised that planting additional memorial trees may be permitted in proximity to existing memorial trees in accordance with good horticultural practices. The final location in determining an acceptable planting site for all memorial trees will be at the discretion of the City.
 12. The City reserves the right to determine the level of general care depending on budget availability. General memorial tree care is defined as the pruning and treatments in accordance with street tree maintenance service standards and practices. General care of the adjacent grounds is defined as the mowing, raking and general cleanup as determined by the City.
 13. The City, at its sole discretion, may choose to repair minimal damage to a memorial tree for reasons of aesthetics and safety.
 14. Wreaths, flowers, vases, decorations, photographs, signs and plantings are prohibited in and around a memorial tree and when found the City will remove such items. Placement of a floral tribute or single flower at the base of the tree will be permitted on a significant day each year provided the Public Works Department is notified of the significant day in advance. All item(s) must be removed within five (5) calendar days following the date of initial placement.

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15. The City shall use best management practices to assist the memorial tree so that it survives and thrives. However, the City does not guarantee that a memorial tree will survive and is not responsible for the replacement of a memorial tree if it dies or is severely damaged.
 16. The City distinctly disclaims all responsibility for loss or damage of a memorial tree from causes beyond its reasonable control, and especially from damage caused by the elements, disease or pestilence, failure as a result of environmental stresses or conditions beyond its control which may negatively impact the health of a memorial tree, Acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
 17. Should it become desirable and capable to replace a memorial tree, the City will make every effort to obtain a replacement tree of the same species and size. However, the City reserves the right to plant an alternative species and size tree at the discretion of the Public Works Department in consultation with the applicant.
 18. The applicant will have the first right to replace the memorial tree at their cost. This right expires after ten (10) years of the original placement date of the memorial tree. It is the responsibility of the applicant to keep the Public Works Department advised of any address, email, or phone number changes.

F. IMPLEMENTATION AND OVERSIGHT

The City Administrator and/or designee has responsibility for the implementation and oversight of this policy.