
The Corporation of the City of Peterborough

By-Law Number 19-031

Being a By-law to authorize the Citizens' War Memorial Advisory Committee to maintain the Citizens' War Memorial Precinct and regulate public assembly within the Citizens' War Memorial Precinct

Whereas pursuant to subsection 10(2) of the Municipal Act, 2001, councils of local municipalities may pass by-laws and make regulations for the health, safety and well-being of persons within the municipality; and,

And Whereas the Citizens' War Memorial, located in the centre of Confederation Square, in the City of Peterborough, was dedicated as a War Memorial in the year 1929 and has been maintained as such since that time; and,

And Whereas the Citizens' War Memorial contains intricate statuary and bronze plaques containing the names of Peterborough County and City individuals who have paid the supreme sacrifice in military combat on behalf of Canada; and,

And Whereas it is deemed appropriate to recognize the very solemn and symbolic nature of the Citizens' War Memorial Precinct by ensuring its use is restricted to appropriate activities which are in keeping with the special history and purpose of the monument; and,

And Whereas By-law 1981-144, created the Peterborough Cenotaph Trust Fund and a committee which directs City staff about investing and utilizing the Fund; and,

And Whereas this By-law shall continue the City's obligations and commitments previously contained in (i) By-law 1981-144 and in the agreement attached thereto, (ii) By-law 93-115, and (iii) By-law 10-025; and,

And Whereas the City shall, as directed by the Committee, utilize the Fund to maintain the memorials within the Citizens' War Memorial Precinct.

Now Therefore, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Short Title

- 1.1 This By-law may be cited as the "Citizens' War Memorial Precinct By-law".

2. Definitions:

- 2.1 **Citizens' War Memorial Precinct or Precinct**
"Citizens' War Memorial Precinct" or the "Precinct" means the area designated in Schedule A attached hereto;
- 2.2 **Citizens' War Memorial Advisory Committee or Committee**
"Citizens' War Memorial Advisory Committee" or the "Committee" means the committee authorized to perform duties and obligations set out in Article 3.
- 2.3 **Peterborough Cenotaph Trust Fund or Fund**
"Peterborough Cenotaph Trust Fund" or the "Fund" means the interest bearing fund created out of surplus funds from a public fundraising campaign and administered by City staff.

- 2.4 **City**
"City" means The Corporation of the City of Peterborough;
- 2.5 **City Council**
"City Council" means the elected Council of the Corporation of the City of Peterborough;
- 2.6 **County Council**
"County Council" means the elected Council of the Corporation of the County of Peterborough.

3. Cenotaph Advisory Committee Continued

- 3.1 The Cenotaph Advisory Committee is hereby continued under the name Citizens' War Memorial Advisory Committee.
- 3.2 The Citizens' War Memorial Advisory Committee shall be composed of six members appointed by Council who shall be:
- a) Amended by 24-096
 - b) One City resident, chosen by City Council;
 - c) One County resident, chosen by County Council;
 - d) One member from each of the service organizations representing the Army, Navy, and Air Force veterans; and
 - e) One member of the City's municipal heritage committee ("PACAC") as recommended by the membership of PACAC.
- 3.3 The City's Heritage Preservation Office shall provide staff support to the Committee by way of calling meetings, preparing agendas, taking minutes, and such other complementary actions as directed.

4. Powers of the Citizens' War Memorial Advisory Committee

- 4.1 The Committee shall direct City staff to inspect and maintain the Citizens' War Memorial Precinct and the plaques, masonry, and statuary located therein in accordance with current conservation best practices.
- 4.2 The Committee shall perform all obligations as trustees of the Peterborough Cenotaph Trust Fund, including directing how the Fund is invested and utilized.
- 4.3 The Committee shall make all decisions concerning the how the Fund is invested and utilized. Without limiting the generality of the foregoing, the Citizens' War Memorial Advisory Committee shall ensure that:
- a) The plaques, masonry, and statuary within the Precinct are inspected and cleaned in accordance with current conservation best practices;
 - b) As required, but at least every two years, commencing in 2020, a reputable firm is retained to inspect the plaques, masonry, and statuary, within the Precinct and, if necessary, undertake cleaning, maintenance, conservation, and/or restoration activities of same in accordance with current conservation best practices;
 - c) In the event that there are insufficient funds in the Fund for performing the above-noted conservation activities, the Committee may inform City Council and County Council of the need for additional funds for, as the case may be, the cleaning, maintenance

and/or restoration to the plaques and masonry and statuary within the Precinct.

- 4.4 The Committee shall, following consultation with the City's Heritage Resources Coordinator, or designate, make recommendations to City Council and County Council on matters concerning the upkeep and maintenance of the Precinct and the conservation of the plaques and masonry and statuary located therein.
- 4.5 In addition to all powers conferred by any statute or law upon trustees, the Committee, when making investments for the Fund, shall not be limited to investments authorized by law for trustees but they may make any investment, which in their discretion they consider advisable. The Committee members shall not be liable to the City or to the County for any loss that may happen to the Fund in connection with any investment it has, in good faith, authorized.
- 4.6 Before authorizing an expenditure from the Fund or an investment of the Fund, a majority decision of the Committee is required.
- 4.7 The Committee is authorized in any one year to encroach upon the capital of the Fund, to a limit of fifty percent (50%), for any occurrence, event, or emergency provided a majority of the Committee approves the expenditure. Any encroachment upon the capital of the Peterborough Cenotaph Trust Fund in excess of fifty percent (50%) in any one year must receive the Committee's unanimous approval.

5. Restrictions on Use of the Citizen's War Memorial Precinct

- 5.1 No person shall organize, use, or hold a public assembly involving the use of the Citizen's War Memorial Precinct without first having obtained the Committee's written permission. In the event the Committee is unable or unwilling to convene a meeting to discuss approving a public assembly within the Precinct, this by-law delegates authority to each of the City's Commissioner of Community Services (the "Commissioner") and to the City's Chief Administrative Officer (the "CAO") to approve a public assembly which, in his/her sole opinion is being held for a purpose meeting the requirements of Section 14 below.
- 5.2 Notwithstanding the foregoing, the following veterans' associations shall not be required to obtain the Committee's approval for the use of the Precinct for remembrance services or other events:
 - a) Royal Canadian Legion Branch 52;
 - b) The Peterborough Naval Associated; and
 - c) The 428 (Peterborough) Wing Air Force Associated of Canada.
- 5.3 When considering an application for public assembly involving the use of the Precinct, the Committee, or as the case may be, the Commissioner or the CAO, shall consider the appropriateness of the public assembly in the context of the purpose and symbolism of the site and applicable law.
- 5.4 Prior to denying approval for any such assembly, the Committee, or as the case may be, the Commissioner or the CAO, shall provide notice to the applicant and an opportunity to be heard.
- 5.5 Nothing in this By-law shall restrict the right of any person to organize or hold public assembly within Confederation Square which does not utilize the area identified in Schedule A, provided such person has complied with the all applicable policies, procedures, and permit requirements as established from time-to-time by the City's Community Services Department.

6. Prohibition and Penalty

- 6.1 No person shall damage, injure, or deface the plaques and masonry and statuary located within the Precinct.
- 6.2 Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence is and liable to any penalty as provided for in the **Provincial Offences Act**.

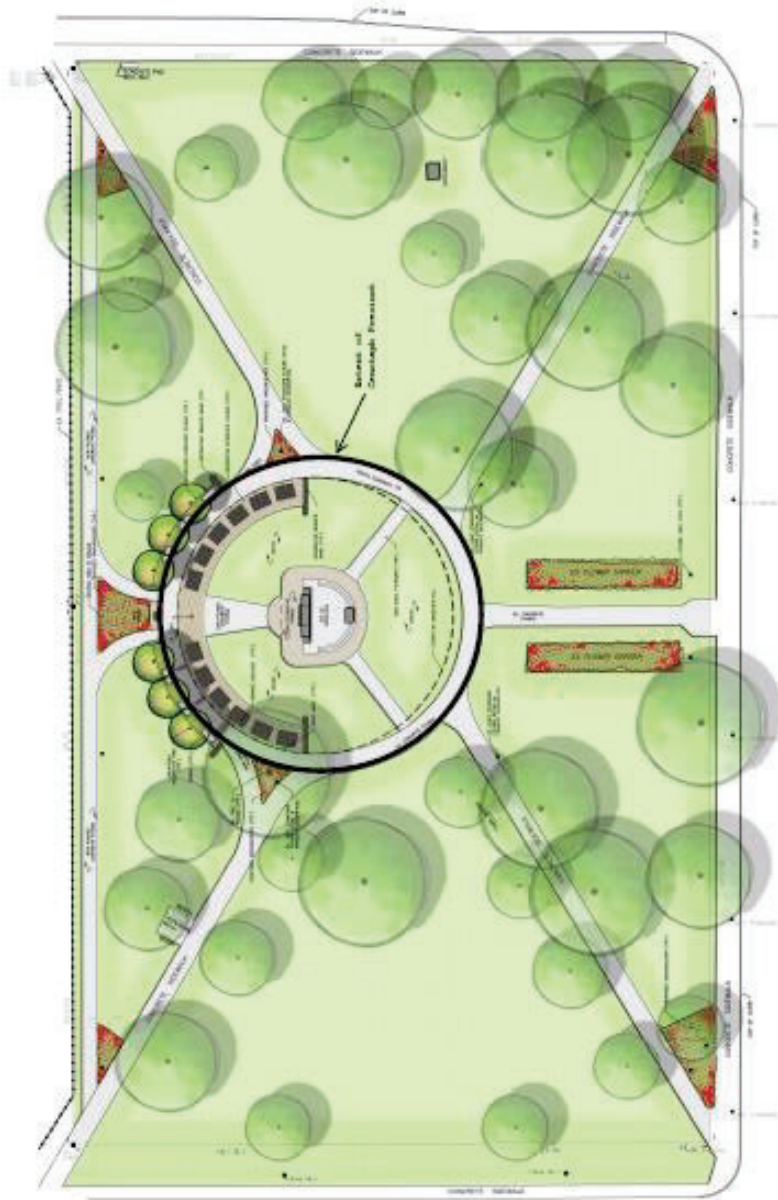
7. Effective Date

- 7.1 **Repeal**
This By-law repeals By-law 10-025.
- 7.2 **Effective Date**
This By-law shall come into force and effect on the day it receives third reading.

By-law read a first, second and third time this 25th day of February, 2019.

(Sgd.) Diane Therrien, Mayor

(Sgd.) John Kennedy, City Clerk



THE PETERBOROUGH VETERANS MEMORIAL

City of Peterborough

Bosterfield & Associates ■ landscape architects
Peterborough, ON
(506) 333-7333



LAYOUT PLAN

SCALE 1:200