



MEMORIAL BENCH & MEMORIAL TREE PLANTING POLICY AND APPLICATION

CHECKLIST

- ☐ Provide applicant with a copy of approved tree list.
 - ☐ Provide a copy of Municipal Code 6.11 Tree Planting and Maintenance
 - ☐ Provide a copy of the Tree Planting and Removal Application.
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Over the years many people have turned to the City of New Holstein to find comfort and to remember joyous occasions in their lives through Memorial Benches and Memorial Trees. As loved ones pass on, people frequently look to the beauty of New Holstein's Parks and request to place a tree or bench in a certain space that they can visit over the years.

The intent of this policy is to provide people with an opportunity to commemorate or honor family, friends, or events in one of New Holstein's parks.

MEMORIAL BENCH

REVIEW PROCESS: All memorial bench requests must go before the Committee of the Whole for review and approval. The Public Works Director will meet with the applicant to verify the specific location for placement, if needed. The Public Works Director must approve the location which may change depending on installation conditions.

COST: Cost is based on actual cost of the bench, cement slab, installation, and plaque fees. The donor is required to prepay for all items before the order is placed. Payment can be made after the application is approved by the Committee of the Whole. The cement and bench will be installed by the Public Works Department.

NEW BENCHES: The original style bench did not hold up to the elements such as UV rays which caused the appearance to deteriorate after a few years. Therefore, all new benches will be ordered through Gerber Leisure, Model 143PL or a comparable model. The average cost of a bench memorial is between \$1,500 and \$1,700 (Prices will vary depending on the market).

REPLACEMENT: If a donor would like to replace an existing bench that is greatly deteriorated or damaged the same application process applies. In addition, the City will try to make contact with the original donor to provide first right to restore or replace the bench. The original donor has the opportunity to share the cost of a new bench which would allow two plaques on one bench. No more than two plaques will be allowed on each bench. If the original donor does not want to restore or replace their bench, the original bench and plaque will be disposed of 30 days after removal. If the original donor wishes to have their plaque returned to them, it will be held at the City Clerk's office for 30 days after removal. After 30 days, the plaque will be disposed of.

MAINTAINANCE AND REPAIR: The City of New Holstein reserves the right to remove deteriorated benches that are neglected. Donors are responsible for the upkeep and repairs of the bench and plaque. The City of New Holstein will not be responsible for replacement of damaged, stolen, or deteriorated benches. When an existing bench is restored or refurbished, they must be stained and varnished using a cedar color. The benches cannot be painted.

PLAQUES: Plaque size shall be 5 inches by 10 inches. Messages should be simple statements recalling the event or person memorialized. The Committee of the Whole must approve the final wording before the order is submitted. Demeaning, negative, or racial comments will not be approved.

MEMORIAL TREES

Subject to Municipal Code 6.11 Tree Planting, Pruning, and Removal

PLACEMENT: All Trees must be approved by the Forestry Director and follow the City of New Holstein Municipal Code 6.11.

REPLACEMENT: The City is not responsible for survival of donated trees and/or replacement. Your donated tree must be at least 1 ½" to 2" in diameter and no bare root trees to increase its stability and chance for survival in a park setting.

REVIEW PROCESS: All tree applications must be submitted and approved by the Forestry Director. The final placement decision is at the discretion of the Forestry Director.

COST: The donor is required to prepay for the plaque before the order is placed. Payment can be made after the application is approved by the Forestry Director. The tree should be purchased and delivered to the Public Works garage on a prearranged basis between the Forestry Director and applicant after it is approved.

TYPE: The donated tree must be on the pre-approved list of tree types provided by the City.

The City is not responsible for the replacement of damaged plaques.

Date:	Type of Request: (Choose One) Memorial TREE Memorial Bench		
Donor Name:			
Address:		City:	State: Zip:
Contact Phone:		Alternate Phone:	
Email Address:			
Name of Person Honored by Memorial:			
Location Request: Park		Location	Tree Type Requested:
Bench: (circle one) NEW REPLACE EXISTING			
Plaque Lettering:			
Applicant Signature:			Date:

OFFICE USE ONLY	
(Bench) Date of Committee of the Whole Meeting:	(Circle One) APPROVED DENIED
Reason for Denial:	
If this is a replacement bench, original donor name, address, phone number at the time of the original application:	
Date original donor notified:	Is the original donor interested in replacing or restoring the bench? YES NO
If they are not replacing the bench, do they want the plaque? YES NO	
Date of disposal of the original bench if replaced. _____ Record this information on the Master File.	
Total Payment Due:	Circle one: CASH ☐ CHECK ☐ Credit Card ☐ Receipt # _____
Date the bench was ordered:	Date the plaque was ordered:
Order taken by:	

6.11 TREE PLANTING, PRUNING, AND REMOVAL. (Repealed & Recreated #524) (Rep & Rec #573)(Recreated # 636)

PURPOSE AND INTENT. It is the intent of the City of New Holstein to regulate and establish policy for the planting, removal, maintenance, and protection of trees, shrubs, in or upon all public areas of the City. The purpose of said policy is to promote and enhance the beauty and general welfare of the city through wise tree husbandry; to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks, and other public areas; to prohibit the undesirable and unsafe planting, removal, treatment, and maintenance of trees and shrubs located in public and terrace areas; and to guard all trees and shrubs, both public and private within the City, against the spread of disease, insects, or pests so as to promote and protect the public health and safety by regulating tree planting, tree maintenance and tree removal.

DEFINITIONS. The following terms shall have the meanings indicated in this section.

Person. Any individual or entity.

Public Area. Land owned, controlled, or leased by the City of New Holstein, including but not limited to, road right-of-way, terraces, and park lands.

Public Nuisance.

Communicable Disease. Any potentially fatal disease infecting trees growing on either public or private property that is capable of infecting other trees within the City.

Hazardous Trees. Any tree that displays a loss in structural integrity, limbs and/or trunk, so as to represent a danger to the general public.

Insect Infestations. Existing insect populations that severely threaten the life of the tree(s) and have the potential to spread and cause damage to other trees within the City.

Terrace. The area between the sidewalk and street or where there is no sidewalk, the area between the right-of-way line and street.

Tree. Any woody plant which reaches a mature height taller than 15 feet.

(3) **FORESTRY DIRECTOR.** The Director of Public Works shall serve as the Forestry Director.

(a) Responsibilities.

1. The Forestry Director will be responsible for the administration of all maintenance activities, including planting of all trees growing in public areas and the administration and enforcement of this section.

2. The Forestry Director shall keep and maintain and make available copies of the City's Tree Ordinances and the Street Tree Guide.

3. The Forestry Director shall issue and administer permits for the pruning, removal, and planting of trees in public areas by the adjacent property owner.

(4) **PUBLIC NUISANCE ABATEMENT.** The City shall have the right in the interest of public health and safety and pursuant to its police power, to abate public nuisances as defined in this section as follows:

(a) **Abatement Order.** Upon investigation and determination by the Forestry Director that a tree constitutes a public nuisance, the Forestry Director shall cause to be served upon the property owner a written abatement order detailing the nature of the nuisance; the particular tree or trees affected; the method or manner of abatement (including wood disposal); and the date by which such abatement must take place which shall be at least 30 days from when the Abatement Order is served on the property owner.

(b) **Appeal.** If a property owner disputes the Abatement Order, such owner may appeal the order by filing with the City Administrator a written request to appeal the order. Such request shall be filed within 10 days of service of the Abatement Order and shall state the basis for the appeal. The appeal shall be heard within 30 days by the City of New Holstein Common Council. Written notice of the date and time of the appeal hearing shall be mailed by the City Administrator to the property owner at least 10 days before the hearing. The property owner shall present his or her basis for the appeal. The Forestry Director shall also appear to respond to the appeal as necessary. The City of New Holstein Common Council shall affirm, reverse or modify the Abatement Order. Such decision shall be final and binding upon the property owner.

(c) **Noncompliance.** If a property owner fails to comply with the Abatement Order, or the decision of the committee upon appeal, then the City may enter upon the property, or contract with a third party to enter upon the property to abate the nuisance by removing part or all of the affected tree or trees. The cost of such removal and disposal shall be assessed against the property on which was located the public nuisance. No damages shall be paid to any property owner to remove any tree or part thereof under this section.

(5) **TREE MAINTENANCE.**

Publicly Owned Trees.

Except as provided in subsection (7), the City shall maintain any tree growing on public areas.

The City shall utilize those standards for pruning of trees on public property following arboricultural standards for pruning.

The City shall routinely monitor and maintain adequate clearance for sidewalk and vehicular travel, traffic signs, lights and other structures.

The City shall routinely survey and remove, or cause to be removed, those limbs of sufficient size to cause either bodily harm or property damage, that are dead, dying, or broken.

New Holstein Utilities shall notify the Forestry Director prior to the pruning of any tree on a public area for the purpose of maintaining utility line clearance. All pruning shall comply with accepted arboricultural standards for line clearance.

No person shall prune more than 20% and/or remove any tree on a public area without a permit, issued free of charge by the Forestry Director. All pruning shall comply with arboricultural standards.

Any person pruning or removing any tree on a public area shall be held liable to public property as the result of such pruning and/or removal.

(b) Privately Owned Trees. Persons who own property adjacent to public areas shall prune and/or remove any tree so as to maintain adequate clearance for sidewalk and vehicular travel, traffic signs, lights and other publicly owned structures.

(6) TERRACE TREE PLANTING POLICIES.

No person or entity shall plant a tree in the terrace without first obtaining a permit, free of charge, from the Forestry Director and shall follow the following procedures.

No tree shall be planted in a terrace with a width of less than 6 feet.

No tree shall be planted closer than 60 feet from the nearest road intersection.

No tree shall be planted closer than 15 feet from the adjacent properties approach drive.

No tree shall be planted within 15 feet of a fire hydrant.

No tree shall be planted within 15 feet of a utility pole.

Only the trees listed in the City's Terrace Tree List shall be planted in the terrace.

Upon receiving a planting permit, the property owner agrees to assume the responsibility of maintaining and caring for the trees planted and agrees to enter into a maintenance agreement with the City. The agreement will be the signed and approved permit application. Tree maintenance includes, but is not limited to, maintaining adequate clearance defined in Section 5.

The length of the maintenance agreement is for the life of the tree(s) planted within the terrace, including the eventual removal of the tree and stump.

The obligation of the property owner to maintain a planting permit and assume the responsibility and maintenance of caring for the trees described above shall apply to any trees planted by the City, a utility, a service organization, or other entity involved in a tree planting project. Prior to the planting of any trees in a terrace by such an entity, such entity shall inform the adjacent property owner of the obligation to obtain a permit and assume responsibility for maintenance and care of the trees in the terrace.

(7) REMOVAL, DESTRUCTION AND INJURY OF TREES IN PUBLIC AREAS. No person shall remove, destroy or injure a tree on a public area, other than in conformity with this section.