

CHAPTER 8

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8.01 Name of Cemetery. The name of the City of Manitowoc cemetery shall be Evergreen Cemetery.

8.03 Management of Cemetery. The Department of Public Works shall be responsible for the management and maintenance of the cemetery.

8.05 Cemetery Rules. The Streets and Sanitation Committee of the Common Council shall be responsible for promulgating rules governing the operation and regulation of the Cemetery, which rules shall be subject to approval of the Common Council. The Department of Public Works may make recommendations to the Streets and Sanitation Committee requesting any amendments to the Cemetery rules.

A copy of the rules shall be kept on file in the City Clerk's office and additional copies shall be available to the public from the Cemetery office.

8.07 Care of Lots. (1) "Perpetual Care" Defined. The term "perpetual care" shall mean the cutting of grass on cemetery lots at reasonable intervals, the raking and cleaning of lots, the pruning of shrubs and trees and such other work as may be necessary to keep the lot in presentable condition. "Perpetual care" does not include maintenance or repair of any gravestones or monument structures erected upon cemetery lots nor the planting or care for any flowers or ornamental plants.

(2) Perpetual Care Required. The sales price for any cemetery lots hereafter sold shall include a charge for perpetual care to be furnished by the City of Manitowoc. The charge for this perpetual care shall be as established by rule.

(3) Provision of Perpetual Care. As authorized by Wis. Stat. §157.50(6), funds collected for the provision of perpetual care shall be placed in the general fund and the City of Manitowoc shall provide perpetual care for all the lots whose owners have paid for such care.

(4) Non-perpetual Care Lots. (a) Annual Care Assessment. The Department of Public Works shall annually, as of March 1 of

each year, assess upon lots amounts not to exceed the amounts reasonably required for actual and necessary costs for cleaning and care of lots and care and improvement of the Cemetery. The amount of this assessment shall be fixed by rule. Notice with a copy of this Section 8.07 of the Municipal Code and Wis. Stat. §157.11(7) shall be mailed forthwith to each lot owner or person having charge of a lot, at his or her last known post office address, directing payment to the City Treasurer within 30 days and such assessments shall be a personal liability.

(b) Sale for Default. When uniform care of a lot has been given for two consecutive years or more, for which assessments are unpaid after notice is provided in (a), the right to interment is forfeited until delinquent assessments are paid. When uniform care has been given for five (5) consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of any lot shall pass to the City of Manitowoc and such parts may be sold. In the event a portion of the lot is occupied, the proceeds shall be applied to perpetual care of the occupied portion.

8.09 Sale of Lots. (1) Purchase Agreement. Persons desiring to purchase a cemetery lot shall first sign a Purchase Agreement which shall also be signed on behalf of the City of Manitowoc by an authorized representative of the Department of Public Works. The Purchase Agreement shall describe the parcel purchased, the purchase price, and the time by which the total purchase price must be paid. Prior to signing any Purchase Agreement, the Department of Public Works representative shall first determine if the lot is available for sale.

(2) Deed. The purchaser shall pay for the lot within the time provided in the Purchase Agreement to the City Treasurer. The Treasurer shall then notify the City Clerk's office that the parcel has been paid for. The City Clerk's office shall provide the purchaser with a properly executed deed for the property.

(3) Sales Price. The sales price for lots in the cemetery and perpetual care shall be set by rule under §8.05.

(4) (a) Private Sale of Cemetery Property Purchased Prior to January 1, 2006. In the event the purchaser of cemetery property wishes to sell the same, the property may only be sold to the City of Manitowoc. The City's purchase price shall be 75% of the current sales price for the parcel involved, plus 75% of the perpetual care which has been paid by the owner at the time the lot was purchased. The City shall be obligated to repurchase any lots which it determines to be useable on these terms. However, the City may refuse to repurchase any cemetery property which it determines is unusable.

(b) Private Sale of Cemetery Property Purchased After January 1, 2006. In the event the purchaser of cemetery property wishes to sell the same, the property may only be sold to the City of Manitowoc. The City's purchase price shall be 50% of the original sales price for the parcel involved. The price of perpetual care

paid by the owner shall not be part of the City's purchase price. The City shall be obligated to repurchase any lots which it determines to be useable on these terms. However, the City may refuse to repurchase any cemetery property which it determines is unusable.

(5) **Termination of Cemetery Use.** Upon approval of the Common Council, any portion of a cemetery owned by the City of Manitowoc may be sold and conveyed for non-cemetery purposes or use by the City of Manitowoc for non-cemetery purposes, provided that there shall have been no burials made in the parcel so sold or used.

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8.11 Offenses. (1) Defendant. All persons are prohibited from writing upon, defacing or injuring any monument, fence or other structure in, or belonging to, the cemetery.

(2) **Picking Flowers and Crossing Lots Prohibited.** Picking flowers, walking, driving, bicycling, skiing, or running over lots and graves is strictly prohibited.

(3) **Harm to Birds or Animals Prohibited.** No person shall be allowed to destroy bird nests, shoot or throw stones at birds, or catch or kill any wild animal on the cemetery grounds.

(4) **Admission of Children.** Persons under the age of 18 years are not permitted on cemetery grounds unless accompanied by a parent, guardian or relative over the age of 18 years.

(5) **Hours.** (See §14.54).

(6) **Niche Regulations.** Niche vases and their inserts are not to exceed a total of eight inches (8") in height and shall not cover up, impinge or interfere with any portion of another niche.

(7) **Vehicular and Recreational Traffic.** Skateboards and toy vehicles shall not be allowed or used on cemetery grounds at any time. Motorcycles, mopeds, bicycles, roller blades and roller skates are permitted in the cemetery during daylight hours as long as their use is restricted to roadways and is not disruptive or does not interfere with funeral processions and/or cemetery operations.

Manually or mechanically propelled wheelchairs and other low-powered mechanically propelled vehicles designed specifically for use by physically disabled persons are permitted during daylight hours.

(8) **Fires Prohibited.** No fires shall be permitted in the cemetery, unless permission has been granted by the Cemetery Foreman.

PARKS

8.15 Management of Parks. The Department of Parks and Recreations shall be responsible for management and maintenance of City parks.

8.17 Names and Locations of Parks. The parks of the City of Manitowoc are as follows:

- (1) **Washington Park** - as shown in Volume 1, Page 2, of Maps and recorded in the office of the Register of Deeds of Manitowoc County.
- (2) **Union Park** - as shown in Volume 1, Page 2, of Maps and recorded in the office of the Register of Deeds of Manitowoc County.
- (3) **Lincoln Park** - consists of all that territory described in Volume 129 of Deeds, Page 81, and Volume 141, Page 111 and recorded in the office of Register of Deeds Manitowoc County.
- (4) **Riverview Park** - consists of all that territory of Blocks 64 and 64 as shown on the Map of the City of Manitowoc on file in the office of the City Engineer, dated 1936.
- (5) **Silver Creek Park** - consists of all that territory as shown in Volume 153, Page 96, and Volume 156, Page 120 of Deeds, as recorded in the office of the Register of Deeds of Manitowoc County.
- (6) **Pulaski Square** - includes all Block 348 and the East one-half of Block 347 as shown on the Map of the City of Manitowoc on file in the office of the City Engineer, dated 1936.
- (7) **Westfield Park** - includes all of Block 191, except lots 16, 17 and 18 and the East one-half of Block 192, excepts lots 13,

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16 and 17, as shown on the Map of the City of Manitowoc on file in the office of the City Engineer dated 1936.

- (8) **Lakeview Park** - Beginning where the South line of Huron Street intersects the low water line of Lake Michigan, thence West along the South line of Huron Street, to the East line to North Fourth Street, thence south along the East line of North Fourth Street to a point which is 260.0 feet North of the North line of St. Clair Street, thence East and parallel with the North line of St. Clair Street, 460.0 feet, thence Southwesterly 780.0 feet to a point in the North line of Lot 16 in Block 55 which is 15.0 feet West of the Northeast corner thereof, thence East 15.0 feet to the West line of North Third Street, thence South along the West line of North Third Street to the North line of Park Street, thence East along the North line of Park Street to the low water line of Lake Michigan, thence Northeasterly along said low water line, to the point of beginning. Containing approximately 16 acres of land.

(9) **Municipal Athletic Field** - Part of Lots 70, 71 and 74 in Hinckley's Subdivision of Section 31, Township 19 North, Range 24 East, more particularly described as follows:

Begin to measure at the southeast corner of 23rd and Division Streets, thence South along the East line of 23rd Street, 775.0 feet to the real starting point, thence East and parallel with Division Street, 620.7 feet to the West line of 21st Street, thence South along the West line of 21st Street, 670.2 feet to the North line of Grand Avenue, thence west along the North line of Grand Avenue 616.8 feet to the East line of 23rd Street, thence North along the East line of 23rd Street, 670.9 feet to the point of real beginning.

Containing 9.525 acres of land by actual survey.

(10) **Red Arrow Park** - Part of Section 32, Township 19 North, Range 24 East, more particularly described as follows:

Beginning at the intersection of the South line of Green Street with the low water line of Lake Michigan, thence West along the South line of Green Street, to the Easterly right of way of the Chicago and Northwestern Railway Co., thence Southwesterly along said railroad right of way line to the East line of South 9th Street, 503.9 feet to the North line of Edward Street, thence East along the North line of Edward Street, 150.0 feet, thence South and parallel with South 9th Street, 336.0 feet to the North line of Dewey Boulevard, thence East along the North line of Dewey Boulevard, to the low water line of Lake Michigan, to the point of beginning.

Containing approximately 24 acres of land.

(11) **Manitou Park** - That part of Government Lots No. 1 and 2 in Section 24, Township 19 North, Range 23 East, bounded on the West by property of Guido Rahr, on the East by the right of way of the Chicago and Northwest Railway Co. main line on the North by the

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South line of Michigan Avenue and on the south, by the Manitowoc River.

(12) **Lincolnshire Park** - Lot 18 of Block 6, Lincolnshire #2 Subdivision as recorded at the Register of Deeds office in Cabinet C, Page 6.

(13) **Custerdale Playground** - Commencing at the Northwest corner of the intersection of Platted South 31st Street and Custer Street, thence West 565.78 feet the East line of platted Circle Drive, thence North along Circle Drive 136.18 feet the Southeast line of Peto Street, thence along the South line of Peto Street to the Southwest corner of 31st Street, thence South to the place of beginning.

(14) **Union Park Playground** - That area abutting State Street, East on North 7th Street and West on North 6th Street formerly

known as Madison School site is herewith named the Union Park Playground according to the recorded plat of said city.

(15) **Bjorn P. Halvorsen Park** - All that area of Parcel "A" of the Custerdale Subdivision excepting an area two hundred feet square at the Southeast corner of South 33rd Streets and the New Meadows Subdivision containing approximately 5.93 acres of land more or less.

(16) **Citizen Park** - That area abutting Rankin Street on the North, North 18th Street on the East, North 21st Street on the West and New York Avenue on the South containing 27.83 acres more or less and formerly known as the Fair Grounds Site.

(17) **Mariners Landing** - All of Lot 7 except the south one and three-quarters inches of the Subdivision of Lots 1 and 2 of Block 218 of the original plat of the City of Manitowoc as described in Volume 493 of Records, page 328.

(18) **Rheaume Park** - Lot 1, Block 1 Forest Estates Subdivision No. 1.

(19) **Schuette's Park** - That part of Block 4 of Schuette's Subdivision dedicated as a public playground.

(20) **Dewey Street Park** - consists of all the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T. 19 N., R. 23 E., except the east 183 feet, and the south 50 feet of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$. Also consist of all of the W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T. 19 N., R. 23E., except the East 200 feet of the West 235 ft. of the North 820 feet and also the West 35 feet of the W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the South 50 feet of the W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the South 50 feet of the W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ deeded for street. Also consist of all of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T. 19 N., R. 23E., except the North 441 feet of the East 183 feet and also except the South 146 fee of the East 183 feet.

(21) **Henry Schuette Park** - consists of a tract of land located in Section 19 and Section 24, Township 19 North, Range 24

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East, City of Manitowoc, Manitowoc County, Wisconsin, more particularly described as follows: All lands included in deeds recorded in Volume 657, Page 61 and Volume 657, Page 69 and Volume 618, Page 627 of Deeds as recorded at the Office of the Register of Deeds of Manitowoc County, Wisconsin.

8.19 Trees and Shrubs. This Ordinance shall be known as the City of Manitowoc Urban Forestry Ordinance.

(1) Statement of Policy and Rationale of Chapter.

(a) **Purpose and Intent.** It is the policy of the City to regulate and establish the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas of the City.

1. To eliminate and guard against dangerous conditions, which may result in injury to persons using public areas.
2. To maintain on public land and promote on private land the maximum amount of tree cover in the City through proper tree management.
3. To guard against the possible spread of disease, insects or pests for both public and private areas within the City.
4. To provide an appeal system for dispute resolution of urban forestry issues between City property owners and the City of Manitowoc.
5. To educate the public in proper tree and shrub care and maintenance.
6. To provide uniform urban forestry management practices throughout the City.

(b) The provisions of this chapter shall be effective the date following publication of the ordinance and shall apply to trees and shrubs growing or hereafter planted in or upon public areas, including trees and shrubs located on any private property which shall threaten the life, health, safety, or welfare of the public or of any public areas.

(2) Administration and Enforcement Body.

(a) The Municipal Tree Commission shall administer and direct the enforcement of Section 8.19 of the Manitowoc Municipal Code, subject to the supervision and control as reserved by the Manitowoc Common Council.

(b) The City Forester shall provide technical advice

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on urban forestry matters to City residents and enforce the provisions of this ordinance, subject to the supervision and control of the Municipal Tree Commission.

(c) The City Forester shall develop and maintain an approved Street Tree Management Plan which shall detail accepted tree planting and maintenance standards for the City of Manitowoc and shall act as a guide for the general public.

(d) City public works projects involving street tree design shall be coordinated by the City Forester in conjunction with the Manitowoc City Engineering, Planning Department and Manitowoc Public Utilities.

(3) Definitions. Unless specifically defined below, the words or phrases used in this chapter shall be so

interpreted as to give them their common meaning and to give this chapter its most reasonable application:

(a) **City.** "City" is the City of Manitowoc, Wisconsin.

(b) **City Forester.** "City Forester" shall mean the Parks and Recreation Director and/or designee.

(c) **Clear Sight Triangle.** "Clear Sight Triangle" shall mean the same as "Vision Clearance" as defined in Section 15.03 (95).

(d) **Manitowoc Urban Forestry Program.** "Manitowoc Urban Forestry Program" means a comprehensive management plan including inventory, maintenance, new plantings and budget, with projections for annual and long range implementation.

(e) **Municipal Tree Commission.** A five (5) member commission created pursuant to Section 3.19 of this Code, whose purpose is to formulate plans and policies related to urban forestry.

(f) **Person.** A corporation, Limited Liability Company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

(g) **Public Areas.** "Public Areas" include all lands owned or controlled by the City.

(h) **Public Nuisance.** "Public Nuisance" also means any tree or shrub or part thereof which encroaches into and interferes with any public right of way or use of any public area or interferes with the enjoyment and use of the public property. "Public Nuisance" also means any tree or shrub or part thereof

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that is infected with a plant disease; infected with injurious insects or pests; injurious to public improvements or endangers the life, health or safety of person or property.

(i) **Public Street Trees and Shrubs.** "Public Street Trees and Shrubs" means all street trees and shrubs located on or designated to be planted upon public areas, including land lying between property lines on either side of all streets or avenues within the City, and all other areas owned by the City or to which the public has free access.

(j) **Public Utility.** Public Utility means Manitowoc Public Utilities and such other utilities furnishing other public works or utility services in

the City including utilities defined in 196.01(5), Wis. Stats.

(k) Terrace Areas. "Terrace Areas" shall mean the land between the normal location of the established street curbing and street right of way lines.

(4) Street Tree Management Plan It shall be the duty of the Municipal Tree Commission to study, investigate, develop and/or update the Street Tree Management Plan as needed, and to forward recommendations to the Manitowoc Common Council for implementation. This plan shall consist of a written evaluation of all space and site factors affecting public areas which will aid in the determination of the tree species best suited to a particular planting site in regard to growth habits, shape, form, health, disease and pest resistance, conflicts with wires, lights, pavements, traffic, pedestrians, sidewalks, environmental pollution, sewers and space availability. The evaluation of the space and site factors and species selection for a particular street shall be made by the City Forester.

(5) Public Street Tree Species.

(a) Public Street Trees Forbidden. Trees listed as forbidden in the City of Manitowoc Street Tree Planting Policy shall not be planted in terrace areas.

(b) Public Street Trees Permitted. Trees listed in the City of Manitowoc Street Tree Planting Policy are eligible for planting in terrace areas. Trees not listed may be permitted with approval of the City Forester.

(6) Authority to Preserve or Remove City Trees and Shrubs and Abate Public Nuisances.

(a) Authority Over Public Street Trees and Shrubs. The City Forester may plant, prune, spray, preserve, renew and remove public street trees and shrubs or cause such work to be done as may be

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necessary, to ensure public safety, preserve the beauty of public areas, and to protect public property, sewers, water and electrical utilities from damage or injury in accordance with the City adopted policy.

(b) Authority over Private Trees, Shrubs, and Terrace Trees.

1. Notice to Abate Public Nuisances. Whenever the City Forester finds, upon examination, that any tree or shrub or part thereof growing or located upon private premises which overhangs into any street or other public right of way area is a public nuisance, it shall be pruned, sprayed, removed or otherwise

abated by the owner or occupant of such property. A written notice from the City Forester shall be sent by certified mail to the affected homeowner. Said notice shall include a detailed explanation of any required abatement. Abatement shall take place within 30 days of receipt of said written notice unless specified otherwise and unless the City Forester shall determine that immediate action is necessary for public safety. At the discretion of the City Forester, Manitowoc Public Utilities and the Director of Public Works herein are authorized to complete emergency pruning, that in the opinion of the City Forester, constitutes a safety concern or public nuisance.

2. Abatement of Nuisances. If the owner of such premises or owner's agent and/or tenant refuses or neglects to comply with the written notice within the time specified, the City Forester shall cause the nuisance to be sprayed, pruned, removed or otherwise abated, and shall report the expense to the Municipal Tree Commission as a proposed assessment against the property. Prior to November 10 of each year, the Commission shall make a report to the Common Council of the work performed on each parcel and the amount chargeable to the property. The Common Council shall hold a public hearing on the proposed assessments and shall give notice thereof by publishing a Class 2 notice under Chapter 985, Wis. Stats. At the direction of the Common Council, the assessment amounts shall be reported to the City Clerk to be levied against each affected parcel and shall constitute a lien collectable as a special assessment.

(7) Authority of the City Forester to Enter Private Premises. The City Forester shall request permission of a property owner, at least 48 hours in advance of an inspection, for the right to enter upon private land to inspect and abate a suspected public nuisance. Notice shall be in written form by certified mail to the property owner and occupant, if not the property owner.

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If permission is denied, the City Forester shall apply to the Court having jurisdiction for an order to enter the land to inspect and abate a suspected public nuisance.

In the case of an emergency defined herein as a situation which creates an immediate danger or harm to the health, safety or welfare of the public, the City Forester may enter private property to abate a public nuisance without compliance with the notice requirement detailed in this section. If the City Forester shall abate the nuisance on private property, the cost of the abatement shall be reported to the Municipal Tree

Commission as a proposed assessment against the property. The Commission shall make a report to the Common Council and the Common Council shall hold a public hearing, and report to the City Clerk as set forth in Section 8.19(6)(b)2.

(8) Interference with the City Forester Prohibited.

No person shall interfere with the City Forester in carrying out any lawful work or activity authorized by this chapter.

(9) Assessment of Costs of Abatement. The entire cost of abating any public nuisance resulting from any tree or shrub growing or located upon private property, shall be borne by the owner of such property.

(10) Permit for Planting, Maintenance, and Removal of Public Trees and Shrubs.

(a) Permit Required. No person, except upon order of the City Forester, shall plant or remove a tree or shrub in a public right-of-way or any terrace area, or cause such act to be done by others without first obtaining a permit for such work from the City Forester. Prior to removal of any tree or shrub said persons(s) shall be bonded and trained in proper techniques of forestry. The owner or their agent may remove trees or plant trees after receiving a written permit which shall include a statement whereby the owner or agent holds the City harmless from any liability claims of any kind. Any activities located in an area reserved for utility and drainage easements shall be done in compliance with "Standard Utility Easement Conditions" dated, Nov. 3, 1997, and recorded at v. 1252 p. 498 of Records as Document #798738, Manitowoc County, Wisconsin.

(b) Permit Exemptions. No permit shall be required to cultivate, prune, fertilize or water trees or shrubs. No permit is necessary to plant trees on private property.

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(c) Permit Requirements and Conditions. If the City Forester determines that the proposed work or planting described in an application for a permit is necessary and in accordance with the purposes of this Chapter, the City Forester may issue a permit to the applicant.

(d) Permit Form: Expiration, Inspection. Every permit shall be issued by the City Forester on a standard form. Permits issued under this section shall

expire (90) ninety days after date of issuance. There shall be NO CHARGE for the permit.

1. Permits to Public Utilities.

a. Whenever a permit is issued under this section to a public utility or its agent to remove, cut, disturb, alter or perform surgery on any public tree or shrub, the City Forester shall limit the work to be performed to fit the actual necessities of the utility and may assign an inspector to supervise the work performed under the provisions of the permit. This permit shall be included as part of the annual working agreement with Manitowoc Public Utilities or any other utility/agency that may have an annual working agreement with the City.

(11) Planting and Pruning Trees and Shrubs.

(a) Planting.

1. Any person desiring to plant trees or shrubs in public areas or terrace areas shall submit the size, species and variety of the tree or shrub to the City Forester and receive approval therefrom prior to commencement of such planting. The request shall be on a standard planting permit form.

2. The City Forester shall determine the species of tree that will be allowed to be planted in accordance with the City of Manitowoc Street Tree Planting Policy. The City Forester may coordinate proposed street trees with local landscapers according to availability.

(b) Pruning.

1. The Manitowoc Parks and Recreation Department shall work in conjunction with property owners or their agents to maintain and prune public street trees.

2. Trees in or on any public areas or on any private premises adjacent to any public right-of-way or terrace areas, shall be kept pruned so that the

lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet above the street surface. All public street trees shall be pruned to a minimum clearance height of ten (10) feet above the sidewalk for pedestrian safety. The City Forester may waive the provisions of this section for newly planted trees and shrubs if determined they do not interfere with public travel, obstruct the light of any street light, obstruct any street sign or endanger public safety.

3. Oak trees on private or public property shall not be pruned between April 15 to September 1, except by written permission from the City Forester.

(12) Obstruction of View at Intersections Prohibited.

A vision clearance area shall be maintained in accordance with Section 15.03 (95).

(13) Injury to Trees and Shrubs Prohibited.

(a) No person shall, without the written consent of the owner or occupant in the case of a tree or shrub on private property, or without a written permit from the City Forester in the case of a tree or shrub on public property cause, proximately cause or cause others to commit the following acts:

1. Damage any tree or shrub by any physical means,
2. Permit fires to burn causing injury to trees or shrubs.
3. Permit any toxic chemical, petroleum products, smoke, oil or injurious substances to seep, drain, or be emptied upon or near any tree or shrub.
4. Erect, alter, repair, raze or excavate without placing suitable guards as approved by the City Forester around all trees or shrubs which may be injured by such operations.
5. Remove any guard, stake or other device or material intended for the protection of a tree or shrub, or close or obstruct any open space about the base of a tree or shrub designed to permit access of air, water and fertilizer.

(b) Topping of Public Street Trees is Prohibited.

Topping is defined as a severe cutback of leaders and main scaffold branches to stubs within the tree, so as to remove the normal canopy and disfigure the tree, is prohibited. Trees damaged by storms, when proper pruning practices are impractical, may be exempted from this prohibition at the determination of the City Forester.

(14) Removal of Trees and Stumps. Trees cut down in public areas shall be removed and the root stump grubbed out, or ground out to a depth of at least nine (9) inches below grade measured in a straight line. If no sidewalk exists, the grade of grubbing should be 1/3" per foot from a point 9" below the curb. All brush and debris must be removed from the public areas by the property owner or their agent. All holes shall be filled to normal grade level with topsoil or native soil as soon as practical. When it is necessary for

the City to cut down a street tree, stumps will be removed as funds are available.

(15) Cost of Planting, Removal, and Protection of Trees and Shrubs in Terrace Area. The cost of planting trees in terrace areas in the City and the cost of removal and protection when requested by a property owner who obtains the proper permit, shall be paid by the property owner. Planting of street trees on newly platted residential subdivisions shall be performed in accordance with Section 21.06 (2)(d)10.

(16) Appeal from Determinations or Orders. Any person who receives a written determination or order from the City Forester and objects to all or any part thereof may file with the City Forester, a written appeal to the Municipal Tree Commission within seven (7) days of receipt of the written order. The Municipal Tree Commission shall hear such appeal within fifteen(15) days of receipt of written notice of the appeal. After such hearing, the Municipal Tree Commission may reverse, affirm, or modify the order or determination, and shall state the grounds for its decision in writing. The Chairperson of the Municipal Tree Commission shall by letter, notify the party appealing the order or determination of its decision within ten (10) days after the decision has been made. The decision of the Municipal Tree Commission shall be final.

(17) Adoption of State Law. Sections 27.08 , 27.09, 86.03, and 800.093 Wisconsin Statutes as amended, and as may be amended are hereby adopted and incorporated herein by reference.

(18) Violations and Penalty. Violation of any offense for the cutting, damaging or mutilation of trees or shrubs located in public and terrace areas, or any provision of §86.03, Wis. Stats., is subject to a forfeiture amount not to exceed \$25 per tree or shrub damaged. In addition to the forfeiture, court ordered restitution will be sought for all damage or loss in an amount not to exceed \$4,000, as authorized pursuant to §800.093, Wis. Stats.

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All other violations in this section shall be limited to a forfeiture in an amount not to exceed \$500 for each offense.

(19) Conflicts with Site Plan Requirements. In instances where a provision of this chapter conflicts with site plan requirements under Section 15.37 (2) or Landscaping and Off Street Parking Requirements under Section 15.69, for commercial, industrial, and

residential developments having five (5) or more dwelling units, the requirements under 15.37 (2) and 15.69 shall prevail and shall define the requirements for compliance.

8.21 Public Construction by City. All improvement, maintenance and public construction required to be done in City parks, playgrounds and the Cemetery may be done directly by the City without submitting such work for bids.

8.23 Regulations of Parks and Related Facilities

(1) Alcohol Beverage. (a) No person shall possess or consume alcoholic beverages, wine or fermented malt beverages in Washington Park, Union Park, Riverview Park, Pulaski Park, Lincolnshire Park, Schuette's Park, Custerdale Playground, Union Park Playground, Mariner's Landing or Municipal Athletic Field, except where the person has obtained possession of fermented malt beverages from the holder of a Class "B" license authorizing the sale of such beverages at such park. This prohibition shall extend to the sidewalks in and immediately adjacent to the parks listed above, except that it shall not be a violation of this ordinance if any person possesses wine or alcoholic beverages on such sidewalks in the original unopened containers.

(b) No person shall possess or consume any alcoholic beverages, wine or fermented malt beverages on the sidewalks surrounding the parks named in paragraph (a) of this section except that it shall not be a violation of this ordinance if a person possesses the beverages on the sidewalks in their original unopened containers or if a person has obtained permission from the Recreation Board to possess alcoholic beverages in the above named parks.

(2) Horseback Riding Prohibited. No horseback riding shall be permitted within the limits of any City park or Evergreen Cemetery at any time.

(3) Hours. (a) Lincoln Park Fieldhouse and Cabins. All activities in Lincoln Park Fieldhouse, cabins and buildings in Lincoln Park shall be prohibited between the hours of 12:00 midnight and 6:00 a.m.

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(b) Lincoln Park Zoo. Except for authorized personnel, or when the City Parks and Recreation Department sponsor activities, it shall be unlawful for any person to be within the perimeter fence or the immediate surrounding outside boundaries of the Lincoln Park Zoo area between sundown and sunrise.

(c) Waysides. No person shall remain in any wayside operated by any state or local government located in the City of Manitowoc which is closed by signs placed in a location to give reasonable notice to the public that the wayside is closed.

(4) Loud Noise. The Police Department shall police all park areas of the City of Manitowoc parks and keep the volume of public address systems or loud speakers confined to the immediate area of the participating groups. The Police Department shall order a reduction in the volume of said public address system or loud speakers whenever it becomes a nuisance because of the volume, or the method in which it is being operated.

(5) Vehicles. (a) No person may operate an automobile, motor truck, motor delivery wagon, bus, motor cycle, mini-bus or other motor vehicle or trailer used in connection therewith in any City of Manitowoc park or cemetery, or on any school ground in the City of Manitowoc, unless the area over which the vehicle is operated has been specifically designated by the Manitowoc Common Council or other appropriate authority for usage of a vehicle. The Common Council may limit the type of vehicle owned which may be operated in any park area or cemetery area.

(b) Paragraph (a) shall not apply to any vehicle owned by the State, the United States or a local unit of government or any vehicle operated by employees, agents or officers of the State, the United States or of a local unit of government while in the performance of their official duties. This Paragraph (a) shall not apply to any vehicle traveling on the designated vehicular roads in the parks or cemeteries of the City of Manitowoc.

(6) Fires. No fires shall be permitted in any City park except charcoal fires in barbecue grills. The Recreation and Parks Director or his designee is authorized to grant specific exceptions to this rule in individual instances where adequate precautions are taken to assure public safety.

(7) Loitering in Parking Areas. No person, after having been warned by a police officer shall loiter, stand, congregate, sit or lie in or upon any designated vehicular parking area in any City park for the purpose of eating or drinking, listening to music, or

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conducting other social activities not incidental to walking to or from other park areas or loading or unloading items for use in other park areas. This purpose of this ordinance is to assure that recreational park activities occur in designated

parking areas and prevent littering in those areas. The Recreation Board may grant exceptions to these restrictions on the use of parking areas for special events.

(10) Rules. The Parks and Recreation Committee of the Common Council is authorized to promulgate rules for the regulation of City parks and events in the parks. Any person who violates such rules shall be considered to have violated this section and be subject to any penalties therefore.

8.31 Penalty. Any person guilty of violating any provision in this Chapter 8, including any rule adopted hereunder, shall be subject to a forfeiture of not more than \$500 for each offense.