

**ORDINANCE NO. 2026:02**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED “ADMINISTRATION” TO ADD ARTICLE XI ENTITLED “MEMORIAL BENCH AND TREE DEDICATION PROGRAM”**

**WHEREAS**, the Borough of New Milford periodically receives requests from residents who wish to make memorial donations of benches or trees on behalf of loved ones; and

**WHEREAS**, the Mayor and Council wish to adopt a policy to regulate the process for accepting memorial donations of benches and trees.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of New Milford, Bergen County, New Jersey, as follows:

**SECTION 1.** The Revised General Ordinances of the Borough of New Milford is hereby amended to amend thereto Chapter 2, entitled “Administration,” to add Article XI to read in full as follows:

**Chapter 2. Administration**

**ARTICLE XI. MEMORIAL BENCH AND TREE DEDICATION PROGRAM**

**Section 2-58. MEMORIAL BENCH AND TREE DEDICATION PROGRAM.**

**2-58.1 Purpose**

The purpose of this program is to provide New Milford residents, families and community groups a meaningful way to honor loved ones or celebrate milestones while contributing to the beautification of New Milford’s parks and public spaces.

**2-58.2 Eligibility & Locations**

- a. Dedications are open to New Milford residents, families and community groups.
- b. Benches may be placed only on approved municipal properties, including parks, greenways, and recreation areas.
- c. Trees shall be placed at the curb, in the right-of-way in front of the purchaser’s or recipient’s residence (with the recipient’s permission).
- d. Kennedy Complex and other Green Acres–funded properties are subject to NJDEP restrictions. All dedications must preserve public access and may not serve any private or commercial purpose (per N.J.S.A. 13:8A-47(b)).

- e. Final placement decisions will be made solely by the Borough of New Milford in consultation with the Department of Public Works (DPW) and the Recreation Department to ensure safety, aesthetics, and long-term planning.

### **2-58.3 Commemorative Bench**

- a. Commemorative benches shall be a 6-foot bench with inlaid, custom etching.
- b. The cost shall be \$2,000 per bench.
- c. The cost includes a 10-year maintenance period.
- d. Etching on the bench is limited to manufacturer specifications and shall conform with the following guidelines:
  - “In Memory of” or “In Honor of”
  - “name of recipient”
  - “description for dedication” (e.g. loving parent, Father, Mother, etc.; X years as Firefighter, etc.)
- e. Advertising or commercial promotion is prohibited.
- f. As all dedications etched on benches on public property constitute a form of government speech, all language is subject to Borough approval prior to production.

### **2-58.4 Commemorative Tree**

- a. A commemorative tree shall be either a new shade or decorative tree.
- b. The cost shall be \$750 per tree.
- c. The cost includes the tree, planting and initial care.
- d. An optional engraved aluminum marker may be requested in the following size and at the following cost:
  - 1. Cost: \$200
  - 2. Size: 3” x 8”
- e. Markers shall be a maximum of 3 lines of text; 30 characters per line and shall conform with the following guidelines:
  - “In Memory of” or “In Honor of”
  - “name of recipient”
  - “description for dedication” (e.g. loving parent, Father, Mother, etc.; X years as Firefighter, etc.)
- f. Advertising or commercial promotion is prohibited.

- g. As all markers on public property or within the public right-of-way constitute a form of government speech, all language is subject to Borough approval prior to production.
- h. The DPW shall ensure species diversity and consistency in the placement of commemorative trees.
- i. Final decisions regarding tree selection and location are determined by the Borough.
- j. If a tree is planted in front of a Borough resident's home with a marker, the resident may take the marker with them when they sell the property. If the marker is left behind, the marker will be considered abandoned property and may be removed by the new homeowner.

### **2-58.5 Application & Approval Process**

- a. Applications must be submitted through the Borough Clerk's Office.
- b. Submissions shall be reviewed by the Recreation Department and DPW for suitability, location, and compliance.
- c. Final approval of all dedications, including design, placement and content, rests with the Mayor and Council.

### **2-58.6 Ownership, Maintenance & Term**

- a. Trees
  - 1. All donated trees become the property of the Borough of New Milford once planted.
  - 2. The Borough is responsible for routine care and maintenance of donated trees as follows:
    - (a) If a tree dies within the first year of planting, the Borough will replace it at no cost to the donor.
    - (b) If a tree dies in the 2nd or 3rd year, the Borough will replace it at the request and expense of the donor.
    - (c) If a tree is damaged or dies after the 3rd year, the Borough will make reasonable efforts to replace it at the request and expense of the donor.
    - (d) After 10 years, the Borough has no responsibility for maintaining or replacing the tree.
- b. Benches
  - 1. All commemorative benches are the property of the Borough once installed.
  - 2. The Borough is responsible for routine care and maintenance of the benches for 10 years after installation.

- (a) If a bench is damaged beyond repair during its 10-year maintenance period, the Borough, at its option, may make reasonable efforts to replace it.
- (b) After 10 years, at the option of the Borough, the bench may remain in place so long as it is serviceable.

**SECTION 2.** Inconsistency – All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** Severability – If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

**SECTION 4.** Effective Date – This ordinance shall take effect following passage and publication as required by law.