

Chapter 179. Planters in Commercial Areas*

***Editor's note:** This chapter was derived from Ord. No. 16060, adopted Aug. 5, 1976.

Sec. 179.01. Permit required.

Any person, firm or corporation desiring to place and maintain one (1) or more plant tubs on sidewalks in the downtown area or on paved boulevards abutting commercial property outside the downtown area may be granted a permit therefor subject to the following conditions:

- (1) *Written application.* The person, firm or corporation desiring such a permit shall make written application to the director of public works, showing the location, tub dimensions, name of applicant and other information as may be required by the director of public works.
 - (2) *Consent of property owners.* Each application shall be accompanied by a written statement, in such form as the city attorney may require, from the property owners abutting the street at the proposed tree or plant tub location giving their consent to the proposed installation.
 - (3) *Expiration and renewal.* All permits shall expire as of the 31st day of December next following the date of issuance thereof unless renewed. At least thirty (30) days prior to the expiration of any permit, the holder may make written application for renewal thereof. If plans and specifications of the trees and the location of the trees are not to be changed, the application for renewal shall be sufficient, if the applicant gives his or her name and address and the location and number of the tubs for which renewal permit is desired. Provided further, that if the consent of the abutting property owner remains unchanged, the application may so state and renewed consent shall not be required.
 - (4) *Sidewalk cafe exemption.* Any food establishment licensed under Chapter 331A of the Legislative Code conducting a sidewalk cafe as regulated in subsection 106.01(b) of this Legislative Code, shall be exempt from obtaining a permit herein.
- (C.F. No. 92-1066, § 1, 8-27-92; C.F. No. 03-369, § 1, 5-7-03)

Sec. 179.02. Locations restricted.

No tubs shall be located or maintained:

- (1) Without the approval of the director of public works.
- (2) In any alley.
- (3) At any location where the distance from the face of the curb to the inside sidewalk is less than eight (8) feet.
- (4) At any location less than fifty (50) feet from the nearest point of intersection with a street, except eighty (80) feet in bus loading areas, unless the director of public works shall approve.
- (5) Any closer than ten (10) inches from the face of the curb.
- (6) At any location which, in the opinion of the director of public works, interferes with pedestrian traffic.

Sec. 179.03. Winter storage.

All tubs shall be removed for winter storage within forty-eight (48) hours of an order to remove by the director of public works to the holder of such a permit.

Sec. 179.04. Condition.

It shall be the duty of the permittee to maintain each tub at all times in a safe condition at its proper location and to inspect each tub periodically in order that it may be properly maintained. Trees or plants and their tubs shall at all times be kept in a neat, clean and presentable condition. No advertising matter or sign or writing of any kind shall be displayed upon any tree or plant or its tub.

Sec. 179.05. Insurance.

(a) Before a permit shall be issued, the applicant shall post or maintain with the city a public liability insurance policy approved by the city attorney and conditioned substantially as follows: That the licensee will indemnify and save harmless the City of Saint Paul, its officers, agents and employees from any and all losses, costs, damages, expenses or liabilities which may result from or arise out of the granting of such permit or the installation or maintenance of such tree or plant tubs for which a permit is issued, regardless of the point to which such tree or plant tub or tubs may be moved within the City of Saint Paul, with or without the consent of the permittee; and that the permittee will pay any and all loss or damage that may be sustained by any person as the result of or which may be caused by or arise out of such installation or maintenance. The policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect.

(b) The limit of liability upon any policy of insurance so posted shall be in no case less than three hundred thousand dollars (\$300,000.00) for a loss, bodily injury or death occurring to more than one (1) person out of any one (1) accident, nor shall it be less than ten thousand dollars (\$10,000.00) for damage done to property arising out of any one (1) accident. Each insurance policy shall be of the type which coverage shall automatically be restored immediately after the occurrence of any accident or loss for which liability may hereafter occur.