

# ORDINANCE

## CITY OF SAINT PAUL, MINNESOTA

An ordinance to establishing new height limits for boulevard plantings.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Chapter 105, Sec. 105.04 of the Saint Paul Legislative Code is hereby amended to read as follows:

### Chapter 105. Care and Maintenance of Boulevards

#### Sec. 105.04. Boulevard Planting.

(a) *Purpose.* It is the purpose and intent of the City of Saint Paul to allow property owners to plant and maintain the boulevard areas adjoining their property in a manner which enhances and improves the aesthetic appearance of city streets, avenues and alleys.

(b) *Definitions.*

*Boulevard* shall mean the public right-of-way lying between the property line and sidewalk, and between the sidewalk and the roadway, or where no sidewalk exists, between the property line and the roadway.

*Noxious weeds* shall mean the annual, biennial and perennial plants which are deemed by the commissioner of agriculture to be injurious to public health, environment, public roads, crops, livestock and other property, as set forth in Minn. Rules 1505.0730, including but not limited to: *Convolvulus arvensis* (Field Bindweed), *Cannabis sativa* (Hemp), *Rhus radicans* (Poison Ivy), *Euphorbia esula* (leafy Spurge), *Sonchus arvensis* (perennial Sow thistle), *Cirsium vulgare* (bull Thistle), *Cirsium arvense* (Canada Thistle), *Carduus nutans* (musk Thistle) and *Carduus acanthoides* (plumeless Thistle).

(c) *Plantings permitted.* A property owner in the City of Saint Paul shall be permitted to plant, care for and maintain gardens on the boulevards adjacent to their property, subject to the restrictions set forth below.

(1) *Plantings may not exceed thirty-six (36) inches in height. Plantings within thirty (30) feet of any intersection (as measured from the property line) or within twenty (20) feet of any alley, or driveway approach (as measured from the end of the radius, or within five (5) feet of a public utility fixture or street curb may not exceed twelve (12) inches in height. Plantings shall be limited to twelve (12) inches in height within ten (10) feet of the curb on street sections that do not have parking lanes, or on street sections or portions of street sections where "no parking" restrictions of any kind apply.*

(2) *Plantings must be maintained in such a way that there is no overhang or encroachment onto the sidewalk, curb or street area.*

(3) *Plantings may include flowers, vegetables and other plants, but in no event shall any*

*noxious weed be planted or maintained.*

*(4) No herbicides, pesticides and/or fertilizers may be used in the maintenance of gardens under this section without written approval of the city forester, which approval shall contain the type and amount of said herbicide, pesticide and/or fertilizer which is permitted.*

*(5) No garden shall be planted on the boulevard without written documentation that the property owner has contacted "Gopher State One Call" for utility locations forty-eight (48) hours before digging, and has planned plantings which will not interfere with said utilities.*

*(d) Compliance requirements.* The citizen service office department, division of property code enforcement, shall have the authority to investigate boulevards to determine compliance with this section. For any property deemed to be in violation, the enforcement officer shall give notice of the alleged violation to the property owner, following the procedures set forth in section 45.10 of the Saint Paul Legislative Code. The division of property code enforcement may additionally determine whether a planting otherwise in compliance with this chapter nonetheless poses a nuisance or hazard, and may take action to abate such nuisance or hazard.

*(e) Public works and utilities.* Notwithstanding the foregoing, all such boulevards remain public property and subject to the right of the city to perform necessary work, to plant, trim and otherwise maintain trees, to access utilities and to store excess snow. In the event the city interferes with boulevard plantings in the course of such work, it shall be responsible only to restore the boulevard to the original grassy state by use of black dirt and grass seed. In no event shall the city be liable for any damage to, disruption of or removal of plantings, either direct or indirect, as a result of the city, its employees, agents or contractors performing any installation, maintenance or repairs. **Further, the city shall have the right to remove or restrict any plantings that are deemed to interfere with the safety of pedestrians and motorists alike.**

*(C.F. No. 96-892, §§§§ 1, 9-30-96; C.F. No. 99-1034, §§§§ 1, 11-10-99)*