



Legislation Text

File #: Ord 15-21, **Version:** 1

Amending Chapter 105 of the Saint Paul Legislative Code, Care and Maintenance of Boulevards, to add definitions and other requirements in order to create boulevard rain gardens and manage storm water runoff from streets and surfaces.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

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

Chapter 105. - Care and Maintenance of Boulevards

Sec. 105.01. - Dumping, obstructions.

It shall be unlawful for any person to throw or deposit, or cause to be thrown or deposited, any garbage or other waste material upon any part of any boulevard or street lawn within the corporate limits of the City of Saint Paul; further, it shall be unlawful for any person to erect or maintain any booth or structure of any kind whatever upon any of said boulevards or street lawns, or any other obstruction thereon.

Sec. 105.02. - Vehicles, etc.

It shall be unlawful for any person, firm or corporation to cause or permit any vehicle to be run or driven upon any sodded boulevard within the City of Saint Paul, except for state fair parking (as defined in section 60.219) and which occurs within the special overlay zoning district known as "State Fair Parking District" as established in section 60.711, or otherwise to injure or deface such boulevard. The exception for state fair parking shall not apply to any Minnesota state trunk highway.

Sec. 105.03. - Shrubbery removal.

It shall be unlawful for any person to deface, destroy, cut down or remove any of the trees or bushes growing or being maintained in or upon any boulevard or street lawn within the corporate limits of the city without having first obtained the permission and authority from the department of parks and recreation so to do; provided, however, that this section shall not apply to any act done or work performed under the direction and authority of the director of public works.

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.

Boulevard plantings shall mean plantings that do not meet the definition of boulevard rain garden.

Boulevard rain garden shall mean a landscaped depressed area that can hold stormwater runoff from impervious surfaces while it infiltrates into the soil below.

Drip line shall mean an imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

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) Boulevard rain gardens shall be registered as described in Chapter 116 and authorized by the department of public works prior to construction, except for those authorized as part of a city street reconstruction project. Rain gardens that impact existing boulevard trees or the area within the drip line shall be reviewed and approved by the department of parks and recreation-forestry

(2) Boulevard rain garden slopes shall not exceed 25 percent, the bottom depth shall not exceed six (6) inches below the elevation of adjacent hard surface, and there must be a two (2) foot wide level grass strip between the adjacent hard surface and top of slope. Excavations shall not occur within the drip line of boulevard trees.

(43) 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 five (5) feet of any alley, or driveway approached as measured from the end of the radius or within five (5) feet of a public utility fixture may not exceed eighteen (18) inches in height. Plantings shall be limited to eighteen (18) 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 'rush hour or 24 hour no parking' restrictions apply.

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

(35) Plantings may include flowers, vegetables and other plants, but in no event shall any noxious weed be planted or maintained.

(46) 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.

(57) 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 department of safety and inspections 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 department of safety and inspections 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.

SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.