



## Legislation Details (With Text)

**File #:** 081117 **Version:** 2

**Type:** Ordinance **Status:** Passed

**File created:** 11/25/2008 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 3/3/2009

**Effective date:**

**Title:** A substitute ordinance relating to permitting planting in certain portions of the public right-of-way.

**Sponsors:** ALD. WITKOWSKI, ALD. BAUMAN

**Indexes:** LANDSCAPING, STREET IMPROVEMENTS

**Attachments:** 1. Hearing Notice List, 2. Fiscal note, 3. Notice Published on 3-19-09

Date	Ver.	Action By	Action	Result	Tally
11/25/2008	0	COMMON COUNCIL	ASSIGNED TO		
2/12/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/16/2009	1	CITY CLERK	DRAFT SUBMITTED		
2/19/2009	1	PUBLIC WORKS COMMITTEE	AMENDED	Pass	5:0
2/19/2009	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
2/19/2009	1	CITY CLERK	Sponsor added		
2/19/2009	2	CITY CLERK	DRAFT SUBMITTED		
3/3/2009	2	COMMON COUNCIL	PASSED	Pass	15:0
3/9/2009	2	MAYOR	SIGNED		
3/19/2009	2	CITY CLERK	PUBLISHED		

081117  
SUBSTITUTE 2

### ALD. WITKOWSKI AND BAUMAN

A substitute ordinance relating to permitting planting in certain portions of the public right-of-way.  
116-54 cr

This ordinance permits the planting of flowers in the public right-of-way if the planting is 1 ½ feet from both the curb and the sidewalk. Plants may not grow so as to obstruct or encroach upon the curb or sidewalk, block sight lines to the sidewalk from the street, be higher than 2 feet or potentially create a trip hazard on the sidewalk or roadway. The department of public works may issue additional planting guidelines. If the property owner fails to comply with these regulations, the department of public works shall take corrective action to remove or trim the plants and bill the owner following the procedures set forth in s. 11.28, city charter.

Whereas, The residents of the 13<sup>th</sup> Aldermanic District pride themselves in doing an exceptional job in beautifying their neighborhoods with many exceptional examples of residential gardens; and

Whereas, The residents of the 13<sup>th</sup> Aldermanic District formed a Garden Committee to pursue district

designation and developed a formalized plan to guide beautification activities; and

Whereas, The Garden Committee became members of the Garden District Neighborhood Association which provides a district-wide identity and scope; and

Whereas, On February 5<sup>th</sup>, 2008, the Common Council adopted a resolution, File Number 070569, proclaiming the 13<sup>th</sup> Aldermanic District the Garden District of the City of Milwaukee; and

Whereas, In light of the activities and achievements in the 13<sup>th</sup> District, it is desirable to enhance these beautification activities and encourage beautification activities across the entire City; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 116-54 of the code is created to read:

**116-54. Planting of Flowers in the Public Right-of-Way.**

1. PLANTING OF FLOWERS. The planting of flowers in the public right-of-way is permitted if the planting is 1 ½ feet from both the curb and the sidewalk.
2. REQUIREMENTS. Plants may not grow so as to obstruct or encroach upon the curb or sidewalk, block sight lines to the street, be higher than 2 feet or potentially create a trip hazard on the sidewalk or roadway. The department of public works may issue additional planting guidelines.
3. CITY LIABILITY. The city shall be held harmless from and against any damages to plantings permitted in this section occurring due to city operations or repairs including tree trimming, tree removal, stump removal, tree planting, utility repair and plowing or salting.
4. VIOLATIONS. If the department of public works determines that circumstances warrant, the property owner shall be notified and given 30 days to correct the violation. If the property owner does not remove the plant material within the 30 days, the department of public works will take corrective action and bill the owner following the procedures set forth in s. 11.28, city charter.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

MET

2/19/09

LRB09050-3