

Right of Way Maintenance

The City of Arden Hills has adopted Section 360.30 to ensure the integrity of its streets, to ensure appropriate use of the right of way and to regulate the private use and maintenance of the unimproved portion of the right of way between and adjacent property and the edge of the pavement of the roadway. The right of way is defined as public or private land dedicated for public use for the purposes of pedestrian and vehicular movement, snow storage, road construction projects, drainage and utilities. The area dedicated for public use generally includes both the improved (paved) and the unimproved (landscaped) portions of land.

- The following activities shall be **prohibited** within the boulevard, between a person's property and the edge of the improved portion of the right-of-way:
 1. Placement of above ground fences;
 2. Placement of retaining walls without a permit;
 3. Placement of large boulders within fifteen (15) feet of the edge of the pavement; or
 4. Placement of other major landscaping improvements or obstructions, as determined by the City, within fifteen (15) feet of the edge of the pavement.

- Responsibility of Private Owners. It shall be the responsibility of the adjacent property owner to:
 1. Maintain the boulevard between their property and the improved portion of the right of way. Improvements made within the right-of-way by a property owner are done so at the property owner's own risk, and may be removed by the City at the owner's expense. The City is not responsible for damage to landscaping or other right-of-way improvements resulting from any activity related to the City's use of the right-of-way.
 2. Allow only those plant materials that do not have characteristics detrimental to the public welfare, such as susceptibility to disease and wind damage, or a tendency to interfere with utilities, public easement or rights-of-way.
 3. Trim, prune, maintain, and/or remove as necessary, any tree in the boulevard between their property and the improved portion of the right of way. Trees shall be pruned to sufficient height to allow free passage of pedestrians and vehicular traffic: nine (9) feet over sidewalks and sixteen (16) feet over streets. Trees not properly maintained, or found to be structurally unsound, may be deemed a public nuisance by the City, and abated in accordance with section 602 of the City Code.
 4. Remove any tree in the boulevard between their property and the improved portion of the right-of-way found to be diseased or dying by the City, in accordance with Section 710 of the City Code. The adjacent property owner is responsible for the cost of removing trees located in the right-of-way.
 5. Maintain driveway approaches in a safe condition that does not cause a maintenance problem, and in a manner that does not interfere with or obstruct the drainage carried

by the adjoining street or the use of the adjoining street for travel, as determined by the City. If a driveway approach is not maintained in this manner, the City may require the property owner to alter the driveway approach in order to meet the requirements of this Section. If the property owner fails to alter the driveway as directed by the City, it will constitute a public nuisance under Chapter 602.001 and may be abated under Chapter 602.05 or 602.06.

- The City maintains the right to plant, prune, maintain, remove or perform any other arboricultural practices as deemed necessary by the City on all public property and in the right of way.

- Placement of Trees in the Right-of-Way:
 1. The planting of trees in areas of the City dedicated for public streets, which are sometimes referred to as boulevard trees, is a matter of public interest. It is the purpose of this Section to provide a procedure for planting boulevard trees under certain circumstances and subject to certain regulations as provided by this Section.
 2. Permitted Varieties. Only the following types of trees shall be permitted under the provisions of this Section: Hackberry; Norway, Sugar or Red Maple; Linden; and other species as approved by the City. Under no circumstances shall cottonwood trees, non-disease resistant elm trees or any species of ash trees be planted in the City.
 3. Space. At the time of planting, trees which will exceed forty (40) feet at the height of maturity shall be spaced at least twenty-five (25) feet apart.
 4. Prohibited Locations. Trees shall not be planted in the following manner:
 - a. Within fifteen feet of the improved portion of the right-of-way;
 - b. Within ten (10) feet of any fire hydrant, utility pole or other fixture;;
 - c. Under or within ten (10) feet of any overhead wire or over or within ten (10) lateral feet of an underground utility;
 - d. In such a way that it will now or in the future materially impede the clear vision area.