

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3193

AN ORDINANCE REMOVING BOULEVARD LANDSCAPING REQUIREMENTS BY REPEALING 7-4-2(F) OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE
CITY OF HELENA, MONTANA:

That 7-4-2(F) of the Helena City Code is hereby amended as follows:

7-4-2: **OWNERS TO BUILD:** All persons owning abutting property shall build the sidewalks, curbs and gutters for such property, and the same shall be built to the following standards:

A. through E. No change.

F. ~~Sidewalks And Boulevard Landscaping: The boulevard areas in the right of way shall be maintained by the adjacent property owner in a neat, clean, orderly, and healthful condition. Maintenance includes proper pruning of trees, shrubs, mowing of lawns weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings. The adjacent property owner shall make provisions for irrigation to ensure a sufficient amount of water for plant material growth. Landscaping must conform to the standards described below:~~

~~1. Where there are public trees and grass boulevards the areas shall match the appearance and character of the boulevards in the blocks immediately adjacent to the block of the owner as well as the prevailing character of the neighborhood.~~

~~2. In areas of new development where boulevard type sidewalks have been installed, the boulevard must be developed and maintained as a grass strip with public trees as specified in chapter 10 of this title~~

~~3. For those areas where there is a curb only, or where a curb type sidewalk has been installed or those portions of the right of way are between the sidewalk and property line, the right of way shall be developed and maintained as~~

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~~an integral part of the adjacent property owner's landscape.~~

~~4. The parks and recreation department director, may grant variances to the landscaping standards of this section. Applicants desiring a variance shall first submit an application to the director, which must include the proposed landscaping and maintenance plans. The application must contain the following information:~~

~~a. Landscaping plans consisting of:~~

~~(1) A scale drawing showing all alterations, modifications and new development in the right of way area between the curb and the adjacent property line; and~~

~~(2) Type of plant material, size of plant material at planting, size of area being modified, and any other pertinent information relating to the plan.~~

~~b. Maintenance plans showing:~~

~~(1) How applicant intends to maintain landscaped areas; and~~

~~(2) Watering, trimming, trash removal, and other necessary maintenance practices.~~

~~5. Variances may only be granted if in compliance with the following conditions:~~

~~a. Match the appearance and character of the boulevards in the blocks immediately adjacent to the block of the owner as well as the prevailing character of the neighborhood;~~

~~b. The plant material must be of adequate number, size and type to ensure that within three (3) years of initial planting, sixty percent (60%) of the ground area is covered by the plant material, which includes a tree's trunk, but not its drip line;~~

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~~e. The plant material may consist of a combination of trees, shrubs, ground cover, and ornamental perennial flowers;~~

~~d. Trees must comply with the standards of chapter 10 of this title;~~

~~e. No shrub, ground cover, or flower may exceed thirty inches (30") in height;~~

~~f. Materials such as bark mulch, river rock, lava rock, boulders, and driftwood may be used, providing they do not become the dominant feature of the landscaping and prevent the plant material from covering sixty percent (60%) of the landscaped area; and~~

~~g. The landscaping may not create an unsafe condition to the public using the right of way.~~

~~6. Violation of this section is a municipal infraction punishable by a civil penalty of not more than one hundred dollars (\$100.00) for each violation and other alternative relief from the court as provided by law, including restoration. Each day infraction exists constitutes a separate violation. Further, the adjacent property owner is liable for the expense of restoring the right of way to required standards.~~

GF. No change.

HG. No change.

IH. No change.

JI. No change.

(Ord. 2546, 6-4-1990; amd. Ord. _____, ____-____-2014)

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 19th DAY OF MAY, 2014.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 18th DAY OF AUGUST, 2014.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION