

## TERRACE TREATMENT POLICY

(Approved May 22, 2019)

The general scope of this policy covers the installation and maintenance of privately placed items within the terrace that fall within three categories. (1) To control and prevent erosion and (2) to beautify the appearance and use of the terrace for the benefit of the neighborhood and (3) to define the acceptable planting, tending and harvesting of edible vegetation.

**The City of Madison will not be responsible for repairing or replacing any part of privately owned improvements placed in the street right-of-way (ROW).**

Primary considerations of installations of privately owned materials placed in the terrace are:

1. Materials (non-plant)
  - a. All items placed in the terrace shall be easily removable to facilitate the repair and installation of public utilities.
  - b. Retaining walls in the terrace may be permitted by the City Engineer provided the existing terrace cannot be maintained due to steep slopes or provided an erosion problem exists. The retaining wall shall be a minimum of 12 inches from the edge of walk, 2 feet from the back of curb and not restrict access to fire hydrants. The plan for the retaining wall must be approved by the City Engineer who may impose additional requirement or may require the property owner to obtain a Privilege in Streets Permit.
  - c. Paving the terrace with brick, flag stone or concrete in commercial areas may be permitted by the City Engineer, ~~a Terrace Permit is required~~. Terrace walks in commercial and residential areas (private walks between the sidewalk and the curb) constructed of brick, concrete and flag stone are permitted. Any such brick, flag stone or concrete paving, even if permitted, requires a ~~a Terrace Permit is required~~ under Sec. 10.09(5).
  - d. Concrete stairways in the terrace are not desirable, however may be permitted by the City Engineer in extreme situations. The concrete stairway shall comply with all local state and federal regulations. The plan for the concrete stairway must be approved by the City Engineer who may impose additional requirements or may require the property owner to obtain a Privilege in Streets Permit.
  - e. ~~The property owner shall obtain a Terrace Permit from the City Engineer for all concrete paving, brick paving, flag stone paving, stairways and retaining walls placed in the terrace.~~
  - e. Raised Planting Beds. Raised planting beds in the terrace are allowed as provided for in this subsection.
    - (1) Permissible raised planting beds must be constructed with materials that are not permanent. Poured concrete and mortared stone are considered permanent and are not allowed.
    - (2) The maximum height of a raised planting bed is 12 inches above ground level.
    - (3) Raised planting beds are not allowed on existing paved, hard surface or concrete terraced areas.
    - (4) Raised planting beds shall be a minimum of 12 inches from the edge of a sidewalk or path, 2 feet from the back of the curb or roadway, and shall not restrict access to

fire hydrants.

- f. Under no circumstance shall any material (including soil) be placed on top of water valves or manhole covers. The utilities shall remain visible and undisturbed.

2. Plants

- a. The planting, cutting, pruning or removal of trees and shrubs in the terrace is not governed by this policy. Such actions require a permit issued by the Board of Parks Commissioners under MGO 23.21 and 23.22. Shrubs under twenty-four inches in height and greater than twenty-four inches from the back of the curb may be permitted under MGO 10.25(~~34~~). If necessary to control soil erosion taller shrubs and shrubs closer to the curb may be permitted.
- b. Wire cages, stakes and strings used to support plants are allowed in the terrace but only during the period of the growing season. Such materials must be removed from the terrace after harvest, and all such devices shall meet the requirements of subsection ~~3(e)~~ below.
- c. Under no circumstance shall any plant encroach over a sidewalk, curb or roadway shoulder. No plants shall be placed within a six foot radius of a fire hydrant.
- d. Any chemical agent, insecticide or fertilizer must be applied in accordance with the manufacturer's label instructions and any State and Federal regulations where applicable.
- e. In order to provide a clear view at intersections for all users of the traveled way, an area within each intersection shall be kept clear of any plant over thirty (30) inches in height. If plants are located in a raised planting bed, the thirty (30) inch maximum height is the total height of both the raised planting bed and plants from the ground.
- (1) At the intersection of two (2) streets abutting a corner lot, the vision clearance area shall be all that area within forty (40) feet of the intersecting property lines. Dimensions of the vision clearance area may be reduced based on the recommendation of the Traffic Engineering Division.
- (2) At the intersection of a street with a private road, driveway, or alley, the vision clearance area shall be all that area within four (4) feet of the private road, driveway, or alley.
- f. Per MGO 10.25(~~23~~), the owner of a ~~residential~~ property may plant, maintain and cultivate, or allow an occupant or tenant of the ~~residential~~ property to plant, maintain and cultivate, certain plants and landscaping features within the terrace adjoining the owner's property.
- g. Per MGO 10.25(~~23~~)(e), the owner or occupant responsible for the permissible plantings accepts full responsibility for the care and maintenance of the permissible plantings, and understands that permissible plantings in the terrace are made at their own risk, and that they may be removed at any time by the City without compensation. The owner or occupant seeking to place permissible plantings in the terrace is responsible for contacting Digger's Hotline to identify and mark any underground utilities prior to digging within the right-of-way.
- h. Per MGO 10.25(~~23~~)(f), Prior to performing any public works project that may threaten any permissible planting, the City shall attempt to notify property owners and occupants of the City's plans in order to give the owner or occupant sufficient time to relocate the plantings (for example, public works projects such as street reconstruction, utility work, tree removal and/or replacement). This notification provision shall not apply in emergency

situations or where such notice is not practicable.

3. Public Safety

- a. Materials shall not create tripping hazards, puncture or cutting potential or project to cause bodily or vehicular harm or damage. Sharp corners and edges or materials shall be rounded or beveled.
- b. Plantings placed in the terrace within any vision area, as defined in ~~3(2)e~~, above, shall not exceed a height of thirty (30) inches. If plants are located in a raised planting bed, the thirty (30) inch maximum height is the total height of both the raised planter bed and plants above the ground.
- c. Per MGO 10.25(~~23~~)(d)~~(1)-(2)~~, approved plantings and landscaping features shall be maintained in a safe and orderly manner, free of any unapproved planting or landscaping feature and in the areas allowed under the terrace treatment policy.
- d. Per MGO 10.25(~~23~~)(d)~~(2)-(3)~~, under no circumstances shall an approved planting or landscaping feature obstruct or endanger the public's use of a roadway, sidewalk or other multi-use path, and all approved plantings and landscaping features shall be maintained so as not to interfere with the public's right of travel over these areas, or the visibility required to exit private driveways.
- e. Refuse and recycling containers along with any other items placed in the terrace area for City pickup (including leaves and brush) shall be placed at least 3 feet away from any terrace plantings, raised planting beds or other vertical features.

3.4. Leaves. Madison General Ordinances 10.17 and 10.18(7)(d) require that home owners not rake leaves into the street. Studies have shown that 40% of the phosphorus entering our water bodies comes from leaves over a two month period in the fall. Studies have also shown that keeping the leaves out of the street prevents almost all the nutrients from leaching out of the leaves. Property owners shall therefore keep leaves on the terrace, instead of the street, during spring and fall clean up.

Pursuant to MGO 10.25(~~23~~)(c) this revised policy was approved by the Board of Public Works on ~~April 23, 2014~~ May 22, 2019 after consultation with the Food Policy Council on April ~~2, 2014~~ 13, 2019.

The City Engineer in consultation with the Food Policy Director ~~Food and Alcohol Policy Coordinator~~ shall modify this policy as necessary in order to accommodate any changes in the City Ordinances or State law.