

Shrubs, trees and other ornamental landscape materials may be added to complement any yard.

It is the owners responsibility to see that this landscaping is maintained in an attractive and well-kept condition.

### CALL BEFORE YOU DIG

It is recommended that property owners call Gopher State One at **811** for utility locates prior to beginning any planting.



### CODE ENFORCEMENT

If you feel there is a violation of zoning codes existing in your neighborhood, contact the Health & Inspections Department. To report your concern online or request a right-of-way trimming, use the City's Complaint Submittal system at <https://sws.stcloudcity.com/etrakit>.

### CONTACTS

#### Health & Inspections Department

Code Enforcement  
400 2nd Street South  
St. Cloud, MN 56301  
(320) 255-7214

#### Planning & Zoning Department

Zoning Regulations  
400 2nd Street South  
St. Cloud, MN 56301  
(320) 255-7218

#### Parks & Recreation Department

Tree Planting Permits  
1101 7th Street South  
St. Cloud, MN 56301  
(320) 257-5959

# Trees & Shrubs

CITY OF  
**ST.CLOUD**   
MINNESOTA



## SETBACKS

The City does not have standard regarding the distance of plantings from the property line.

## CITY RIGHT-OF-WAY

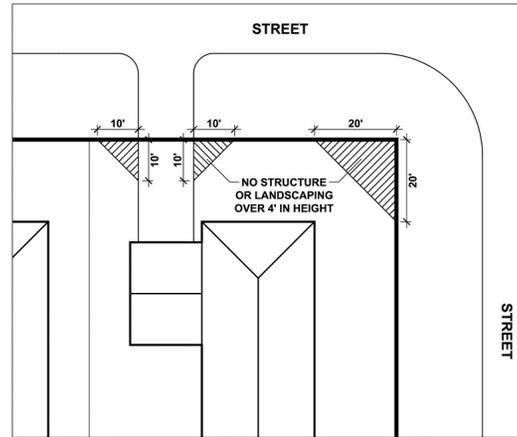
The City's Forestry Division is tasked with planning, pruning, and trimming all public trees in the city parks, boulevards, alleys, and public lands as requested.

The City does not plant boulevard trees; however, the Parks & Recreation Department approves requests for homeowners and volunteer groups to plant trees on City property.

Property owners may obtain a free planting permit to plant trees in the boulevard. The Parks & Recreation Department will conduct an on-site inspection to determine where the trees can be placed, recommend species that are appropriate for the site, and issue the permit.

## OBSTRUCTIONS

Hedges or plantings may not rise over 4' in height within 20' of any street right-of-way corner and within 10' of any front property line where it will interfere with traffic or pedestrian visibility across the driveway, alley, or street.



## OWNERSHIP\*

Generally, the trunk of a tree or root of a shrub will determine ownership. However, just because the tree trunk crosses a property line, it does not give each neighbor an ownership interest in the tree.

In MN, the Court will look at the intention of the neighboring property owners to determine if the tree or shrub is common property.

Intent is determined by agreement, acquiescence, or course of conduct.

As a common property owner, neither property owner has the right to destroy the property without the consent of the other owner.

## OVERHANGING TREES & SHRUBS\*

It is common for one neighbor to have ownership of a tree/shrub whose roots have encroached onto the neighbor's property or there is a branch which overhangs the property line.

- The non-owner has the right to prune the tree or pick up fallen fruit so as not to cause damage to the tree/shrub.
- The non-owner can prune a tree/shrub only up to their property line and without trespassing onto the neighbor's property.
- The tree/shrub cannot be cut down simply because a branch or root encroaches onto the non-owner's property.

## NUISANCES\*

Sometimes a branch or root encroaches on a neighboring property in such a manner that damage is caused.

In the case of a nuisance, the non-owner can use self-help in a reasonable manner, which does not mean cutting down the tree or shrub. When self-help is not practical or reasonable, then the non-owner should seek legal counsel.

### Examples:

Nuisance: A tree which is pushing up the sidewalk alongside the house which causes drainage issues for the non-owner of the tree.

Not a Nuisance: A cherry blossom tree which drops its flowers on the non-owners driveway.

\* This is the opinion of the City of St. Cloud Legal Department. Property owners with concerns regarding ownership & encroachment issues are advised to seek legal counsel.