

Chicago Garden Growers Installations & Stewardship, LWCA

Quick Guide to Planting on the Parkway in Chicago

We reviewed Chicago's Municipal Code to explore planting a parkway garden on residential properties. The full code is available on the [Office of the City Clerk's website](#), and we encourage you to take a look at the ordinances for yourself, especially "[Chapter 10-32 Trees, Plants and Shrubs](#)", which covers planting on parkways and the city's native gardens registry. *We are not lawyers or Municipal Code experts—the below shouldn't be considered advice, but rather an educational tool.* Let us know if you have any questions, and enjoy!

TL;DR

- The city owns the parkway. You get to steward it.
- Can you plant on the parkway? Yes, just try not to dig beyond 6 inches.
- The magic number for plant height seems to be 10 inches or less.
- The city will dole out fines for code violations; for more serious violations, they might order materials removed.
- The city has an ordinance that protects registered native plant/pollinator gardens—but it's not up and running yet.

What We Found: Highlights

1. **Who owns the parkway in front of your house?** The City of Chicago owns this strip, and the ordinance gives the Department of Streets and Sanitation (DSS) the authority for pretty much everything in this section of the Municipal Code, including enforcement.
2. **Who is responsible for the “care of the parkway” at my home?** The owner of the property! They are responsible for all the routine care (watering, weeding, mowing), keeping vegetation alive, and replacing anything that dies. ([10-32-050](#).)
3. **Can I plant on the parkway?** Absolutely. The Municipal Code stipulates parkway gardens are permissible without any permit, as long as soil disturbance is minimized to 6 inches or less. ([10-32-060](#))
4. **What kind of rules does the ordinance have in place that I should know about?** Don't let your parkway plants create a “Public Nuisance.” A tree, shrub, or plant is considered a “public nuisance” if it interferes with basic safety or infrastructure things. Traffic-device visibility, streetlights, sidewalk or street-blocking branches, an insect infestation, or anything putting a human in harm's way. DSS will order the owner to resolve the issue, intervene, or pursue legal proceedings such as fines. ([10-32-040](#))

Another common issue: “weeds.” This is covered in “[Chapter 7-28 Health Nuisances: Section 120](#).” The city requires property owners to cut/control all weeds so the “average height” on the property doesn't exceed 10 inches. (The use of the word “average” is interesting here!)

Both these sections outline the ways the city may respond, including fines or removing

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materials itself.

5. **Can you get fined for rule violation?** Yes. The city enforces both these offenses with fines. It may also remove offensive plants/materials from a property. (It's unclear what provokes the city's attention on some properties, while others escape notice entirely.)
6. **I've heard that Chicago now has a formal ordinance to protect Native Plants and Pollinator gardens from silly fines. Is that true?** Yes! The municipal code does now include a section offering protection for "managed" native and pollinator gardens via the creation of a registry. The ordinance assigned the task of designing and implementing that registry to the DSS and an Advisory Committee. At this time, it is still in progress.

Benefits of this registry include participation as a registrant for no cost and protections from enforcement of the city's weed penalties—as long as the garden is well-maintained, planted intentionally, does not sprawl into the walkway, and plants do not exceed 10 inches in height. It seems possible that these protections may expand, as the DSS is allowed to promulgate rules per the ordinance itself.

Take a [look at the ordinance \(10-32-055\) here](#), or [review the city's ongoing advisory board page \(which has minutes\) here](#).

7. **I want to build a fence or build a raised bed. What should I know?** The code does specify some instances where a project DOES NOT require a permit (minimal digging=you're golden), and some instances where it does (you're public utility company putting a "substance" such as "lumber" or "stone" here? Permit, please.) If one embarks on a project using natural materials unnamed in the ordinance (ie logs), as well as adheres to the height and spacing considerations specified within the municipal code or by the DSS's Advisory Managed Native Garden Committee, is a permit required? This is unclear at this time. (Permit—[10-32-060](#); Substances [10-32-140](#))