

ORDINANCE NO. ORD-15-09

First Reading:	June 1, 2015	Approved:	October 5, 2015
Public Hearing:	June 15, 2015	Published:	October 5, 2015
	October 5, 2015	Effective:	October 18, 2015

TREES AND OTHER VEGETATION

AN ORDINANCE TO AMEND SECTIONS 3:11, 3:14, 3:15, 3:16, and 3:17 OF CHAPTER 40, TREES AND OTHER VEGETATION, OF TITLE III OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1: That Section 3:11 of Chapter 40, of Title III of the Code of the City of Ann Arbor be amended to read as follows:

**3:11. Definitions**

The following definitions shall be applicable in the interpretation of this chapter:

- (1) "City Right of Way": The lawn extension and sidewalk adjacent to a property within the street right-of-way as well as the street, curb to curb.
- (12) "Lawn extension": The unimproved portion of any street right-of-way that is not paved or intended for traffic.
- (23) "~~Superintendent~~City Administrator": The ~~superintendent of the department of parks and recreation~~City Administrator or her/his designees.
- (4) "Cultivated herbaceous plants": Cultivated herbaceous plants are those such as native prairie grasses and forbs, and ornamental perennials including grasses – which are intentionally installed and cared for.

Section 2: That Section 3:14 of Chapter 40, of Title III of the Code of the City of Ann Arbor be amended to read as follows:

**3:14. - Trimming and corner clearance.**

- (1) Trees and other vegetation on private property shall be maintained so that no part thereof intrudes upon street or sidewalk~~public right of way~~ in the space 8 feet above the surface of the right-of-way.

- (2) Vegetation adjacent to intersections shall be maintained to allow for adequate sight distance based on the criteria in the AASHTO (American Association of State Highway Transportation Officials) Policy on Geometric Design of Highways and Streets, 5th Edition (2005), or as subsequently amended.

Section 3: That Section 3:15 of Chapter 40, of Title III of the Code of the City of Ann Arbor be amended to read as follows:

**3:15. - Lawn extension and city ~~street~~ right-of-way.**

The owner of every parcel of land is responsible for grading, planting, mowing and raking the lawn extension ~~in the~~ city ~~street~~ right-of-way so that it is covered at least with ~~turf~~ grass with an average height not in excess of 12 inches or with other cultivated herbaceous plants~~ground cover vegetation~~ with an foliage average height not in excess of 36 inches above the adjacent sidewalk or ground~~road~~ surface except at intersections and along curves, where vegetation must also not present unless it presents a view hazard based on the criteria in the AASHTO (American Association of State Highway Transportation Officials) Policy on Geometric Design of Highways and Streets, 5th Edition (2005), or as subsequently amended. Flower tops of plants may extend as high as 42 inches, provided viewlines are not obstructed.

Vegetation planted at mid-block crosswalks, bus stops or on pedestrian islands must not exceed an **maximum** height of 24 inches when blooming. The vegetation must be maintained to ensure an unaccompanied minor, a person in a wheelchair and a person walking a bike can be adequately visible to a driver, based on the AASHTO policy (ref. above).

The city shall not be liable for damage to any vegetation planted, or to any property or fixtures placed, in or upon the ~~lawn extension or the~~ city right-of-way that results from work performed by the city in the lawn extension or right-of-way.

Section 4: That Section 3:16 of Chapter 40, of Title III of the Code of the City of Ann Arbor be amended to read as follows:

**3:16. -~~Grass and weeds.~~Vegetation on private property.**

On private property, outside of a cultivated bed or planned natural landscape, no vegetation shall be permitted at a height greater than 12 inches. Trees, bushes and other woody plants on private property shall be maintained so that no part thereof is obstructing or blocking the sidewalk or the street, and must be trimmed in order to allow 8 feet of clearance for streets and sidewalks. Cultivated herbaceous plants on private property shall not intrude into the right of way in such a manner as to create a hazard

~~for pedestrians and others using the sidewalk no turf grass shall be permitted at a height greater than 12 inches.~~

Section 5: That Section 3:17 of Chapter 40, of Title III of the Code of the City of Ann Arbor be amended to read as follows:

**3:17. - Enforcement.**

If private property, ~~a lawn extension~~ or city right-of-way is not maintained as required by this chapter, the city administrator may have the work done to bring the property lawn extension or city right-of-way into compliance. The notice provided for enforcement of sections 3:14, 3:15 and 3:16 shall be sent to the address of the owner as shown on the assessor's records at least 3 days prior to commencing the work. In the case of an immediate hazard to public safety no prior notice shall be necessary. The actual costs of the work needed to bring the property, lawn extension or city right-of-way into compliance, plus an administration fee of \$50.00 shall be billed to the owner. If this amount is not paid within 45 days, it shall be a special assessment against the property as provided in section 1:292 of this code.

Section 6: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 7: This Ordinance shall take effect on the tenth day following legal publication.

**As Amended by Ann Arbor City Council on October 5, 2015.**

**CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of October 5, 2015.

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Jacqueline Beaudry, City Clerk

Ordinance No. ORD-15-09 Cont.

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Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on October 8, 2015.

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Jacqueline Beaudry, City Clerk