

# **Environmental Commission**

**4/22/2021**

## **Discussion Item:**

Ann Arbor City Code Ch. 40, Trees and Other Vegetation:  
Sustainability & Safety achieved with Education

## **Goals:**

- Support ecosystem services within sustainable yards and gardens,
- Reduce municipal water use,
- Minimize stormwater runoff,
- Reduce turf grass,
- Support establishing variations in vegetation on property that provide pollinator habitat,
- Support pedestrian and vehicle safety with respect to site distances at corners and along yard easements,
- Demonstrate care of vegetation,
- Minimize enforcement conflict points for monitoring and enforcement, and
- Focus on education of the community.

## **Questions for Commission Consideration:**

- Should Ann Arbor's code be modified to support the above goals?
- What is best for environmental concerns, public education, and ease of enforcement?
- Are specific measurements of plant height effective for achieving the goals?

## Reference, in entirety: Chapter 40, Trees and Other Vegetation, Ann Arbor Municipal Code

Specific sections of interest for Environmental Commission discussion:  
(red font highlights discussion items)

**3:14. - Trimming and corner clearance. (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. (Ord. No. 19-05, § 3, 5-16-05; Ord. No. 15-09, § 2, 10-5-15)

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

The owner of every parcel of land is responsible for grading, planting, mowing and raking the lawn extension in the city right-of-way so that it is covered at least with grass with a height not in excess of **12 inches** or with other cultivated herbaceous plants with a foliage height not in excess of **36 inches** above the adjacent sidewalk or ground surface except at intersections and along curves, where vegetation must also not present 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 a 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 city right-of-way that results from work performed by the city in the lawn extension or right-of-way.

(Ord. No. 43-04, § 17, 1-3-05; Ord. No. 19-05, § 4, 5-16-05; Ord. No. 15-09, § 3, 10-5-15)

### **3:16. - 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.

(Ord. No. 43-04, § 17, 1-3-05; Ord. No. 19-05, § 5, 5-16-05; Ord. No. 15-09, § 4, 10-5-15)

### **3:17. - Enforcement.**

If private property 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. (Ord. No. 19-05, § 6, 5-16-05; Ord. No. 15-09, § 5, 10-5-15)

### **3:18. - Financial hardship.**

Under proof of financial hardship, the Administrator may authorize charges under [section 3:17](#) to be paid in installments or to be reduced and will be subject to Council approval.

## **453:19. - Penalties.**

The owner (as shown on the assessor's records) of private property subject to this chapter is responsible for compliance. Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$1,000.00, plus costs and all other remedies available by statute. Violation of this chapter shall be punishable by a civil fine of not less than \$100.00 for the first offense, not less than \$250.00 for the second offense, and not less than \$500.00 for each additional or subsequent offense within a 2-year period, plus costs and all other remedies available by statute. The maximum fine for any offense shall not exceed \$1,000.00. Each day of violation shall be a separate violation. If the penalty is not paid within 45 days, it shall be a special assessment against the property as provided in [section 1:292](#) of this Code.

(Ord. No. 19-05, § 7, 5-16-05)

=====**End of Excerpt from A2 City Code**=====

## Comparison City Codes re, Vegetation:

### 1) Traverse City Code

#### 1456.13 - Trees, shrubs, and other vegetation

No tree, shrub or other vegetation shall be allowed to damage a building or block safe vision of a sidewalk, drive or street. No dead tree, trees, or parts thereof shall be permitted. Trees, shrubs, or other vegetation that endangers property shall be removed.

(Ord. 706. Passed 8-21-06)

### 2) Grand Rapids' code, under Property Maintenance, is similarly simple:

#### Sec. 9.939. - Property Maintenance.

##### (d) Vegetation.

(1) Views of windows, building address numbers, walkways and the line of vision to the establishment from the public right-of-way shall not be obstructed by vegetation.

(2) Reasonable pruning, trimming, or other suitable and acceptable methods shall be used to control vegetation. Vegetation and landscape areas shall be maintained substantially debris-free, neat and orderly in appearance, and in healthy growing condition. Dead vegetation shall be removed or replaced.

(3) Vegetation shall not interfere or obstruct any lighting required by this Chapter.

(4) The passage or movement of pedestrians or vehicles on any sidewalk, driveway, parking lot, or any other area intended for the use of pedestrians or vehicles shall not be obstructed or interfered with by vegetative overgrowth. (Ord. No. 2019-44, § 1, 8-27-19)