

CHAPTER 40

(TREES AND OTHER VEGETATION)

AN ORDINANCE TO AMEND CHAPTER 40 (VEGETATION) OF TITLE III (PARKS AND PUBLIC GROUNDS) OF THE CODE OF THE CITY OF ANN ARBOR

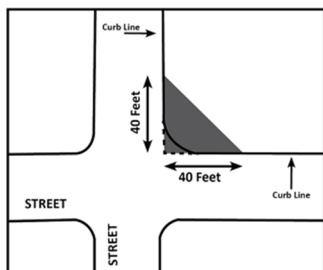
The City of Ann Arbor Ordains:

Section 1. That Sections 3.11, 3.12, 3.14 and 3.16 - 3:19 of Chapter 40 (Trees and Other Vegetation) of Title III (Parks and Public Grounds) of the Code of the City of Ann Arbor be amended 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.
- (2) "Lawn extension": In residential areas, the portion of any street right-of-way that is not paved or intended for traffic. Where sidewalks exist, the lawn extension is the area between the sidewalk and the curb, or roadway if there is no curb.
- (3) "City Administrator": The 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.~~
- (4) "Rain Garden": A shallow planted depression in the city right-of-way or lawn extension designed to collect and filter rainwater runoff from roofs, driveways, sidewalks, and other impervious surfaces.
- (5) "Shrub": A woody plant smaller than a tree that has a single or multiple main stems arising at or near the ground.
- (6) "Sight Triangle": A triangular area at street intersections starting at the corner where two curb lines and extending away from the corner for 40 feet along the curb lines.



(7) "Vegetation": An assemblage of plant species and the ground cover they provide does not include a tree or shrub.

3:12. – Permits for tree planting care or removal.

The City Administrator shall have the sole authority over the planting, maintenance and removal of trees and shrubs in the street right-of-way, lawn extension, and other city property. No person without written permission of the City Administrator shall plant, remove, break, spray or take any action which will injure or destroy any tree or shrub, the base of which is located in the street right-of-way, lawn extension, or other city land.

3:13. - Private grounds.

No tree or other vegetation which by virtue of disease, damage or insect infestation presents a hazard to persons or vegetation on public property shall be maintained on private property.

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 in the space 8 feet above the surface of the right-of-way~~ to allow 8 feet of clearance over sidewalks and 14 feet of clearance over streets.

(2) Vegetation adjacent to intersections shall be maintained to allow for adequate sight distance within the sight triangle. ~~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. Trees and shrubs must be trimmed so as not to obstruct the view of pedestrians, bicyclists and motorists.~~

~~(2)~~(3) Trees, shrubs, vegetation, and rain gardens on private property must be brought into compliance with this section within 90 days after the effective date of this ordinance.

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.

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.~~

~~(1) Trees, bushes shrubs and other woody plants vegetation 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 over sidewalks and 14 feet of clearance over streets and sidewalks~~

~~(2). Cultivated herbaceous plants Trees, shrubs and vegetation 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.~~

~~(3) Trees, shrubs, vegetation, and rain gardens on private property must be brought into compliance with this section within 90 days after the effective date of this ordinance.~~

3:17. - ~~Enforcement.~~ Bringing property into compliance.

~~(1) 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.~~

~~(2) The notice provided for enforcement A Notice of Violation of sections 3:14, 3:15 and or 3:16 shall be sent given to the address of the owner as shown on the assessor's records at least ~~3 days~~ 72 hours prior to commencing the work by affixing the notice to the premises or sending the notice via US Mail or email to the owner or owner's representative or agent, if known. In the case of an immediate hazard to public safety no prior notice shall be necessary.~~

- (3) 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.

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.~~

3:19. - ~~Penalties.~~Violations.

- (1) 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.
- (2) Prior to issuing an infraction for a violation of sections 3:14, 3:15, or 3:16, a Notice of Violation shall be given to the owner as shown on the assessor's records at least 72 hours by affixing the notice to the premises or sending the notice via US Mail or email to the owner or owner's representative or agent, if known.
- (3) 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.
- (4) 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.

Section 2. This ordinance shall take effect on the tenth day after legal publication.