

CITY OF SOMERVILLE
ORDINANCE NO. 2021-05
IN CITY COUNCIL March 25, 2021

NATIVE PLANTING ORDINANCE

Be it ordained by the City Council, in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended to add a new Article X to Chapter 12, as follows:

ARTICLE X. NATIVE PLANTING ORDINANCE

Sec. 12-171. Title.

This Article shall be known and may be cited as “City of Somerville Native Planting Ordinance.”

Sec. 12-172. Purpose.

The purpose of these regulations is to establish minimum standards for the use of native vegetation by the city. The city recognizes the significant benefits of establishing and protecting native vegetation for species conservation, ecological restoration, and combating the climate crisis and, therefore, the necessity to maximize the use of native vegetation by the city.

Sec. 12-173. Intent.

It is the intent of this ordinance that these minimum landscape requirements be incorporated in order to combat the climate crisis, species extinction, and global warming, and to promote the public health, safety, and welfare by:

- (a) Acknowledging that pollination is an essential ecological survival function, and without native plants and the pollinators that depend on them, the human race and all of earth's terrestrial ecosystems will not survive;
- (b) doing our part to reverse the massive decline in native pollinator populations from widespread use of pesticides in agribusiness, loss of habitat from development, and from our insistence on non-native plants in landscaping;
- (c) protecting and promoting genetically diverse and appropriate native vegetation;
- (d) promoting microhabitats in urban areas for the conservation of wildlife by establishing new, and maintaining and connecting existing, wildlife habitat;
- (e) creating larger, more connected plant populations and helping ensure the future of native plant species by increasing their ability to migrate in response to changes in climate;
- (f) promoting public health through the long term, widespread adoption of diverse native plantings; and
- (g) educating residents on the importance of native plant species and native pollinators to the ecosystem.

Sec. 12-174. Definitions.

Bioswales means vegetated linear channels designed to concentrate and convey stormwater runoff while removing debris and pollution.

Extensive green roof shall mean a layer of vegetation planted over a waterproofing system that is installed on top of a flat or slightly-sloped roof, that has a shallow growing medium of less than six inches with a modest roof load, limited plant diversity, minimal watering requirements, and is often not accessible.

Invasive plant means a plant that is both non-native and able to establish on many sites, grow quickly, and spread to the point of disrupting plant communities or ecosystems. For purposes of this ordinance, any plant on the USDA Introduced, Invasive, and Noxious Plants list that is listed on the federal list or on any state list east of the Mississippi River is an invasive plant. This includes, but is not limited to, all plants listed on the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agricultural Resources. The city may, at the city's discretion, also refer to lists developed by nonprofit, governmental, or educational organizations or other subject-matter experts, particularly focused on invasive plants in states east of the Mississippi River.

Native plant means a plant that is a part of the balance of nature that has developed over hundreds or thousands of years in a particular region or ecosystem. For the purposes of this ordinance, a native plant or "native species" is a plant with origins east of the Mississippi River per the USDA plant database, with a preference for species from the US Environmental Protection Agency Ecoregion Level III Northeastern Coastal Zone (#59), and secondary preference for Northeastern Highlands (#58) and the Atlantic Coastal Pine Barrens (#84).

Non-native plant means a plant introduced with human help (intentionally or accidentally) to a new place or new type of habitat where it was not previously found. For the purposes of this ordinance, a non-native plant is any plant with origins west of the Mississippi River or in other continents.

Other city-owned property shall include all other property owned and maintained by the city which does not fall within one of the other specifically defined categories for property listed within this article.

Park means a civic space type designed for active and passive recreation, with its character defined by the uses and features provided to meet the needs of different user groups.

Plantings by the city shall include plantings done by third parties on behalf of the city.

Plaza means a civic space type designed for passive recreation, civic purposes, and commercial activities, with its character defined primarily by hardscape. Plazas are generally located in activity centers or the nexus of major circulation routes.

Pollinators mean animals (primarily insect, but sometimes avian or mammalian) that fertilize plants, resulting in the formation of seeds and the fruit surrounding seeds, that humans and other animals rely on to produce nuts and fruits that are essential components of a healthy diet, and that the majority of flowering plant species found world-wide rely on to make the seeds that will become the next generation of plants.

Straight species means a plant that is not a cultivar nor that has been bred for particular traits.

Streetscapes shall include the visual elements of a street including the road, adjoining buildings, street furniture, and open spaces that combine to form the street's character; provided, that for the purposes of this article, streetscapes shall not include street trees and shall include roadway medians.

Sec. 12-175. Applicability.

The terms and provisions of this article shall be a minimum standard and shall only apply to all new trees and other plants planted by the city, or by a third-party on behalf of the city. Existing trees and other plants shall remain unaffected by this article.

Sec. 12-176. Invasive plants forbidden.

The city shall not include any invasive plant in any city plantings.

Sec. 12-177. Native planting requirements.

- (a) All new plantings by the city within the following areas shall consist of native plants only:
- (1) Riparian areas;
 - (2) The community path;
 - (3) The green line extension rail corridor;
 - (4) Bioswales;
 - (5) Plazas;
 - (6) Streetscapes; and
 - (7) other city-owned property;
- provided, however, that the city may plant not more than 50% non-native, non-invasive plants in areas (4) through (7) when the city determines that the situation demands flexibility in planting, including for memorialization, aesthetic, geographic, survivability, or other purposes.
- (b) In city parks, a minimum of 75% of all new plantings planted by the city each year shall be native plants.
- (c) A minimum of 50% of street trees planted by the city each year shall be native plants, with a goal to increase this percentage in subsequent years.
- (d) The city may plant non-native, non-invasive plants in the following areas or for the following purposes; provided, however, that the city shall still make an effort to include native plants:
- (1) Community gardens;
 - (2) Flower bulbs planted as part of volunteer initiatives including, but not limited to, the bulb blitz initiative;
 - (3) Lawns and athletic fields;
 - (4) Holiday, seasonal and annual decorative plantings; and
 - (5) Extensive green roofs, provided that the city shall incorporate native plants into their extensive green roof plantings to the extent that doing so is feasible based on the survivability of native plants in such conditions, and will not compromise green building certification or stormwater mitigation requirements.

Sec. 12-178. Limitations on neonicotinoids.

For the purposes of this ordinance, the city shall, to the extent possible and to the extent such plants are reasonably available, prioritize sourcing native plants that have not been treated with neonicotinoids; provided, that as of January 1, 2026 the city shall not source native plants that have been treated with neonicotinoids.

Sec. 12-179. Prioritizing straight species.

For the purposes of this ordinance, the city shall, to the extent possible and to the extent such plants are reasonably available, prioritize sourcing native plants that are straight species.

Sec. 12-180. Reporting requirement.

By December 31 of each year, the director of public space and urban forestry in conjunction with the senior urban forestry and landscape planner, or their designees, in collaboration with any other city department that carries out plantings or oversees plantings carried out by a third-party on behalf of the city, shall publish a report on the city urban forestry website listing the number of trees and plants subject to the requirements of this article planted by the city for the previous fiscal year; provided, however, that each city department that carries out plantings or oversees plantings carried out by a third-party on behalf of the city shall, by December 1 of each year, report such plantings for the previous fiscal year to the director of public space and urban forestry in the manner required in this section. When published on the city website, a copy of this report shall also be forwarded to city council and the urban forestry committee. This report shall at a minimum, provide the following:

- (a) A list of each of the property areas listed in sec. 12-177, except for those exempted pursuant to sec. 12-177(d), and descriptions for the types of new plantings done that year; and
- (b) The percentage of those new plantings that were native plants; and
- (c) The percentage of non-native, non-invasive plants planted by the city in areas identified in subsections (4) through (7) of sec. 12-177(a), and reasons why native plants were not planted in those locations.

Sec. 12-181. Conflicting regulations repealed.

All regulations that are in conflict with this article, in whole or in part, are hereby repealed to the extent that they are in conflict.

Sec. 12-182. Severability.

If any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the article.

Sec. 12-183. Effective date.

This article shall take effect 60 days after it is enacted by the city; provided, however, that this article shall not apply to any plantings carried out pursuant to existing contracts, invitations to bid, or designs completed prior to the effective date of this article.

Approved:

President City Council

Mayor