

City of Mason – Tree Ordinance

Chapter 86

VEGETATION*

***Cross References:** Building and building regulations, ch. 6; environment, ch. 22; natural resources, ch. 38; planning, ch. 50; streets, sidewalks and other public places, ch. 70; subdivisions and other divisions of land, ch. 74.

Article I. In General

Secs. 86-1--86-30. Reserved.

Article II. Noxious Weeds

Sec. [86-31](#). Purpose.

Sec. [86-32](#). Minimum requirements; presumptions; exceptions.

Sec. [86-33](#). Notice.

Sec. [86-34](#). Action upon noncompliance.

Sec. [86-35](#). Charge included in tax bill.

Sec. [86-36](#). Tax lien.

Secs. 86-37--86-70. Reserved.

Article III. Trees

Division 1. Generally

Sec. [86-71](#). Nuisance trees.

Sec. [86-72](#). Removal of nuisance trees.

Sec. [86-73](#). Right of entry of city employees.

Sec. [86-74](#). Notice of removal.

Sec. [86-75](#). Keeping of trees with Dutch Elm disease prohibited.

Secs. 86-76--86-100. Reserved.

Division 2. Reserved

Secs. 86-101--86-130. Reserved.

Division 3. Trees on Public Property

Sec. [86-131](#). Street tree species to be planted.

Sec. [86-132](#). Spacing.

Sec. [86-133](#). Distance from curb and sidewalk.

Sec. [86-134](#). Distance from street corners and fireplugs.

Sec. [86-135](#). Utilities.

Sec. [86-136](#). Public tree care.

Sec. [86-137](#). Tree topping.

Sec. [86-138](#). Pruning, corner clearance.

Sec. [86-139](#). Removal of stumps.

ARTICLE I. IN GENERAL

Secs. 86-1--86-30. Reserved.

ARTICLE II. NOXIOUS WEEDS*

***Cross References:** Environment, ch. 22.

State Law References: Noxious weeds, MCL 247.61 et seq.

Sec. 86-31. Purpose.

In order to preserve and maintain the public health and welfare and to prevent fire hazards, no owner or occupant of any lot, place or area within the city, or the agent of

such owner, shall permit on such lot, place or area, or upon any abutting sidewalk or street, any noxious weeds, grass or deleterious, or unhealthy growths, or other noxious or flammable matter, that may be growing, lying or located on such lot, place or area.

(Ord. No. 80, § 2, 7-6-1970)

Sec. 86-32. Minimum requirements; presumptions; exceptions.

The owner, occupant or agent having possession or control of any lot or property within the city should, at a minimum, remove, cut or trim all noxious weeds, grass or deleterious or unhealthy growth, to an average height of not more than six inches at least once prior to each of the following holidays: Memorial Day, Fourth of July, and Labor Day. If any person complies with this minimum cutting requirement, such person shall be presumed to be in compliance with this article unless the city can demonstrate beyond a reasonable doubt that the remaining growth constitutes a health hazard or nuisance in fact. Nothing in this article shall apply to weeds in lots or parcels of land devoted to nature parkways under the jurisdiction of the recreation department, flower gardens, plots of shrubbery, vegetable gardens or to land zoned agricultural.

(Ord. No. 80, § 4, 7-6-1970; Ord. No. 80-A-71, § 1, 7-19-1979; Ord. No. 80-A-86, § 1, 5-5-1986)

Sec. 86-33. Notice.

The designated city official shall notify, in writing, the owner or occupant of any lot, place or area within the city, or the agent of such owner, to cut, destroy and/or remove, in the manner and frequency as required by section 86-32, any such weeds, grass or deleterious, unhealthy growths or other noxious or flammable matter found growing, lying or located on such owner's property, or upon the street or sidewalk abutting the property. Such notice may be by personal service, or certified mail, return receipt requested, and delivery restricted to the addressee, in the manner and frequency as required by section 86-33, at his address as shown upon the tax records of the city; or, if the address is unknown, and notice cannot be had upon the owner, occupant or agent, it shall be sufficient to post the notice in some conspicuous place on the premises. Such notice shall contain a summary of the provisions of this article.

(Ord. No. 80, § 5, 7-6-1970; Ord. No. 80-A-86, § 1, 5-5-1986)

Sec. 86-34. Action upon noncompliance.

Upon the failure, neglect or refusal of any owner, occupant or agent notified as prescribed in section 86-33 to cut, destroy and/or remove noxious weeds, grass or deleterious, unhealthy growths or other noxious or flammable matter, growing, lying or located upon

such owner's property, or upon the sidewalk or roadway abutting the property within ten days after service or posting of the notice, the director of public works is authorized and empowered to pay for the cutting, destroying and/or removal of such noxious weeds, or other noxious, flammable matter, or to order the removal by the city.

(Ord. No. 80, § 6, 7-6-1970)

Sec. 86-35. Charge included in tax bill.

When the city has effected the removal of such noxious growth, or has paid for its removal, the actual cost, plus accrued interest at the rate of six percent per annum from the date of completion of the work, if not paid by such owner prior to the removal, shall be charged to the owner of such property on the next regular tax bill, forwarded to such owner by the city; and such charge shall be due and payable by the owner at the time of payment of such tax bill. Following the completion of the work, a true copy shall be mailed to the owner of the property.

(Ord. No. 80, § 7, 7-6-1970)

Sec. 86-36. Tax lien.

Where the full amount due the city under section 86-35 is not paid by the owner within 30 days after the cutting, destroying and/or removal of such noxious weeds and other noxious and flammable matter, the director of public works shall cause to be recorded in the office of the city treasurer a sworn statement showing the cost and expense incurred for the work and the date, place or property on which the work was done; and the recording of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. These costs and expenses shall be collected in the manner fixed by law for the collection of taxes. Sworn statements recorded in accordance with the provisions of this article shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property indicated or described in the statement and that the charge is due and collectible as provided by law.

(Ord. No. 80, § 8, 7-6-1970)

Secs. 86-37--86-70. Reserved.

ARTICLE III. TREES

**DIVISION 1.
GENERALLY**

Sec. 86-71. Nuisance trees.

(a) Any female box elder tree which is or could be the breeding place for box elder bugs (*Leptocoris trivittas*) is declared to be a public nuisance, and it shall be unlawful for any person to maintain such tree on his property after notification as provided in this division.

(b) Any dead or diseased tree that constitutes a hazard to life and property or harbors insects or disease which constitute a potential threat to other trees within the city is declared to be a public nuisance, and it shall be unlawful for any person to maintain such tree on his property after notification as provided in this division.

(Ord. No. 66, § 1, 11-18-1963)

Sec. 86-72. Removal of nuisance trees.

Any nuisance trees located on public lands within the limits of the city shall be removed at city expense and under the direction of the director of public works.

(Ord. No. 66, § 2, 11-18-1963)

Sec. 86-73. Right of entry of city employees.

The director of public works or any employee of the city designated by him may enter upon private property to make field inspections, including the removal of specimens of nuisance trees for analysis.

(Ord. No. 66, § 3, 11-18-1963)

Sec. 86-74. Notice of removal.

(a) After inspection of a nuisance tree, the director of public works may require, by written notice, addressed either to the owner of the premises on which the tree is located or the occupant of such premises, the removal of such tree.

(b) If such notice is given, the person notified will be given a reasonable and definite time in which to comply with the order, which time shall be not less than ten days from the date of the notice. If such tree is not removed within the time given in the notice, the director of public works or authorized city employees shall report the failure to the city council. The city council may, without further notice, cause the work to be done. All

costs involved in the cutting and removal of such trees shall be assessed against the property on the next general assessment roll of the city.

(Ord. No. 66, § 4, 11-18-1963)

Sec. 86-75. Keeping of trees with Dutch Elm disease prohibited.

No person shall keep or maintain any part of any elm tree infected with Dutch Elm disease within the city.

(Ord. No. 68, § 1, 6-10-1964)

Secs. 86-76--86-100. Reserved.

**DIVISION 2.
RESERVED**

**DIVISION 3.
TREES ON PUBLIC PROPERTY**

Sec. 86-131. Street tree species to be planted.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the tree commission.

Small Trees	Medium Trees	Large Trees
Mountain Ash	Norway Maple and Selections	Sweet Gum
Washington Hawthorn	Red Maple and Selections	Little leaf Linden
Lavalle Hawthorn	Headge Maple	Greenspire Linden
Crab Apples	Ginko	Thornless Locust species
Kwanzan Cherry	Crimean Linden	Sugar Maple
Callery Pear-Bradford and Chanticlear	Japanese Pagoda Tree	Red Oak
Amur and Tatarian Maple	Zelkova	White Oak

Goldenrain	Hop Hornbean	London Pine
	Shingle Oak	English Oak
	Black Gum	Marshall Seedless Ash
	Amur Cork Tree	Pin Oak
		Katsura Tree

(Ord. No. 123, § 7, 12-17-1990)

Sec. 86-132. Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in section 86-131; and no trees may be planted closer together than the following: Small trees, 30 feet; medium trees, 40 feet; large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(Ord. No. 123, § 8, 12-17-1990)

Sec. 86-133. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in section 86-131. No trees may be planted closer to any curb or sidewalk than the following: Small trees, two feet; medium trees, three feet; and large trees, four feet.

(Ord. No. 123, § 9, 12-17-1990)

Sec. 86-134. Distance from street corners and fireplugs.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug.

(Ord. No. 123, § 10, 12-17-1990)

Sec. 86-135. Utilities.

No street trees other than those species listed as small trees in section 86-131 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 123, § 11, 12-17-1990)

Sec. 86-136. Public tree care.

(a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The city tree commission may remove or cause or order to be removed any tree or part of a tree which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of such trees is in accordance with this division.

(Ord. No. 123, § 12, 12-17-1990)

Sec. 86-137. Tree topping.

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the city tree commission.

(Ord. No. 123, § 13, 12-17-1990)

Sec. 86-138. Pruning, corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(Ord. No. 123, § 14, 12-17-1990)

Sec. 86-139. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 123, § 16, 12-17-1990)