

City of Saginaw – Tree Ordinance

CHAPTER 95: TREES, SHRUBS, AND PLANTS

Section

[95.01](#) Planting and protection of trees, shrubs, and plants

[95.02](#) Noxious weeds

[95.03](#) Abatement of nuisances

[95.04](#) Dutch Elm Disease

Cross-reference:

Incorporation of state violations, see § [31.01](#)

Responsibility for violations, see § [31.02](#)

§ 95.01 PLANTING AND PROTECTION OF TREES, SHRUBS, AND PLANTS.

(A) No person shall plant, remove, or destroy any tree or shrub in any street, alley, or public place without first obtaining a written permit to do so from the Superintendent of Streets and Bridges, except that no permit shall be required to remove a tree which has been condemned as a public nuisance under this chapter. The size, species, spacing, and placement of any planting in any street, alley, or public place is subject to the approval of the Superintendent of Streets and Bridges or his or her designee.

(B) No person shall plant on any property, public or private, any cottonwood or box elder tree, or permit any such tree to be seeded naturally.

(C) No person in charge of the erection, repair, alteration, or removal of any structure shall fail to guard or protect any tree in the public street or on abutting property, public or private, in such manner as to prevent injury to any such tree.

(D) The City Manager is hereby empowered, subject to approval by the Council, to make any

additional rules and regulations pertaining to the planting, removal, care, maintenance, and protection of trees, shrubs, and plants as are necessary to protect public property or the health or safety of the public, and no persons shall fail to comply with any such rule or regulation.

(E) (1) The legal title owner of record of real property in the City may make a request in writing to the Superintendent of Street and Bridges that the City plant one (1) or more trees or shrubs in that portion of the owner of record's property that is reserved as the public right-of-way for a street, alley, or other public place. The City shall review such requests and shall, in its sole discretion, permit or deny the request.

(2) In the event the request is granted, the cost of the planting shall be borne by the owner of record. The amount charged to the owner of record shall be set by regulation by the City Manager. The owner of record may request that the City incur the initial cost of the planting and that such amount, as established by regulation, be therefor a lien assessed against the property and collected as provided in § 33.26. The City reserves the right to grant or deny such requests as the City, in its sole discretion, may deem to be in the best interest of the City.

('38 Gen'l Code, Ch. 5, § 801) (Am. Ord. D-1583, passed 2-20-89, effective 3-2-89)

§ 95.02 NOXIOUS WEEDS.

(A) No owner or occupant of any lot or lands within the City shall allow or permit thereon, or on that portion of a street or alley which adjoins the same, any noxious weeds; that is, Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard, and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), poison ivy (*Rhus toxicodendron*), poison oak (*Toxicodendron quercifolium*), poison sumac (*Rhus vernix*), ragweed (*Ambrosia elatior* 1. and *ambrosia trifida*), dock weeds (*Rumex crispus*), milkweed (*Asclepias syriaca*) and goldenrod (*Solidago odora*).

(B) No owner or occupant of any lot or lands within the City shall allow or permit thereon any growth of grass to a greater height than nine (9) inches. (Am. Ord. D-1749, passed 7-24-95, effective 8-3-95; Am. Ord. O-31, passed 2-21-05, effective 3-3-05)

(C) A person who violates any provision of this section is responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37 of the Saginaw General Code, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Ch. 37 of the Saginaw General Code.

(D) The Superintendent of Streets and Bridges and/or his or her designees are hereby designated as the authorized City official(s), as defined by Ch. 37 of this code, to issue municipal civil infraction citations or municipal civil infraction violation notices as provided by Ch. 37.

('38 Gen'l Code, Ch. 5, § 802) (Am. Ord. D-392, passed 6-4-56, effective 6-14-56; Am. Ord. D-1768, passed 9-30-96, effective 11-11-96; Am. Ord. D-1784, passed 11-18-96, effective 12-2-96)

§ 95.03 ABATEMENT OF NUISANCES.

(A) Any tree, shrub, grass, or plant which endangers public property or the health or safety of the public, or any noxious weed as defined in § 95.02, is hereby declared to be a public nuisance.

(B) Any public nuisance under this section shall be abated by the owner or occupant of the premises upon which such nuisance is located or which adjoins that portion of a street or alley where such nuisance is located. Abatement shall, except as to proceedings under division (D) below, be in compliance with notice from the City Manager specifying the action required to abate the nuisance and stating the reasonable time within which abatement shall be accomplished. Notice shall be served in accordance with the provisions of § 36.02.

(C) If, at the expiration of the time limit in said notice, the owner or occupant has not complied with the requirements thereof, the City Manager may cause the requirements of said notice to be carried out. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with the provisions of § 33.26.

(D) The City Manager may abate any such public nuisance without giving notice if the public health or safety requires immediate action. Thereafter the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of § 33.26.

(E) *Exemptions.* Exempt from this section are tree(s) within the City's right-of-way. The City shall assume the cost of removal of said tree(s). No cost shall be placed upon the property owner under this section.

('38 Gen'l Code, Ch. 5, §803) (Am. Ord. D-9, passed 1-2-40, effective 1-15-40; Am. Ord. D-392, passed 6-4-56, effective 6-14-56; Am. Ord. D-646, passed 4-6-64, effective 4-16-64; Am. Ord. D-1767, passed 9-30-96, effective 11-11-96; Am. Ord. O-33, passed 4-4-05, effective 4-14-05)

§ 95.04 DUTCH ELM DISEASE.

(A) Any elm tree, whether located on public or private property within the City, which is infected with the Dutch Elm Disease fungus (*Ceratostomella ulmi*), is declared to be a public nuisance.

(B) Any elm tree or part thereof, whether located on public or private property within the City, which harbors either of the bark beetles (*Scolytus multistriatus* and *Hylurgopinus rufipes*), which carry and transmit Dutch Elm Disease, is declared to be a public nuisance.

(C) Any public nuisance under this section shall be abated by the owner of the premises upon which such nuisance is located or which adjoins that portion of a street or alley where such nuisance is located within five (5) days after service of notice thereof on such owner by the City Manager in accordance with the provisions of § 36.02(A).

(D) If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, the City Manager shall cause the requirements of said notice to be carried out. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with the provisions of § 33.26, except that such part of the cost as the Council may have authorized shall be assumed by the City.

(E) Any person abating any nuisance under this section shall comply with the provisions of the applicable laws of the state and regulations adopted pursuant thereto.

(38 Gen'l Code, Ch. 5, § 804) (Ord. D-367, passed 8-8-55, effective 8-8-55; Am. Ord. D-606, passed 4-22-63, effective 5-2-63; Am. Ord. D-752, passed 10-31-66, effective 11-10-66)

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