

COUNTY OF OAKLAND  
CITY OF BLOOMFIELD HILLS  
ORDINANCE NO. 443

AN ORDINANCE TO AMEND ARTICLE II, TREE AND WOODLANDS PROTECTION, OF CHAPTER 22, VEGETATION, OF THE BLOOMFIELD HILLS CITY CODE, AS AMENDED, BY ADDING SECTION 22-20 – OAK WILT, SETTING FORTH REQUIREMENTS REGARDING THE MAINTENANCE OF OAK TREES TO PROTECT AGAINST THE SPREAD OF OAK WILT

An ordinance to add Section 22-20 – Oak Wilt to the City of Bloomfield Hills Code of Ordinances that sets forth protective measures to preserve the oak tree population and to prevent and protect against the spreading of Oak Wilt that threatens Bloomfield Hills' trees, woodlots, landscapes, greenbelts, natural areas and right-of-ways.

The City of Bloomfield Hills ordains the addition to the Bloomfield Hills City Code, as amended, Section 22-20 – Oak Wilt, to read as follows:

**Section 1.**

A new Section 22-20 of the City of Bloomfield Hills Code of Ordinances is added as follows:

**Sec. 22-20     Oak Wilt**

- (a) Oak wilt is the systemic, lethal disease of Oak trees (*Quercus spp.*) caused by the fungus *Bretziella fagacearum*.
- (b) Oak trees of any variety shall not be pruned or trimmed between April 1 and October 31 regardless of their location in a public right-of-way, private property, or utility easement.
- (c) Any wounds, whether made by trimming, construction or accident, shall be treated immediately with an acceptable tree pruning sealer or latex paint to mask the exposed wound from contamination. Such repair shall occur as soon as possible, but not more than 48 hours of the time of the injury.
- (d) It shall be the responsibility of the property owner or any contractor to repair or cause to be repaired any oak trees that are inadvertently damaged or injured by storms, construction, accidents, or any other cause between April 1 and October 31. Exposed jagged surfaces shall be removed and sealed in accordance with the preceding subsection.

(e) Trees confirmed with oak wilt shall be the responsibility of the property owner to perform any of the following applicable practices, as approved in advance by the City Manager:

- (1) Members of the red oak family which have died of oak wilt shall be removed within 4 weeks.
- (2) Members of the red oak family not infected by oak wilt, but potentially root grafted to a tree that was killed or diseased with oak wilt, shall be treated by injection of fungicide.
- (3) Members of the white oak family shall be treated with an appropriate tree injection.
- (4) Trenching may be a practice in lieu or in addition to injections for oak wilt management.
- (5) Dead oak trees will be removed and properly disposed by chipping to less than 3 inches or removed to a disposal site for debarking, burning, or burial. Stumps left by the removal of oak trees shall be promptly removed or buried.

(f) Violations

- (1) Any property owner in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of this Code.
- (2) The code enforcement officer, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.
- (3) Each day's continuance of a violation shall be deemed a separate and distinct offense. Expenses incurred in connection with such action shall be assessed as damages against the violation.

## **Section 2.**

That all other ordinances that are in conflict herewith are repealed.

## **Section 3.**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

## **Section 4**

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

## **Section 5**

That the City Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation in the City.

## **Section 6**

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon publication in the manner prescribed by the Charter of the City of Bloomfield Hills.

AYES: 5 (Hosler, McClure, McCarthy, Baxter, Buckley)

NAYES: 0

ABSTENTIONS: 0

STATE OF MICHIGAN      )  
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COUNTY OF OAKLAND    )

I, the undersigned, the duly qualified Clerk of the City of Bloomfield Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No.443 adopted by the City Commission of the City of Bloomfield Hills on the 11th day of February, 2020, the original of which is in my office.

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Amy Burton, City Clerk  
City of Bloomfield Hills