

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF BLOOMFIELD HILLS
ORDINANCE NO. 435

AN ORDINANCE TO ADD NEW SECTIONS 22-39, 22-40, 22-41, 22-42, 22-43, 22-44, 22-45 AND 22-46 TO DIVISION 3. – PRIVATE PROPERTY, OF ARTICLE II. – TREE AND WOODLANDS PROTECTION, OF CHAPTER 22 – VEGETATION, OF THE BLOOMFIELD HILLS CITY CODE, AS AMENDED, TO REQUIRE PRIVATE PROPERTY OWNERS TO REMOVE DEAD, DISEASED OR DAMAGED TREES FROM THEIR PROPERTIES AND TO ALSO REMOVE AND DISPOSE OF ALL BROKEN AND DECAYED TREE LIMBS AND BRANCHES AND OTHER PILES AND ACCUMULATIONS OF DEAD BRUSH AND DEAD BUSHES FROM THEIR PROPERTIES.

THE CITY OF BLOOMFIELD HILLS ORDAINS:

Section 1.

Division 3. – Private Property, of Article II. – Tree and Woodlands Protection, of Chapter 22 – Vegetation, of the Bloomfield Hills City Code, as amended, is hereby amended to add new Sections 22-39, 22-40, 22-41, 22-42, 22-43, 22-44, 22-45 and 22-46 to now read as follows:

Sec. 22-39. – Removal of dead, diseased and damaged trees from private property.

The owner of private property shall, at the owner's sole cost and expense, remove and dispose of a dead, diseased or damaged tree located on the owner's property that poses an imminent danger of causing injury to persons or property from falling or blowing over due to the dead, diseased or damaged condition of the tree. If a dead, diseased or damaged tree that poses an imminent danger of causing injury to persons or property is located in a wetland or natural features setback, a permit must be applied for by the property owner and obtained from the City prior to removal of the dead, diseased or damaged tree. Dead, diseased or damaged trees that are located in a heavily forested area and that do not pose a threat of injury to persons or property are exempt from the provisions of this section.

Sec. 22.40. – Removal of broken or decayed tree limbs and branches and piles and accumulations of dead brush and dead bushes from private property.

(a) The owner of private property shall, at the owner's sole cost and expense, remove and dispose of all broken or decayed tree limbs and branches located on the ground of the owner's private property and shall also remove and dispose of all piles and/or accumulations of dead brush and dead bushes located on said private property. If broken or decayed tree limbs and branches and/or piles and/or accumulations of dead brush and dead bushes are located in a wetland or natural features setback, a permit must be applied for by the property owner and obtained from the City prior to their removal. Broken or decayed tree limbs and branches and/or piles and/or accumulations of dead brush and dead bushes that are located in heavily forested areas and that are not visible from outside the heavily forested area are exempt from the provisions of this section.

(b) Overgrown trees, bushes and/or vegetation on private property that block traffic sight lines shall be trimmed or removed by the owner of the private property, at the owner's sole cost, so that they do not block traffic sight lines.

Sec. 22-41. – Tree stump removal.

Unless a tree stump is located within a regulated wetland or natural features setback, the owner of private property shall, at the owner's sole cost and expense, either completely remove any tree stump located on the owner's private property or cut any tree stump on the private property so that the tree stump does not project above the preexisting surface of the ground. Further, the preexisting surface of the ground may not be raised in order to hide or cover the stump.

Sec. 22-42. – Maintenance, treatment and removal.

It is the responsibility of the owner of private property to maintain the trees, shrubs, bushes and plants located on the owner's property and to treat, exterminate and/or remove any tree, shrub, bush or plant that is attacked by contagious or destructive insects or diseases.

Sec. 22-43. – Notice and order of abatement.

When the city discovers a dead, diseased or damaged tree, tree stump, tree branch or tree limb that poses an imminent danger, the city shall serve written notice, by first class mail and certified mail, return receipt requested, upon the owner of the subject property. The notice shall describe the tree, tree stump, tree branch or tree limb and its location, the nature of the danger and order the owner of the private property to abate the danger by trimming, pruning or removing the tree, tree stump, tree branch or tree limb. The notice should specify the date for compliance by the owner not less than fourteen (14) days from the date of the notice. The owner shall comply within the time period specified in the notice, unless the owner provides written proof to the city from an arborist, certified by the International Society of Arboriculture or its equivalent, stating that the tree, tree

stump, tree branch or tree limb is not dead, diseased or damaged and is not dangerous and does not require trimming, pruning or removal.

Sec. 22-44. – Warrant to perform work; costs or a lien.

If the owner of private property fails to abate the dangerous condition as noticed pursuant to Section 22-43, the city may seek a warrant to enter upon the private property to abate the dangerous condition by removing the dead, diseased or damaged tree, tree stump, tree branch or tree limb that poses an imminent danger. Upon obtaining the warrant and completion of the work, the city shall send a bill of all costs, including reasonable attorney's fees, if any, incurred by the city to the owner by first class mail. Costs incurred as specified in the written notice shall be secured by a lien on the property. The costs shall be paid within thirty (30) days from the date of mailing of the notice and if the costs are not paid within thirty (30) days, the city may place a lien for the amount of costs against the subject property and the city may pursue any available legal remedies to collect the costs owed.

Sec. 22-45. – Emergency removal.

When a dead, diseased or damaged tree, tree stump, tree branch or tree limb constitutes an immediate danger to public health, safety and welfare and the delay of notification would serve to further endanger the public, the city may enter upon private property, perform the work required to alleviate the danger, and assess the costs thereof to the owner of the private property. Immediate danger includes but is not limited to circumstances such as a tree is endangering a utility pole or line, an existing structure, home, building, street, road, highway, sidewalk, fence or wall.

22-46. – Penalty.

A violation of any of the Sections of Division 3. – Private Property, shall be a municipal civil infraction having the penalties set forth in Section 1-11(c)(2) of the Bloomfield Hills City Code, as amended.

Section 2. Repealer.

Any and all Ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof.

Section 3. Severability.

If any one (1) or more provisions of this Ordinance shall ever be held by any Court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that such

remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon publication in the manner prescribed by the Bloomfield Hills City Charter.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Commission of the City of Bloomfield Hills at a meeting thereof duly called and held on the 12th day of March, 2019, and ordered to be given publication in the manner prescribed by the Charter of the City of Bloomfield Hills.

AYES: 5 (McCarthy, Hosler, Coakley, McClure, Sherr)

NAYES: 0

ABSTENTIONS: 0

STATE OF MICHIGAN)
) ss.
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.435 adopted by the City Commission of the City of Bloomfield Hills on the 12th day of March, 2019, the original of which is in my office.

Amy Burton, City Clerk
City of Bloomfield Hills