

**AN ORDINANCE**

**of the City Council of the City of Berkley, Michigan to Amend Section 58-34  
of Article II, of Chapter 58, Garbage, Rubbish and Refuse, to Modify the  
Diameter and Length of Branches and Limbs, and to Prescribe a Penalty for Violations.**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** Section 58-34 Article II, of Chapter 58 of the Berkley Code of Ordinances shall be amended, as follows:

**Sec. 58-34. - Containers.**

No person shall permit to accumulate upon his premises any garbage or rubbish unless it is placed and maintained in containers as follows:

- (1) *Containers for garbage or rubbish.* All containers used for garbage or rubbish shall be substantial metal, plastic or rubber construction, provided with handles and a tight fitting cover. They must be in accordance with size, capacity, and weight rules and limitations set by the City. The cover shall be kept on the container whenever garbage is placed within. Plastic bags are a suitable container for solid waste if they are securely sealed (not punctured) and are filled so that the contents will not cause tearing or rupturing of the bag when it is lifted at the sealed or tied end.
- (2) *Containers for yard refuse.*
  - a. Tree limbs, branches, shrubbery, bush cuttings, and other brush are to be considered yard refuse and must be placed in approved yard refuse bags or cans conspicuously labeled for yard refuse. Such material may be placed at curbside for regular trash pickup service but only during the months and weeks the City establishes for that service, and such materials must be in accordance with size, weight, and bundling rules and limitations set by the City.
  - b. Larger branches may be placed at curbside in front of the premises, with butt ends facing the street for disposal by City chipper service in accordance with rules, standards, and schedule set by the City. The City's chipper service is not available for tree trunks, logs, rootballs, and stumps, and the owner, occupant or person in charge of the premises must remove and lawfully dispose of those at that person's own cost.
  - c. When an owner, occupant or person in charge or their contractor removes a tree from their premises, that person will be responsible for removing and lawfully disposing of the tree and all its parts at the person's own cost.

- (3) *Institutional-type containers.* Institutional-type containers shall be constructed of steel with appropriate covers and equipped with wheels for ease of handling, with a capacity of not less than one cubic yard and adaptable for loading on packer-type trucks.
- (4) *Broken containers.* The City or its waste hauler may decline to collect or empty containers that are broken or fail to meet the requirements of this section.
- (5) *Location of containers.* Containers shall not be placed under the eaves of any building in such a manner as to permit water to enter them, and the City or its waste hauler may decline to collect or empty any container filled or partially filled with ice or water.

**SECTION 2:** Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

**SECTION 3:** Penalty

All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

**SECTION 4:** Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

**SECTION 5:** Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Meeting on Monday, May 17, 2021.

Passed on the Second Reading at the Regular City Council Meeting on Monday, June 7, 2021.

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Daniel J. Terbrack  
Mayor

Attest:

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Gina M. Harold, Deputy City Clerk