

AN ORDINANCE

**of the City Council of the City of Berkley, Michigan
to Amend Article II of Chapter 130, Vegetation,
of the City of Berkley Code of Ordinances
to Modify Section 130-34, Administration of Article**

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Article II, of Chapter 130 of the Berkley Code of Ordinances, Section 130-34 shall be amended as follows:

ARTICLE II. – TREES, BUSHES AND SHRUBS

Sec. 130-34. Administration of article.

- (a) *Administration.* The city manager or designee ~~shall have~~ has the power to administer this article by adhering to ~~the recommended practices of the United States and state departments of agriculture, all federal and state forestry and environmental regulations and the practices of tree preservation which are generally accepted by qualified persons in the field of forestry and tree management. The city manager or designee shall also have the power to promulgate and delegate the rules and regulations consistent with the recommended practices of these agencies. All rules and regulations adopted by the city manager or designee in the administration of this article shall be placed in writing, retained by the city manager or designee and be made immediately available for review by any member of the public who requests them or who may be affected by the provisions of this article. Any person requesting copies of these rules or regulations may be required to pay a fee for their copying providing that such fee is identical to the fee charged by the city for the copying of any other matter of public record~~ ANSI A300 tree care standards, as amended.
- (b) *Exceptions.* The city manager or designee may grant an exception from the requirements of this chapter when undue hardship will result from strict compliance. In granting an exception, the city may attach whatever conditions they deem necessary to further tree protection. Those seeking an exception shall apply for an exception as prescribed by the city manager or designee, pay fees established in the schedule of fees, charges, bonds and insurance, and provide such additional information as may be required by the city manager or designee.

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.

Bridget Dean
Mayor

Attest:

Victoria Mitchell, City Clerk