

AN  
ORDINANCE  
of the City Council of the City of Berkley, Michigan to Amend Article II, Collection and Disposal of Chapter 58, Garbage, Rubbish and Refuse of the City of Berkley Code of Ordinances to clarify requirements for containers for garbage versus rubbish and to clarify pick-up times for emptied garbage and rubbish containers.

**THE CITY OF  
BERKLEY ORDAINS:**

**SECTION 1:** Article II of Chapter 58 of the Berkley City Code is amended, as follows:

**Sec. 58-1. – Sec. 58-33** [Unchanged.]

**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 rubbish 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) – (5) [Unchanged.]

**Sec. 58-35. – Sec. 58-37.** [Unchanged.]

**Sec. 58-38. – Rules and regulations for property owners and occupants.**

- a) It shall be the duty of each person to place all garbage and rubbish in proper containers on the outside of the sidewalk in front of their premises no earlier than 24 hours prior to collection and all empty containers shall be removed from the street no later than 24 hours after collection. Containers shall not be placed on front porches, front drives or front yards prior to placement for pickup. The code enforcement officer shall have the authority to approve an alternate location of refuse containers.
- b) – (g) [Unchanged.]

**Sec. 58-39. – Sec. 58-70.** [Unchanged.]

**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 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 Council Meeting on Monday, February 24, 2025.

Adopted on the Second Reading at the Regular City Council Meeting on Monday, March 3, 2025.

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Bridget Dean, Mayor

Attest:

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Victoria Mitchell, City Clerk