

Memorandum



Date: July 2, 2026

To: Buchanan City Commission

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Consideration of First Reading of an Ordinance to Amend – Code of Ordinances – Chapter 78 Solid Waste - Brush – 2nd Reading of Adopting Ordinance**

Background

The city collects unwanted brush on the first and third Monday of each month beginning April 1st and ending early October. Regulations about brush are found within Chapter 78 Solid Waste of the Code of Ordinances which provides minimal language and references a policy. The intent of the program is to help property owners remove brush associated with on-site clean up, minor tree and bush trimming or storm damage. The intent is not for commercial tree removal.

This spring staff has been busy picking up brush and, in some instances, believe the brush is associated with tree removal and not storm damage. While reviewing information on the city's website, staff found basic information such as maximum diameter 4" or less which has been increased to 6", no tree stumps, bundles are not to be tied together and cannot exceed 10' in length.

Staff reviewed Chapter 78 Solid Waste and is recommending the draft changes to the existing language which is shown in the attached redline document. The definition "brush" references a city policy; there is no policy and staff believe it is best to amend the Code of Ordinances. Christmas trees would continue to be picked up in January. The changes proposed are in keeping with the existing processes and similar to other communities after a quick online search was completed.

It is believed the proposed changes will help provide a clear set of regulations. Informational handouts, website and Facebook postings would be updated to include any new language.

On June 8th, the City Commission held a public hearing and approved the first reading of the adopting ordinance.

Recommendation

Please consider approving the second and final reading of the draft ordinance to Chapter 78 Solid Waste of the Code of Ordinances as it relates to brush and containers.

DRAFT PROPOSED ORDINANCE

6/8/2026 and 7/13/2026

CITY OF BUCHANAN

**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BUCHANAN TO
CHAPTER 78 SOLID WASTE, SPECIFICALLY SECTIONS 78-26 DEFINITIONS AND 78-42
CONTAINERS; SPECIFICATIONS, PLACEMENT ASSOCIATED WITH THE COLLECTION OF
BRUSH**

ORDINANCE NO. 2026.07/451

IT IS HEREBY ORDAINED BY THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN:

SECTION 1. Chapter 78 Solid Waste, Sec. 78-26 Definitions – Brush is hereby amended to read in its entirety as follows:

Brush means tree trimmings, limbs, small trees, and shrubby trimmings greater than one-quarter inch in diameter but less than four inches in diameter, identified for curbside collection and chipping. Christmas trees, stripped of ornamentation, shall be considered brush.

SECTION 2. Chapter 78 Solid Waste, Sec. 78-42 Containers ; specifications placement is hereby amended to read in its entirety as follows:

78-42. Containers; specifications, placement, maximum and brush requirements.

To be eligible for city collection and disposal services as described in section 78-41, the owners or occupants of any property so served shall be required to conform to the following requirements regarding solid waste containers and placement:

(1) Types of containers.

- a. For disposal of garbage or rubbish, containers shall be of metal, hard rubber, or rigid plastic material, of water-, vermin- and insect-tight construction, not to exceed 32 gallons capacity, equipped with tightfitting covers and with handles by which they may be lifted.
- b. For disposal of yard wastes, containers shall be of a type designated by resolution of the city commission, for use in the city's yard waste composting program. There shall be a fee established by resolution of city commission for the collection of containerized yard wastes.
- c. All recyclable materials shall be placed in rigid plastic containers specified by resolution of the city commission for this purpose. Each household shall receive one such container free of charge from the city. Replacement of such containers or purchase of additional containers shall be at the property owner's expense. Such containers shall be available for purchase at city hall, at a cost to be determined by resolution of the city commission. Newspapers may be placed in

grocery bags and placed beside the containers, if there is not sufficient room in the container.

(2) *Maximum weight of containers.*

- a. *Garbage, rubbish or recyclable materials containers.* No loaded container shall exceed 60 pounds in weight.
- b. Maximum weight of yard waste, excluding brush. No yard bag shall exceed 35 pounds in weight.

(3) *Placement of containers.*

- a. *Location.* Solid waste containers shall be placed at the back edge of curb (edge of pavement on noncurbed streets) in front of the property where such waste originated. The sole exceptions to such placement shall be locations where the superintendent of public works determines that solid waste collection shall be from the public alley behind a property or where the superintendent authorizes special pickup services for handicapped or infirm individuals.
- b. *Time.* Solid waste containers shall be placed in the manner described in subsection (3)a. not earlier than 4:00 p.m. the day before a property's scheduled solid waste collection day. Containers must be removed by 10:00 a.m. of the day following collection.

(4) *Maximum number of containers.* No residential living unit, commercial facility nor industrial facility shall be eligible to have more than four containers of garbage or rubbish, as defined in this article, collected on any single collection day. There shall be no limitation on the number of containers of yard wastes or recyclable materials placed at streetside for collection.

(5) *Brush requirements.* Brush pick-up is intended for the trimming of on-site trees; it is not intended for tree removal by professional services. Brush pick-up excludes non-residential properties or properties with more than four dwelling units.

- a. *Brush size allowances.* Maximum length of brush shall not exceed ten (10) feet in length and the maximum diameter of any branch or trunk is four (4) inches.
- b. *Maximum size and stacking brush piles.* The maximum size of a brush pile shall be eight (8) feet long, six (6) feet tall and ten (10) feet deep. All brush shall be placed with the limb/butt facing the street.
- c. *Allowable placement of brush.* Brush shall be placed at the back edge of curb (edge of pavement on noncurbed streets) in front of the property where such waste originated.
- d. *Days and months of brush pick-up.* Brush pick-up is posted annually by the city.

- e. Time of placement of brush. All brush shall be placed be in the tree lawn (area between curb and sidewalk) the evening before the scheduled pick-up day, unless the brush is associated with weather damage.
- f. Prohibited items. The following items shall not be included in any brush pile for pick up: vines, grass, flower clippings, weeds, garden materials, leaves, ornamental grasses, firewood, lumber, timber, building materials, railroad ties, limbs with wire or nails, fence posts or any other type of wood, root balls of shrubbery, tree roots or stumps, thorns or trash. The brush pile shall not be tied in bundles. Brush associated with tree removal by a professional service is prohibited.
- g. Prohibited placement. Brush piles shall not be placed at the intersection of two streets or of an alley, near a fire hydrant, around signposts, power poles or directly adjacent to a driveway.
- h. Clean-up. It is the property owner’s responsibility for cleaning up the area after the brush pile has been picked up.
- i. Non-compliant piles will be turned over to code enforcement.

SECTION 3. Effective Date.

This ordinance shall become effective fifteen (15) days after its adoption and publication as required by Section 7.4 of the City Charter.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE __ DAY OF APRIL 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON DAY__ OF APRIL 2026 BY

MARK WEEDON, MAYOR _____

KALLA LANGSTON, CITY CLERK _____

CERTIFICATION, I herby certify that the above is a true and complete copy of an ordinance adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on the __day of April 2026, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

Kalla Langston, City Clerk