

# Memorandum



Date: May 4, 2026  
To: Buchanan City Commission  
From: Kristen Gundersen, Planning and Community Development Director  
Subject: **Amendment – Code of Ordinances – Chapter 78 Solid Waste - Brush**

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## **Background**

The city collects unwanted brush on the first and third Monday of each month beginning April 1<sup>st</sup> 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 associated such as maximum diameter 4" or less, 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 on-line 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.

## **Recommendation**

Please direct staff to prepare an adopting ordinance and schedule the necessary public hearing for an amendment to Chapter 78 Solid Waste of the Code of Ordinances for the June 8<sup>th</sup> City Commission meeting. This would be the first reading of an adopting ordinance.

## Chapter 78 SOLID WASTE<sup>1</sup>

### ARTICLE I. IN GENERAL

Secs. 78-1—78-25. Reserved.

### ARTICLE II. COLLECTION AND DISPOSAL

#### DIVISION 1. GENERALLY

#### Sec. 78-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Brush* means tree trimmings, limbs, small trees, and shrubbery trimmings greater than one-quarter inch in diameter but less than four inches in diameter, identified for curbside collection and chipping ~~in accordance with policies of the city~~, Christmas trees, stripped of ornamentation, shall be considered brush.

*Bulk items* means discarded home appliances, furniture, miscellaneous equipment and other large-sized items authorized for pickup and disposal by the city during communitywide cleanup days only.

*Garbage* means putrescible animal, fish, fowl, fruit or vegetable wastes incidental to and resulting from the use, preparation, cooking and consumption of food. "Garbage" shall also include other solid wastes that are not classified as recyclable materials and are generated incidental to the use, preparation, cooking and consumption of food.

*Private solid waste hauler* means any person engaged in the business of collecting, transporting, delivering or disposing of solid waste within the city, but excluding those persons who collect, transport, deliver or dispose of solid waste in a manner incidental to their primary business, such as construction and renovation contractors, lawn services, and persons who haul away solid wastes generated at their own residence or place of business.

*Recyclable materials* means those solid waste materials generated by households and businesses, identified by resolution of the city commission for collection in designated recycling containers. The city commission shall establish by resolution a listing of those solid wastes identified as recyclable materials, which may be updated from time to time based upon available recycling technologies and market conditions. Such resolution shall also specify the manner in which these recyclable materials are to be prepared for collection.

*Rubbish* means the waste materials from normal household or living conditions and business operations, but not including any solid wastes identified as recyclable materials. Rubbish includes by way of example, but not

<sup>1</sup>Cross reference(s)—Environment, ch. 38.

State law reference(s)—Authority to regulate disposal, MCL 123.241, 123.361 et seq., MSA 5.2661, 5.2726(1) et seq.; solid waste management act, MCL 299.401 et seq., MSA 13.29(1) et seq.

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limitation: ashes, those plastic materials not identified as recyclable materials, ceramics, window glass, discarded clothing, and other nonputrescible solid wastes.

*Solid waste* means all of the waste types described in this section.

*Yard wastes* means grass clippings, leaves, weeds, shrub clippings, small twigs or branches less than one-quarter inch in diameter and less than four feet in length, and other yard and garden wastes which can be composted in accordance with guidelines set forth by the city for the collection and processing of yard wastes.

(Comp. Ords. Rev. 1991, § 35.001)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 78-27. Scope.**

Collection and disposal of solid wastes produced by residential, commercial and industrial facilities in the city shall be done in a manner consistent with the requirements of the policies of the city established by the city commission pursuant to this article, in accordance with applicable state laws.

(Comp. Ords. Rev. 1991, § 35.002)

### **Sec. 78-28. Penalty.**

The city reserves the right to suspend solid waste collection services to any person who violates the provisions of this article, based on written documentation of such violation by the superintendent of environmental services. A notice of such suspension of service shall be furnished to the violating party via first class mail. Further, any person who shall violate any of the provisions of this article shall, upon conviction thereof, be deemed guilty of a misdemeanor and be punished as provided in section 1-15 of this Code.

(Comp. Ords. Rev. 1991, § 35.011)

### **Sec. 78-29. Violations creating health hazard.**

(a) If any person shall violate the provisions of this article, or any other ordinance of the city, code, statute or regulation of any county, state or federal agency or government so as to create or impose the possibility of an immediate health hazard, peril or danger to the community, the superintendent of environmental services shall take immediate corrective action through the removal of all garbage, refuse, ashes, garden rubbish or commercial waste and shall charge the property owner for all services, pursuant to the fee schedule adopted by resolution of this city commission. Except in the case of an emergency, the superintendent shall provide 48 hours prior notice of intent to require removal of all garbage, rubbish, garden rubbish, ashes or commercial waste, which notice shall contain the following:

- (1) Name of property owner and any occupants, if known.
- (2) Address of property.
- (3) Nature of the violation.
- (4) Action necessary to correct the health hazard, peril or danger.
- (5) Time limit for completion of corrective action.
- (6) Right of appeal.

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- (b) If anyone shall appeal the superintendent's determination, they shall present a written statement of appeal (as provided on the notice) to the city hall, attention: city manager. The city manager shall inspect the premises and attempt to resolve any disputes and shall make a written report to the property owner within 24 hours of receipt of the appeal. If the property owner accepts the determination, they shall sign a copy of the report and return it to the city manager within 24 hours. If no acceptance is received within that time, the city manager shall call an emergency meeting of the city commission and cause the police department to serve notice of the time and place of the meeting on the property owner and occupants of the affected property, if local, or make such service as shall provide notice of the meeting for nonresident owners. The city commission shall hold a hearing on the matter, allow all interested parties an opportunity to be heard, view the property and make a final determination.

(Comp. Ords. Rev. 1991, § 35.009)

**Sec. 78-30. Emergency removal.**

- (a) If the county department of health shall determine that any person is violating this article, or any other ordinance of this city or any statute, code, rule or regulation of any county, state or federal agency or government, which violation imposes a serious hazard, peril or danger to the health, safety or welfare of the community, that department shall order the immediate removal by the city or correction of the conditions by the owner creating such hazard, peril or danger and the property owner shall be assessed for all costs related to the corrective action.
- (b) If the city commission shall declare an emergency situation with regard to the removal of solid waste materials generated as the result of tornado, flood, or other disaster, the city commission may by resolution waive any of the limitations or requirements established in this article.

(Comp. Ords. Rev. 1991, § 35.010)

**Secs. 78-31—78-40. Reserved.**

*DIVISION 2. CITY COLLECTION AND DISPOSAL*

**Sec. 78-41. Eligibility for collection; frequency.**

- (a) Each residential living unit located in a structure containing one to four living units shall be eligible for city collection and disposal of the solid wastes generated at that location.
- (b) Each commercial or industrial facility and each multiunit residential structure containing more than four living units shall be eligible for city collection and disposal of the solid wastes generated at that location, to the same extent that such services are available to a single-family residential unit.
- (c) The frequency of solid waste collections for residential, commercial and industrial properties shall be set by resolution of the city commission.

(Comp. Ords. Rev. 1991, § 35.004)

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**Sec. 78-42. Containers; specifications, ~~placement~~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. ~~Brush shall not be placed in containers, but rather shall be cut in lengths not to exceed ten feet and neatly piled on the tree lawn (area between sidewalk and curb) just behind the curb, or just off the edge of the pavement in areas with noncurbed streets. Brush may not be tied or bundled, but shall be loose stacked to facilitate chipping. Brush may not be piled within 30 feet of any street intersection, within 20 feet of any fire hydrant, nor in a manner that interferes with pedestrians' use of the public sidewalk.~~
- d. 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.

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(3) *Placement of containers, ~~piles of brush~~.*

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- a. *Location.* Solid waste containers ~~or stacks of 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. 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 ~~or stacks of brush~~ 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.

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- 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.

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(Comp. Ords. Rev. 1991, § 35.005)

#### Sec. 78-43. Deposit of certain materials prohibited.

No person shall place any hazardous materials, including but not limited to poisons, drugs, acids, dangerous chemicals, narcotics, radioactive wastes, or explosive substances, in any container for collection and disposal by the city's solid waste disposal program. It shall be illegal to place for collection any materials identified by state law as illegal for disposal in Type II landfills. The carcasses of dead animals shall not be placed for collection by the city.

(Comp. Ords. Rev. 1991, § 35.006)

#### Sec. 78-44. Scavenging.

Solid wastes placed at the edge of the street in city collection in accordance with this division shall be considered the exclusive property of the city or its authorized solid waste collection agent, between the time such materials are placed at curbside and the time they are collected by the city or its authorized collection agent. It shall be unlawful for any person, not duly authorized by the city, to collect, remove, pick up, or cause to be collected, removed, or picked up, any such solid waste materials.

(Comp. Ords. Rev. 1991, § 35.007)

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**Secs. 78-45—78-55. Reserved.**

*DIVISION 3. PRIVATE SOLID WASTE HAULERS*

**Subdivision I. General Provisions**

**Secs. 78-56—78-65. Reserved.**

**Subdivision II. License**

**Sec. 78-66. Required.**

No person shall operate as a private solid waste hauler within the city without first obtaining a license issued by the city clerk. A solid waste hauler license shall be valid from the date of issuance or renewal until the following June 30, unless revoked earlier.

(Comp. Ords. Rev. 1991, § 35.003(a))

**Sec. 78-67. Conditions for granting.**

In order to be granted a license to operate as a private solid waste hauler in the city, or to have such a license renewed, an applicant must:

- (1) Complete a license application on forms furnished by the city clerk's office.
- (2) Pay an application fee as shall be set from time to time by resolution of the city commission.
- (3) Require all of its customers to place solid waste materials in containers of the type required by the city's collection service, or in commercial grade plastic or metal dumpsters, equipped with covers and of watertight, insecttight and vermintight construction.
- (4) Furnish a schedule of pickup locations and times for all customers located within the city.
- (5) Show evidence that the applicant's services include:
  - a. The collection, from all customers located within the city, of all recyclable materials as identified by the city, for recycling.
  - b. The collection of yard wastes for disposal by composting; landfilling of any yard wastes generated in the city shall constitute a violation of this division.

(Comp. Ords. Rev. 1991, § 35.003(b))

**Sec. 78-68. Denial of license or renewal; right of appeal.**

The city clerk shall deny issuance of a solid waste hauler license or a renewal of a solid waste hauler license to any applicant who fails to meet the requirements set forth in section 78-67. Any such applicant who wishes to appeal the city clerk's denial of his application may request in writing a formal hearing before the city commission, with such request to be directed to the city clerk, who shall schedule such hearing before the city commission

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within 30 calendar days of the receipt of such request. The city commission shall then decide whether to approve or deny such application, based on its compliance with the conditions set forth in section 78-67.

(Comp. Ords. Rev. 1991, § 35.003(c))

**Sec. 78-69. Revocation; right of appeal.**

The city shall have the right to revoke the license of any private solid waste hauler found to be in violation of any of the conditions outlined in section 78-67. In such cases, notice of such revocation shall be sent to the licensee at the address indicated on his most recent license application, via certified mail, or shall be personally served on such licensee by a member of the police department. Such notice of revocation shall be signed by the city clerk, and shall identify the specific conditions of this division which have been violated. Such revocation may be appealed to the city commission, by directing a request in writing to the city clerk. Upon the receipt of such a written request, the city clerk shall schedule a formal hearing before the city commission within 30 calendar days. The city commission shall then decide whether to uphold or overturn the revocation, based on its evaluation of the licensee's compliance with the conditions set forth in section 78-67.

(Comp. Ords. Rev. 1991, § 35.003(d))