

CITY OF BERKLEY PUBLIC NOTICE
REGULAR CITY COUNCIL MEETING
Monday, December 4, 2023
7:00 P.M. – City Hall
248-658-3300

CALL 40th COUNCIL TO ORDER
APPROVAL OF AGENDA
MAYOR-LED MOMENT OF REFLECTION
PLEDGE OF ALLEGIANCE
PUBLIC COMMENT
ORDER OF BUSINESS

Consent Agenda

1. **APPROVAL OF THE MINUTES:** Matter of approving the [minutes](#) of the 39th Regular City Council meeting on Monday, November 20, 2023 and the 40th Regular City Council meeting on Monday, November 20, 2023.
2. **ORDINANCE NO. O-12-23:** Matter of considering the Second Reading and Adoption of [an ordinance](#) of the City Council of the City of Berkley, Michigan to amend Chapter 66, Article II, Library Board of the City of Berkley Code of Ordinances.
3. **ORDINANCE NO. O-13-23:** Matter of considering the Second Reading and Adoption of [an ordinance](#) of the City Council of the City of Berkley, Michigan to amend Article VII, Construction/Demolition Site Standards, Sections 106-303 and 106-304 of Chapter 106 Streets, Sidewalks and other Public Places, to Modify the Standards for Construction/Demolition Sites and to Prescribe a Penalty for Violations.
4. **ORDINANCE NO. O-14-23:** Matter of considering the Second Reading and Adoption of [an ordinance](#) of the City Council of the City of Berkley, Michigan to add new Article VIII, Parklets, to Chapter 106, Streets, Sidewalks and Other Public Places, of the Berkley City Code to Allow greater variety of outdoor service options to Berkley food service establishments of the Berkley City Code by authorizing and regulating conversion and use of underutilized on-street parking spaces.
5. **ORDINANCE NO. O-15-23:** Matter of considering the Second Reading and Adoption of [an ordinance](#) of City Council of the City of Berkley, Michigan to add new Article XVIII, Retail Pet Store, to Chapter 30, Businesses, of the Berkley City Code to Require an existing Retail Pet Store to Obtain an Annual License From the City; to Prescribe License Requirements and Conditions; and to Repeal Article XVII, Retail Dog and Cat Sales Temporary Moratorium, of Chapter 30 of the Berkley City Code.

Regular Agenda

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **PRESENTATION:** Matter of receiving a presentation by artist Daniel Cascardo regarding artwork he created with resident input during the Street Art Festival this past summer. The artwork will be displayed in City Hall.
3. **ORDINANCE NO. O-16-23:** Matter of considering the First Reading of [an ordinance](#) of the City Council of the City of Berkley, Michigan to amend Section 126-7, Installation and Section 126-74, Supervision of Connection in Chapter 126, Utilities of the City of Berkley Code of Ordinances to update the policies and inspection procedures for sewer connections.

COMMUNICATIONS

ADJOURN

Note: The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days' notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).

Note: Official minutes of City Council Meetings and supporting documents for Council packets are available for public review in the City Clerk's Office during normal working hours. Anyone wishing to submit correspondence for the meeting may send an email to clerk@berkleymich.net or call 248-658-3310 by 5 p.m. on the day of the meeting.

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, NOVEMBER 20, 2023 BY MAYOR DEAN**

PRESENT: Councilmember Steve Baker Councilmember Gregory Patterson
 Councilmember Mike Dooley Councilmember Jessica Vilani
 Mayor Pro Tem Ross Gavin Mayor Bridget Dean
 Councilmember Dennis Hennen

OTHER STAFF PRESENT:

City Manager Matt Baumgarten
City Attorney John Staran
City Clerk Victoria Mitchell
Public Safety Director Matt Koehn
Library Director Matt Church
Department of Public Works Director Shawn Young
Communications Director Caitlin Flora

APPROVAL OF AGENDA

Mayor Pro Tem Gavin moved to approve the Agenda
Seconded by Councilmember Patterson
Ayes: Dooley, Gavin, Hennen, Patterson, Vilani, Baker and Dean
Nays: None
Motion Approved.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Laura Respecki, Berkley, spoke about the Columbia project.

David Roberts, Berkley, spoke about the Columbia project.

Charlie Cabell, County Commissioner, congratulated Council and said he will attend a meeting in December.

Patricia Schultz, Berkley, emailed regarding the Columbia project.

Consent Agenda

Councilmember Baker moved to approve the following Consent Agenda, seconded by Councilmember Hennen:

RESOLUTION NO. R-24-23: Matter of approving a resolution recognizing Mike Dooley for his service to the Council of the City of Berkley, Michigan.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Dooley and Dean
Nays: None
Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS: Matter of any recognitions or presentations from the Consent Agenda.

Councilmember Patterson read R-24-23 in its entirety.

SWEARING-IN CEREMONY: Newly elected members of the Council to be given Oaths of Office by the City Clerk:

Mayor Bridget Dean
Councilmember Clarence Black
Councilmember Ross Gavin
Councilmember Gregory Patterson

City Clerk Victoria Mitchell administered the Oath of Office to Mayor Bridget Dean.

City Clerk Victoria Mitchell administered the Oath of Office to Councilmember Clarence Black.

City Clerk Victoria Mitchell administered the Oath of Office to Councilmember Ross Gavin.

City Clerk Victoria Mitchell administered the Oath of Office to Councilmember Gregory Patterson.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Hennen to adjourn the regular meeting at 7:15 pm.
Seconded by Councilmember Vilani
Ayes: Hennen, Patterson, Vilani, Baker, Dooley, Gavin and Dean
Nays: None
Motion Approved.

THE FIRST REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:22 PM ON MONDAY, NOVEMBER 20, 2023 BY MAYOR DEAN

PRESENT:

Councilmember Steve Baker	Councilmember Gregory Patterson
Councilmember Clarence Black	Councilmember Jessica Vilani
Mayor Pro Tem Ross Gavin	Mayor Bridget Dean
Councilmember Dennis Hennen	

OTHER STAFF PRESENT:

City Manager Matt Baumgarten
City Attorney John Staran
City Clerk Victoria Mitchell

Public Safety Director Matt Koehn
Library Director Matt Church
Department of Public Works Director Shawn Young
Communications Director Caitlin Flora
Community Development Director Kristen Kapelanski

APPROVAL OF AGENDA

Councilmember Patterson moved to approve the Agenda
Seconded by Councilmember Hennen
Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker and Dean
Nays: None
Motion Approved.

CITIZENS COMMENTS:

Consent Agenda

Councilmember Gavin moved to approve the following Consent Agenda, seconded by Councilmember Vilani:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, October 16, 2023 and Special City Council meeting on October 30, 2023.

WARRANT: Matter of approving Warrant No. 1392.

ORDINANCE NO. O-10-23: Matter of considering the Second Reading and Adoption of an Ordinance to repeal Section 106-42, Outdoor Seating, in Chapter 106, Streets, Sidewalks and Other Public Places of the City of Berkley Code of Ordinances to remove references to outdoor seating in the City Code as standards have been incorporated into the Zoning Ordinance.

ORDINANCE NO. O-11-23: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to amend Section 26-2 and add Section 26-3 in Chapter 26, Building and Building Regulations, of the City of Berkley Code of Ordinances to clarify the application of Section 26-2 to the entire Chapter 26, to require fees for inspections, reviews, permits, and certificates and to clarify the application of Sec. 26-337.

MOTION NO. M-76-23: Matter of approving the Oakland County Assessor's contract renewal.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean
Nays: None
Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS: Matter of any recognitions or presentations from the Consent Agenda.

PRESENTATION: Matter of presenting Berkley Department of Public Safety Civilian Citations to Berkley Department of Public Works employees Brian LaPine, John Beach, and Brad Daugherty, who may have saved two lives after warning the residents their home was on fire.

Chief Koehn presented the Civilian Citation to Brian Lapine.

PRESENTATION: Matter of receiving the Accreditation Certificate from the Michigan Law Enforcement Accreditation Commission (MLEAC), which is an independent organization under the Michigan Association of Chiefs of Police. The MLEAC Accreditation was awarded after a hearing on Wednesday, September 27, 2023, in Mt. Pleasant, Michigan.

Robert Stevenson, Executive Director of the Michigan Law Enforcement Accreditation Commission (MLEAC), awarded the Berkley Public Safety Department the Accreditation Certificate from the MLEAC.

MOTION NO. M-77-23: Matter of appointing Mayor Pro Tem from November 2023 until November 2025.

Councilmember Patterson moved to nominate Councilmember Gavin and approve Motion No. M-77-23.

Seconded by Councilmember Hennen.

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean

Nays: None

Motion M-77-23 Approved.

RESOLUTION NO. R-25-23: Matter of designating the time and place of City Council Meetings and its Rules and Order of Procedure.

Councilmember Vilani moved to approve Resolution No. R-25-23.

Seconded by Mayor Pro Tem Gavin.

Ayes: Patterson, Vilani, Baker, Black, Gavin, Hennen and Dean

Nays:

Resolution R-25-23 Approved.

MOTION NO. M-78-23: Matter of receiving and adopting the FY 2023-2026 Strategic Plan.

Councilmember Baker moved to approve Motion No. M-78-23.

Seconded by Councilmember Vilani.

Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson and Dean

Nays: None

Motion M-78-23 Approved.

Joselyn Davis, Jade Strategies, presented regarding the 2023-26 Strategic Plan.

MOTION NO. M-79-23: Matter of approving a proposal from Hubbell, Roth, and Clark for combined sewer system planning assistance for a not-to-exceed amount of \$34,200. This work is eligible for reimbursement on a one-to-one basis under the recently awarded Oakland County Critical Infrastructure Grant Program.

Mayor Pro Tem Gavin moved to approve Motion No. M-79-23.

Seconded by Councilmember Hennen.

Ayes: Baker, Black, Gavin, Hennen, Patterson, Vilani, and Dean

Nays: None

Motion M-79-23 Approved.

MOTION NO. M-80-23: Matter of authorizing the City Manager to approve the proposal from Hubbell, Roth & Clark to provide professional services to update the City's Engineering Design Standards at a cost of \$16,145.58. Funds from this expenditure will come from accounts 101-701-817-000, 592-536-821-000, 202-464-821-010 and 203-464-821-010.

Councilmember Patterson moved to approve Motion No. M-80-23.

Seconded by Councilmember Baker.

Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker, and Dean

Nays: None

Motion M-80-23 Approved.

MOTION NO. M-81-23: Matter of authorizing the City Manager to execute a contract for Senior Home Chore Snow Removal Service with Luxury Lawn and Snow LLC, 28240 Farmington Road, Farmington Hills, MI 48334. \$3,500 will be paid from account 275-902-818-046 and the remaining expenses being paid from account 211-752-818-000.

Councilmember Patterson moved to approve Motion No. M-81-23.

Seconded by Councilmember Vilani.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black, and Dean

Nays: None

Motion M-81-23 Approved.

MOTION NO. M-82-23: Matter of appointing members to boards and commissions.

Councilmember Hennen moved to approve Motion No. M-82-23.

Seconded by Councilmember Patterson.

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin, and Dean

Nays: None

Motion M-82-23 Approved.

Stephen Bard was appointed to the Beautification Advisory Committee with a term expiring July 2026.

Jeremy Coan was appointed to the Beautification Advisory Committee with a term expiring July 2026.

Catherine Pasanen was appointed as an alternate to the Zoning Board of Appeals with a term expiring July 2026.

ORDINANCE NO. O-12-23: Matter of considering the First Reading of an ordinance of the City Council of the City of Berkley, Michigan to amend Chapter 66, Article II, Library Board of the City of Berkley Code of Ordinances.

Councilmember Vilani moved to approve Ordinance No. O-12-23.

Seconded by Councilmember Baker.

Ayes: Patterson, Vilani, Baker, Black, Gavin, Hennen, and Dean

Nays: None

Ordinance No. O-12-23 Approved.

ORDINANCE NO. O-13-23: Matter of considering the First reading of an ordinance of the City Council of the City of Berkley, Michigan to amend Article VII, Construction/Demolition Site Standards, Sections 106-303 and 106-304 of Chapter 106 Streets, Sidewalks and other Public Places, to Modify the Standards for Construction/Demolition Sites and to Prescribe a Penalty for Violations.

Councilmember Hennen moved to approve Ordinance No. O-13-23.

Seconded by Mayor Pro Tem Gavin.

Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson, and Dean

Nays: None

Ordinance No. O-13-23 Approved.

ORDINANCE NO. O-14-23: Matter of considering the First reading of an ordinance of the City Council of the City of Berkley, Michigan to add new Article VIII, Parklets, to Chapter 106, Streets, Sidewalks and Other Public Places, of the Berkley City Code to Allow greater variety of outdoor service options to Berkley food service establishments of the Berkley City Code by authorizing and regulating conversion and use of underutilized on-street parking spaces.

Councilmember Baker moved to approve Ordinance No. O-14-23.

Seconded by Councilmember Vilani.

Ayes: Baker, Black, Gavin, Hennen, Patterson, Vilani, and Dean
Nays: None
Ordinance No. O-14-23 Approved.

Katie Kutcher, Huntington Woods, spoke in support of the ordinance under consideration.

ORDINANCE NO. O-15-23: Matter of considering the First reading of an ordinance of City Council of the City of Berkley, Michigan to add new Article XVIII, Retail Pet Store, to Chapter 30, Businesses, of the Berkley City Code to Require an existing Retail Pet Store to Obtain an Annual License From the City; to Prescribe License Requirements and Conditions; and to Repeal Article XVII, Retail Dog and Cat Sales Temporary Moratorium, of Chapter 30 of the Berkley City Code.

Councilmember Black moved to approve Ordinance No. O-15-23.

Seconded by Councilmember Hennen.

Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker, and Dean

Nays: None

Ordinance No. O-15-23 Approved.

Carla Osborne, Berkley, spoke in favor of the ordinance under consideration.

Courtney Wooten, Berkley, spoke in favor of the ordinance under consideration.

Tiffany Perkins, Royal Oak, spoke in favor of the ordinance under consideration.

Rachel Shuler, Royal Oak, spoke in favor of the ordinance under consideration.

Laura Respecki, Berkley, spoke in favor of the ordinance under consideration.

COMMUNICATIONS

MAYOR PRO TEM GAVIN

- The next Parks and Recreation Advisory Board meeting will be on December 14th at the Community Center.
- The Environmental Advisory Committee will be on January 13th at 6:30 pm in the second-floor conference room of the Public Safety building.

COUNCILMEMBER VILANI

- Thanked everyone that came out and voted. Your vote is your voice.
- Welcomed back her seatmates and welcomed Councilmember Black.
- The Community Engagement Advisory Committee and Technology Advisory Committee are both on hiatus; no updates.
- The Berkley Area Chamber will hold a networking lunch on Friday, December 1st at Dog & Pony Show Brewing from 12pm -2pm. Please register on their website.
- Thanked all residents that remain active on a wide range of topics; it is with you that we create meaningful change.

COUNCILMEMBER PATTERSON

- The Planning Commission received no items for review; the November 28th meeting was canceled.
- There will be a joint meeting of the Planning Commission and City Council on November 30th in the second-floor conference room in the Public Safety building.
- Wished everyone a Happy Thanksgiving.
- Thanked voters for casting ballots in the November 7th election.

COUNCILMEMBER BLACK

- He said he is beyond honored to become a member of the team and thanked city staff for welcoming him.
- Encouraged everyone who celebrated Veteran's Day to keep that same spirit throughout the year, the community needs you.
- He is looking forward to working with everyone.

COUNCILMEMBER HENNER

- The Tree Board met last month and heard an update from the Department of Natural Resources regarding spotted lantern flies. If you see one, take a photo of it before killing it so you can report the incident to the state at Michigan.gov/slf. More information is available there as well. The City did not receive the DTE Tree Grant; we are still waiting to hear back on the DNR tree grant for Oxford park. The Board is working with the DDA on recommendations for replacing and maintaining the health of the trees in the downtown district.
- The Zoning Board of Appeals heard a case regarding a vacant residential lot; the ZBA will not have a December meeting.
- Regarding the Michigan Municipal League conference – his two biggest takeaways were learning to become a more effective communicator and ideas for attracting and retaining talent in the City. He said he also serves on the Elected Officials Academy and was reelected Vice President of that board.
- There will be a joint meeting of the Planning Commission and City Council on November 30th to discuss where we are on the zoning rewriting process. Strongly urged everyone to review those materials ahead of time and come prepared so if there's any concerns we can make sure that the steering committee is headed in the right direction because what he doesn't want to get is to the end of a two-year process only to present the Planning Commission and Council with a result that is not what we or the community wanted.

COUNCILMEMBER BAKER

- Happy almost Thanksgiving and almost North American Heritage Day.
- The Downtown Development Authority met on Wednesday, November 8th. Thanked them for all their hard work and a very successful Boo!kley month. MERRImonth is almost upon us; Small Business Saturday is Saturday, November 25th so please shop local. The Holiday Lights Parade and other events earlier that day is December 2nd. Merry and Bright Shopping Nights will be on December 7th, 14th and 21st; local businesses will be open a bit later on those Thursday nights. There will be a Jolly Trolley throughout downtown on December 9th to help you visit all the corners of downtown and all of the many wonders it has to offer. For more information visit downtownberkeley.com
- The Historical Committee met on Tuesday, November 14th; five students from Berkley's Social Studies Club attended. He thanked them for their attendance and interest in volunteering on upcoming museum projects. If you have fun scanning photos and documents, the museum is looking for help to digitize Berkley's history. Please come and visit the museum after the Holiday Lights Parade on December 2nd; there will be treats and snacks. Visitors always welcome; the museum is open from 10am – 1pm on Wednesdays and 2pm – 4pm on Sundays. More information is available at berkeleyhistory.com.
- Billy Chapata once said, " Don't be afraid of new beginnings, don't shy away from new people and new energy and new surroundings. Embrace new chances as happiness."

- Congratulated 39th Council and here's to the 40th Council. This marks his 14th year on Council; he is amazed at the progress during the brief time he's been able to serve.
- Stay safe and hug someone you love.

CITY MANAGER MATT BAUMGARTEN

- He said this was a long agenda and Council heard from many of the Directors. He said since this is the season of gratitude he thanked the staff, who put in more work than anyone can ask and endure more stress than anyone will ever know. He highlighted the City Clerk's excellent work on the November election and said that not only does she oversee staff but also a small army of poll workers and precinct captains who because of her are well-prepared for all possible challenges over the 16 plus hour day. She is a guardian of democracy and she makes it happen for all the local, state and federal elections.
- We have a tendency to focus on the small inconveniences, but we should all consider how fortunate we are to live in a community where the small things can be so noticeable.
- Wished everyone a Happy Thanksgiving from himself as well as his staff.

CITY ATTORNEY JOHN STARAN

- Congratulated returning Councilmembers and welcomed Councilmember Black.
- Wished everyone a happy and safe Thanksgiving and Go Lions!

MAYOR DEAN

- She thanked Mike Dooley not only for serving on Council but everything he does.
- Congratulated Councilmember Black and welcomed him to the team. She said she looks forward to serving with the 40th Council; congratulated Councilmember Patterson and Mayor Pro Tem Gavin and thanked them for continuing to do the work
- As everyone knows Berkley Days was upended this year but historically the Humanitarian of the Year and Person of the Year awards are given out there. The 2023 awards were given out last Friday, she had the honor and privilege to present those awards. The 2023 Berkley Humanitarian of the Year was awarded to Valerie Vanslambrouck; she's a caring, compassionate community member who spends her free time filling little free libraries and pantries around the city, picking up litter and working with an organization who sends cards and letters to the elderly, troops overseas and others in need. Valerie recently completed 535 hours of community service and received the President's Volunteer Service award from President Biden. We are fortunate to have someone like her in the community. The 2023 Berkley Person of the Year was awarded to Jack Blanchard. It was a surprise, he thought he was just there for dinner. Jack served in the U.S. Army for 30 years; he served 10 years on Council and was a firefighter for 25 years. He now serves as the City's Emergency Manager; he drafted the City's emergency management plan. She discussed the importance of the plan; if a municipality does not have a plan then they are not eligible for federal funding in the case of an emergency. She said he is well known and well respected in the Oakland County Incident Management team and the Oakland County Local Emergency Planning Committee. He has been a member of the Berkley American Legion Post for 43 years and presently serves as the Sergeant at Arms. All of those positions are volunteer. Jack has been a friend and mentor to her for the past six years; she said when she reaches out to Jack he always makes time for her. Congratulations to Valerie and Jack!

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Regular Meeting at 9:20 p.m.
Seconded by Councilmember Black

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean
Nays: None
Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

AN
ORDINANCE

of the City Council of the City of Berkley, Michigan to Amend Chapter 66, Article II,
Library Board of the City of Berkley Code of Ordinances

• **ARTICLE II. - LIBRARY ADVISORY BOARD^[2]**

• **Sec. 66-16. - Created.**

There is hereby created a library advisory board.

(Code 1981, § 13-16)

• **Sec. 66-17. – Composition and functions.**

The library advisory board will consist of five members. The general purpose of the library advisory board will be to serve as advocates and liaisons between the community, the library, and the city manager, and city council. The library advisory board will act as a fact-finding and advisory body in conformity with the city charter and this code to give recommendations and advice to the city council, the city manager, and the library director about present and future needs regarding library functions, policies, activities, buildings and grounds.

The library board provides feedback and insight to the library director. The library board will be involved in an advisory role with the selection of a new library director in accordance with its function to give recommendations and advice to the city council and city manager. The library director serves as staff liaison to the library advisory board and the city manager provides oversight of the library director.

(Code 1981, § 13-25)

(Code 1981, § 13-17)

• **Sec. 66-18. - Appointment; qualifications.**

City council appoints by majority vote the members of the library board. To be eligible for appointment, the person must be a resident of the city.

(Code 1981, § 13-18)

• **Sec. 66-19. - Term of office.**

The term of office of members of the library board is five years commencing July 1 in each year. Each year one member's term of office will expire, and annually one member will be appointed for the term of five years. Members may be reappointed for additional five-year terms upon majority vote of the City Council.

(Code 1981, § 13-19)

• **Sec. 66-20. - Compensation.**

Members of the library board will serve without compensation.

(Code 1981, § 13-20)

- **Sec. 66-21. - Removals from office.**

Members of the library board will be subject to removal from office by the council in accordance with City Code [section 2-177](#), and their position will be subject to being deemed vacant due to excessive absences under City Code [section 2-178](#).

(Code 1981, § 13-21; [Ord. No. O-05-20](#), § 3, 3-31-2020)

- **Sec. 66-22. - Filling of vacancies.**

Any vacancy on the library board will be filled by the council for the remainder of the unexpired term after considering recommendations from the library board.

(Code 1981, § 13-22)

- **Sec. 66-23. - Officers**

The library board will select a chairperson and a vice chairperson from among its members. The position of secretary will rotate among all members. If the chairperson is not present, but a quorum still is present, the vice chairperson will assume the duties of the chairperson.

(Code 1981, § 13-23)

- **Sec. 66-24. - Meetings and records; quorum.**

The library board will hold meetings monthly as needed and will designate the time and place thereof by public notice. All meetings of the board will be conducted in accordance with the Open Meetings Act. The board will adopt its own bylaws and will keep a record of each meeting by the keeping of minutes, which minutes will be filed with the city clerk not only to be made available for public inspection, but also transmitted to the city council and the city manager. Three members will constitute a quorum for the transaction of business, and a lesser number may adjourn any meeting at which a quorum is not present.

(Code 1981, § 13-24)

- **Sec. 66-26. - Expenses and obligation.**

Neither the library board nor any of its members will incur any expense or create any financial liability upon the City. If any expenditure of city funds may be required relative to the functioning of the library board, a request for expenditure will be submitted to the city manager for approval before such funds are expended.

(Code 1981, § 13-26)

Introduced on the First Reading at the Regular City Council Meeting on Monday, November 20, 2023.

Adopted on the Second Reading at the Regular City Council Meeting on Monday, December 4, 2023.

Attest:

Victoria Mitchell, City Clerk

Bridget Dean, Mayor

AN ORDINANCE

**of the City Council of the City of Berkley, Michigan to Amend Article VII,
Construction/Demolition Site Standards, Sections 106-303 and 106-304 of Chapter 106
Streets, Sidewalks, and other Public Places, to Modify the Standards for
Construction/Demolition Sites, and to Prescribe a Penalty for Violations.**

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 106-303 of Chapter 106 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 106-303. Purpose.

The purpose of this article is to require all ~~residential~~ construction and demolition sites to be secured. This article shall be known and may be cited as the "construction/demolition site standards."

Sec. 106-304. Standards for ~~residential~~ construction/demolition sites.

All ~~residential~~ construction and demolition sites ~~adjacent to existing residential dwelling units~~ ~~shall~~must comply with the following standards while a building or structure (excluding accessory buildings/structures) is being constructed, erected, ~~altered, repaired,~~ removed or demolished under a valid permit for construction or demolition. Failure to comply is grounds for the city manager, building official, code enforcement officer to issue a stop work order on the project until such time that the violations have been corrected and inspected by the city ~~manager or designee~~.

- (1) *Fencing.* Prior to the commencement of excavation, construction or demolition, the construction site ~~shall~~must be enclosed with ~~stable~~sturdy chain-link fencing not less than four feet in height. Any gates ~~shall~~must open inward, so as to not obstruct the public right-of-way, gates ~~shall~~must not open outward. When there is no active construction, the gate must be secured. At such time that windows and doors are installed on the building, temporary excavations are filled, and any dangerous conditions have been removed, the fencing may be removed. The building official may waive or reduce these fencing requirements for small or minor construction or repair projects or alterations if the building official determines strict compliance is not necessary for security, safety, or protection against trespass or hazard.
- (2) *Signage.* Prior to the commencement of construction or demolition, sign(s) prepared by the city ~~shall~~must be attached to the required fencing with the permit holder's name and telephone number and contact information for the city building-community development department. One sign ~~shall~~must be provided per street frontage and must remain installed and visible until final approval is obtained.

- (3) *Excavation.* Excavations on a site ~~shall~~must not be left open for more than 60 days.
- (4) *Construction site conditions and storage.* Any portable toilets on site ~~shall~~must be in place prior to the start of work and must be located within the construction site and not less than ten feet from any existing structure on adjacent property. Portable toilets ~~shall~~must be stored within the fenced area. At no time ~~shall~~may a portable toilet be located on the sidewalk or right-of-way. Public Sidewalks must be kept clear and level throughout the duration of the project, and this applies to temporary patches as well.

When it is necessary to store construction or construction-related materials or equipment at the work site, the materials and equipment must be stored in an orderly fashion and in such a way to protect the public health, safety, and welfare. The city reserves the right to require additional cover or screening for materials and equipment.

Sufficient refuse storage containers ~~shall~~must be provided for on-site to prevent debris and refuse from littering the site or surrounding property. When full, the containers ~~shall~~must be removed and replaced. Said containers must be designed in such a way to prevent rodents or other vermin from gaining access to the refuse. The location of refuse containers ~~shall~~must be approved by the building official or their designee to minimize the impact on ~~residential~~adjacent property. Sites ~~shall~~must be maintained to prevent soil and sediments from running onto adjacent properties. The city reserves the right to require silt fencing to prevent soil/sediment runoff.

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 Council Meeting on *November 20, 2023*.

Adopted on the Second Reading at the Regular City Council Meeting on *December 4, 2023*.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: City Council

From: Kristen Kapelanski, Community Development Director

Subject: Proposed Amendments for Construction Fencing: First Reading

Date: November 29, 2023

Proposed are amendments to Chapter 106 of the City Code, specifically sections regulating construction fencing. This ordinance has been amended to apply to all construction sites. Previously, it only applied to residential sites.

In accordance with our current policies, the ordinance has also been amended to specifically require construction sites to be fenced for any new construction or demolition, with the provision that the building official may waive this requirement for minor projects. Regulations have been included to indicate fencing must be in place prior to the start of any work and that public sidewalks must be kept clear and level.

The City Council approved the first reading of this ordinance on November 20, 2023.

AN ORDINANCE
of the City Council of the City of Berkley, Michigan, to add new Article VIII, Parklets, to Chapter 106, Streets, Sidewalks and Other Public Places, of the Berkley City Code to Allow greater variety of outdoor service options to Berkley food service establishments of the Berkley City Code by authorizing and regulating conversion and use of underutilized on-street parking spaces.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article VIII, Parklets, is added to Chapter 106 of the Berkley Code of Ordinances, as follows:

ARTICLE VIII. PARKLETS

Sec. 106-305. – Intent.

The intent of this Article is to provide a greater variety of outdoor service options to Berkley food service establishments, encourage the conversion of underutilized on-street parking spaces, and facilitate the activation of the pedestrian spaces along City corridors.

Sec. 106-306. – Definitions.

Parklet: An outdoor service area converted from a public on-street parking space or equivalent size thereof that is adjacent to a food service establishment and used for the purpose of hosting food service patrons as an extension of the adjacent food service establishment's regular food service. A parklet may or may not utilize part of an adjacent sidewalk in addition to on-street areas.

Adjoining business: The food service establishment that hosts and sits adjacent to the proposed parklet.

Furnishings: All furniture, lighting, landscape material, fixtures, tables, chairs, trash receptacles, benches, sun shading, and other materials placed within the parklet.

Sec. 106-307. – Permit required.

- A. An adjoining business must obtain an annual permit from the City's Community Development Department in order to construct and use a parklet. The permit must be prominently displayed at the adjoining business. The construction and use of a parklet must meet the standards of this article.
- B. The adjoining business is responsible for parklet permitting, construction, operations, and maintenance.
- C. The parklet permit applicant must apply for and obtain any necessary encroachment permits, licenses, authorizations, or other approvals, pay such fees, and deposit such security as is required by applicable law or ordinance.

Sec. 106-308. – Application.

An adjoining business that desires to develop a parklet must complete and submit a written application to the Community Development Department, on a form to be developed by the Community Development Department, for the construction and use of the parklet. The applicant must fully and truthfully state and provide all information, including proof of insurance, requested by the Community Development Department and pay the application/permit fee established by resolution of the City Council. A parklet permit or permit renewal application must include the following:

- A. Applicant’s name, address, email address, and telephone number.
- B. Existing zoning and current land use of the property under consideration and zoning and current land use of all immediately adjacent properties.
- C. A sketch plan (top-view drawing of the parklet), drawn to a reasonable scale, containing the following information:
 - 1. Distance to the nearest residential zoning district or single-family residence, as measured from the edge of the proposed parklet to the nearest residential zoning district or single-family residence lot line.
 - 2. General location and dimensions of all existing sidewalks, streets, and parking spaces.
 - 3. Location of the proposed parklet, including width, length, frontage, distance to nearest intersection or crosswalk, distance to nearest auto or bicycle lane, and distance to any adjacent parking space(s).
 - 4. The frontage details of the adjoining business, including the location of the primary entrance and any existing street furnishings and lighting.
 - 5. The location of the proposed access ramps, platforms, and enclosures.
 - 6. Details of any hardware such as fasteners to be used in the construction of ramps and platforms.
 - 7. The location of all furnishings.
 - 8. The location of outdoor lighting fixtures, if proposed, as well as the location of wiring and a description of how the wiring will be secured to prevent tripping or electrical hazards.
 - 9. Location of on-site driveways and adjacent alleys.
- D. Photographs, drawings, or manufacturer’s brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, lighting, or other furnishings/fixtures related to the parklet, including but not limited to portable heaters, and other fixtures used during colder weather.

- E. A signed Hold Harmless Agreement on a form provided by the City.
- F. A Certificate of Liability Insurance, in an amount acceptable to the City, and naming the City as an additional insured party.
- G. For a parklet in which alcohol will be served, a liquor liability policy or certificate of insurance naming the City as an additional insured.
- H. If outdoor lighting is proposed, the Community Development Department may require a photometric plan.
- I. If temporary shelters are proposed, a separate sketch plan must be submitted with the following:
 - 1. The location and dimensions of all temporary shelters within the permitted parklet.
 - 2. A dimensioned seating layout.
 - 3. The materials of which the shelters are fabricated.
 - 4. The type, size, and location of portable heating elements, fuel tanks, and decorative lighting.
 - 5. The type and location of lighting to be used.
 - 6. The power source for portable heating elements and lighting, with a description of how the wiring will be secured to prevent tripping or electrical hazards.

Sec. 106-309. – Fees.

An application for a permit under this article must be accompanied by a fee in the amount established by resolution of the City Council. Proration of fees is not permitted. Fees are non-refundable after a permit has been issued by the City.

Sec. 106-310. – Requirements.

Any adjoining business constructing or using a parklet must comply with the following requirements:

- A. Location
 - 1. A parklet must not occupy or interfere with any fire lane, operational driveway, or bus zone.
 - 2. A parklet must be at least twenty (20) feet away from a crosswalk or intersection.
 - 3. A parklet, including all furnishings and enclosures, must leave a minimum five (5) foot wide pedestrian walkway.

4. A parklet may be located only on streets with speed limits of not more than 30 miles per hour.
5. If located on streets with speed limits at or below 25 miles per hour, a minimum two (2) foot setback from adjacent vehicle or bicycle lanes is required.
6. If located on streets with speed limits between 26- 30 mph, a minimum three (3) foot setback from adjacent vehicle or bicycle lanes is required.
7. A parklet must be located at least fifty (50) feet from a residential zoning district or single-family residential use, as measured from the edge of the parklet to the nearest residential property line.
8. An adjoining business may construct only one (1) parklet.
9. An adjoining business may not use more than two (2) on-street parking spaces or the equivalent length thereof for a parklet.
10. No more than five (5) parking spaces per city block may be converted into a parklet.
11. A parklet may be constructed only on streets where a minimum twenty (20) foot width for two-way traffic is maintained.
12. A parklet must be located at least four (4) feet from any adjacent parking space.
13. If the parklet is located adjacent to a parking space, a wheel stop must be installed by the adjoining business.
14. Parklets that protrude into the sidewalk must maintain a minimum five (5) feet pedestrian clearance.

B. Design

1. A parklet, including furnishings and enclosures, must not block the view of vehicle, bicycle, or pedestrian traffic, or block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
2. A parklet, including furnishings and enclosures, must not obstruct motorists' visibility of traffic signals from two hundred (200) feet away.

C. Enclosure

1. A parklet must include an enclosure that separates the parklet from vehicular traffic and any adjacent on-street parking spaces. The parklet location requirements in this article also apply to parklet enclosures.
2. Enclosures must have a minimum height of thirty-six (36) inches and a maximum height of forty-two (42) inches.

D. Operation

1. A parklet may not be located or used within the public right-of-way between November 1 and March 31.
2. Temporary shelters, such as canopies or bubble tents, may be used. Temporary shelters must comply with all requirements in this article.

E. Ramps and Platforms

1. Ramps must be provided for parklets to provide barrier free access from curbed sidewalks.
2. Ramps or platforms must be designed and constructed to maintain unobstructed drainage flow along the gutter.
3. Ramps or platforms must not be bolted into the road or penetrate the surface of the road or parking space that the parklet occupies. Any ramps or platforms may be bolted into the existing curb. All curbs must be restored to the satisfaction of the City of Berkley Department of Public Works.
4. Connections between platforms, ramps, sidewalks, or parking spaces used for the parklet or to obtain access to the parklet must be flush and must not leave a horizontal gap greater than one-half (1/2) inch, or a vertical separation greater than one-quarter (1/4) inch. If a vertical separation is to exceed one-quarter (1/4) inch, 1:4 bevels are required.
5. For parklets proposed on parking spaces with grades that exceed five percent (5%), level platforms must be provided.

F. Furnishings

1. Any parklet furnishings are the responsibility of and must be maintained and operated by the adjoining business.
2. Parklet furnishings must be anchored or of sufficient weight so that at no time are the parklet furnishings at risk of becoming windblown or an obstruction or danger to public safety.
3. Furniture, including benches, planters, chairs, and tables, must not exceed four (4) feet in height.
4. Hanging or overhead furnishings, including umbrellas, must have a clearance of at least seven (7) feet and cannot exceed ten (10) feet from the ground.
5. Any umbrellas must be closed or removed at the end of operations each day.

6. Parklet furnishings must be maintained in a state of good repair. Any parklet furnishings having broken, peeling, or rusting features or showing other signs of disrepair must be promptly removed or replaced.
 7. Any sun-shading materials must be constructed of fire-retardant materials.
 8. Decorative lighting may be used only during the hours of the parklet's operation. Decorative lighting must not create glare that adversely affects public safety or adjacent properties and must be secured in a manner to prevent electrical hazards or trip hazards to parklet patrons or sidewalk pedestrians.
- G. After the removal of the parklet, the applicant must restore the streets and rights-of-way to the same condition they were in before the parklet was developed.
- H. All aspects of parklet construction and operation must comply with the Michigan Barrier Free Code.

Sec. 106-311. – Other permits.

A permit obtained under this article does not relieve any person of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute, or administrative rule.

Sec. 106-312. – Revocation.

The Community Development Department may revoke the parklet permit of any adjoining business that violates or ceases to meet any requirement of this article or violates any other federal, state, or local regulation, makes a false statement on their application, or conducts activity in a manner that is detrimental to the public health, safety, and welfare.

Immediately upon such revocation, the Community Development Department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

Sec. 106-313. – Alcohol served.

Any applicant holding a valid liquor license from the State of Michigan for their adjoining business is required to include a copy of their liquor license with the parklet application. The provisions of the liquor license and compliance with State standards for serving alcohol will apply to the parklet operations.

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 will 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 will 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 *November 20, 2023*.
Adopted on the Second Reading at the Regular City Council Meeting on *December 4, 2023*.

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: City Council
From: Kristen Kapelanski, Community Development Director
Subject: Parklet Amendment Second Reading
Date: November 29, 2023

Several months ago, the Planning Commission and City Council met with the City's planning consultant Carlisle Wortman to discuss a City Code amendment to allow parklets with specific requirements and regulations. Parklets are raised platforms that convert on-street facilities (typically parking spaces) into temporary outdoor seating areas. Attached is a memo that was distributed to relevant businesses to inform them of the City's efforts to establish parklet regulations and to gauge their interest. Several businesses that were approached expressed an interest in establishing a parklet.

Detailed requirements in the attached amendment provide businesses with a clear expectation of the information they will need to provide and the standards they will need to meet as part of the administrative approval process and for continued maintenance and upkeep. Standards have been provided for the following:

- Application requirements;
- Hold Harmless Agreement;
- Certificate of Liability Insurance;
- Photometrics (if lighting is proposed);
- Temporary shelters (i.e. cabanas, igloos, etc.);
- Permitted locations;
- Design
- Access;
- Enclosures (i.e. fencing);
- Ramps and platforms;
- Operation; and
- Furnishings.

Parklets in the public right-of-way would not be permitted between November 1st and March 31st. If the City Code amendment is approved by Council, staff would move forward to establishing permitting procedures and fees.

The City Council approved the first reading of this ordinance on November 20, 2023. 'Equivalent size thereof' has been added to the parklet definition to account for areas where striped parking spaces do not exist but there is enough room to accommodate a parklet per ordinance requirements.

AN ORDINANCE

of the City Council of the City of Berkley, Michigan, to add new Article XVIII, Retail Pet Store, to Chapter 30, Businesses, of the Berkley City Code to Require an existing Retail Pet Store to Obtain an Annual License From the City; to Prescribe License Requirements and Conditions; and to Repeal Article XVII, Retail Dog and Cat Sales Temporary Moratorium, of Chapter 30 of the Berkley City Code.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article XVIII, Retail Pet Store, is added to Chapter 30 of the Berkley Code of Ordinances, as follows:

ARTICLE XVII. RETAIL PET STORE

Sec. 30-1000. Findings and Purpose.

The City of Berkley prohibits retail pet stores in the City from selling dogs, cats, or rabbits, except for a preexisting retail pet store that was in operation in the City and in compliance and good standing with applicable state laws and city ordinances predating the prohibition. The City Council finds that commercial animal breeding facilities, sometimes known as “pet mills,” may not adequately provide for the health and welfare of the animals. These facilities are notorious for operating and maintaining unsanitary and inhumane conditions resulting in overbreeding and animals with health and behavioral problems that consumers may be unaware of at the time of purchase or which may not manifest until after purchase. This contributes to overpopulation of pets and to placement and euthanization of sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals at animal protection and animal control shelters. By prohibiting new retail pet stores and by regulating and requiring a preexisting pet store to obtain an annual license, the City Council intends to promote animal welfare, ensure sanitary and humane conditions for dogs being offered for sale, and protect local consumers.

Therefore, the purpose of this Article is to establish an annual license requirement and conditions for the operation of a retail pet store in the City that is not otherwise prohibited.

Sec. 30-1001. Definition.

For purposes of this Article, the following term has the following meaning:

Retail pet store means a commercial establishment that sells or offers for sale dogs on its premises at retail that are not bred at the establishment.

Sec. 30-1002. Annual License Required.

A retail pet store that operates in the City of Berkley and is not prohibited under City Code Chapter 22, Article V must obtain an annual Retail Pet Store license (in addition to any other required license(s)) from the City Clerk. Application for a license must be filed on or before

January 1 every year on a form provided by the City Clerk. At the time of application, the applicant must pay an annual license fee to be established by City Council resolution. A Retail Pet Store license is not transferrable and is conditioned on compliance by the applicant/licensee with the provisions of this Article and all laws, regulations, and rules established by county, state, and federal agencies. Violation of or noncompliance with this Article is a municipal civil infraction and may be grounds for license suspension or revocation.

Sec. 30-1003. License Conditions.

A Retail Pet Store Licensee is subject to the following requirements and conditions:

- (a) Dogs sold or offered for sale or adoption may be sourced only from breeders with a United States Department of Agriculture (USDA) license.
- (b) The retail pet store must file with the City Clerk within 7 days of acquiring a dog to be sold or offered for sale or adoption, ~~and must provide to the consumer prior to purchase, and also must display in a conspicuous manner on the dog's cage or enclosure,~~ all of the following information for any dog offered for sale:
 - (1) Identifying information for the dog, including name, date of birth, sex, breed, color, USDA registration number, and state of origin.
 - (2) All State and USDA license numbers, names, business/kennel names, and location (city/state) of the (i) breeder, (ii) broker (when applicable), and (iii) transporter.
 - (3) Listing and dates of all vaccines, medications, ~~and~~ medical procedures, and last veterinary exam that have been administered to or performed on the dog.
 - (4) Michigan Pet Health Certificate issued by a Michigan-licensed veterinarian in the form prescribed by the Michigan Department of Agriculture and Rural Development.
 - (5) Official Interstate or Intrastate Certificate of Veterinary Inspection prepared and signed, in accordance with MCL 287.720, by a U.S. Department of Agriculture-accredited veterinarian licensed to perform veterinary medicine in the dog's state of origin, when applicable.
 - (6) Purchase price of the dog, including all taxes, fees, and charges.
 - (7) Documentation that the dog has been microchipped and the microchip has been enrolled in a nationally searchable database.
 - (8) Written statement of the consumer's warranty, rights, and remedies following the sale of the dog.
- (c) The complete records for the dog must be made available to the consumer upon request, and a summary of that information must be conspicuously displayed on the dog's cage or enclosure. The summary must include:
 - (1) Identifying information for the dog including name, date of birth, sex, breed, color, USDA registration number, and state of origin;
 - (2) State and USDA license number, name, business/kennel name, and location (city and state) of the breeder;

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Custom Color(17,17,17)

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.31"

- (3) Date of last veterinary exam;
- (4) Purchase price of the dog, including all taxes, fees, and charges; and
- (5) Statement that “The complete records for this dog are available upon request.”

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Custom Color(RGB(17,17,17))

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Custom Color(RGB(17,17,17))

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Custom Color(RGB(17,17,17))

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.31"

(d) The retail pet store must not source or obtain dogs from a breeder, broker, or transporter who is charged with or has been convicted or determined to be responsible by any government agency for a violation of a law, regulation, or rule relating to unlawful, inhumane, or improper breeding, selling, handling, or transport practices or conditions.

(e) The retail pet store, after sale, exchange, transfer, or death of a dog, must, within 7 days, file with the City Clerk notification of the final disposition of the animal.

(f) By applying for and accepting a Retail Pet Store License, the applicant/licensee is deemed to consent to reasonable entry onto the premises by the City’s animal control officer (or other designated officer or agent of the City) during normal business hours for the purpose of inspection for compliance with the conditions and requirements of this Section.

Sec. 30-1004. License Suspension or Revocation.

- (a) Procedure. Upon determining there are grounds for license suspension or revocation, the City Manager or the Manager’s designee will notify the licensee in writing of the reason(s) for license suspension or revocation and provide the licensee an opportunity to be heard. A licensee aggrieved by a license suspension or revocation may appeal to the City Council, who shall will appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the City Council. The appeal may be taken by filing with the Community Development Department, within 14 days after written notification of the license suspension or revocation decision, a written statement setting forth fully the grounds for the appeal. The City Council will review the report and recommendation of the hearing officer and make a decision on the matter.
- (b) Grounds. Any one or more of the following occurrences or conditions constitute grounds for license suspension or recommendation:
 - (1) Repeat or recurring violation of or noncompliance with a License Condition set forth in Section 30-1003, above, or failure to promptly correct a violation or noncompliance after being notified of same.
 - (2) Making or providing a false, misleading, or fraudulent statement or information in the license application or in any required information to be filed with the City pursuant to Subsection 30-1003(b), above.
 - (3) Refusal, or repeated failure, to timely file with the City the information required in Section 30-1003, above.

- (4) Failure to obtain and maintain any license or permit required under federal, state, or local law or ordinance to operate a retail pet store.
- (5) Violation of any federal, state, or county law, regulation, or rule applicable to operating a retail pet shop.
- (6) Violation of, and failure to promptly correct, any applicable building, fire, electrical, mechanical, plumbing, property maintenance, or zoning code or public health regulation.
- (7) Mistreatment of dogs, or maintaining unsanitary, unhealthy, or inhumane conditions for dogs kept or offered for sale at the retail pet store.
- (8) Non-payment of taxes or other obligations payable to the City.
- (9) Operation of the retail pet store in a manner determined by the City to be a public nuisance.

SECTION 2: Repealer

Article XVII, Retail Dog and Cat Sales Temporary Moratorium, in Chapter 30, Businesses, of the Berkley City Code is hereby repealed.

SECTION 3: Severability Clause

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

SECTION 4: Effective Date

This Ordinance will 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 *November 20, 2023*.

Adopted on the Second Reading at the Regular City Council Meeting on *December 4, 2023*.

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Section 126-73
Installation and Section 126-74 Supervision of Connection, in Chapter 126, Utilities of
the City of Berkley Code of Ordinances to update the policies and inspection
procedures for sewer connections.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Section 126-73 of Chapter 126 of the Berkley City Code is amended, as follows:

Sec. 126-73. Installation.

All building sewer construction and the installation of pipes, fittings and appurtenances shall be done in accordance with the building regulations of the city, [the city's utility connection policy](#) and such supplementary rules and regulations as the ~~city manager~~ [director of public works](#) may prescribe, which shall be effective upon approval by the city council.

SECTION 2: Section 126-74 of Chapter 126 of the Berkley City Code is amended, as follows:

Sec. 126-74. Supervision of Connection.

The applicant for the building sewer permit shall notify the director of public works or his designee when the building sewer is ready for inspection and connection to the public sewer. The connection [to the city main and any connections to the structure or there along](#) shall be made under the immediate supervision of the director [or his designee](#).

SECTION 3: 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 4: 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 5: Effective Date

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

Red, strikethrough text is proposed to be deleted: ~~example~~

Blue underlined text is proposed to be inserted: [example](#)

SECTION 6: 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 Berkeley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on December 4, 2023 .

Adopted on the Second Reading at the Regular City Council Meeting on _____ .

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

Red, strikethrough text is proposed to be deleted: ~~example~~
Blue underlined text is proposed to be inserted: example



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: City Council

From: Kristen Kapelanski, Community Development Director

Subject: Proposed Amendments for Utility Installation: First Reading

Date: November 29, 2023

Proposed are amendments to Chapter 126 of the City Code, specifically sections regulating utility connections. This ordinance has been amended to clarify installations and connections should be done in accordance with the City's utility connection policy. There has been some ambiguity regarding which trade is responsible for inspections and this is meant to clarify that point.
