

AN ORDINANCE

of the Council of the City of Berkley, Michigan  
amending Chapter 30 Businesses, Article IV Snow Removal Service,  
Division 1 and Division 2  
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Chapter 30 Businesses, Article IV Snow Removal Service of the Berkley City Code be and hereby is amended as follows:

**DIVISION 1. GENERALLY**

**Sec. 30-126. Careful operation required.**

No person shall use any mechanically driven vehicle for the removal of snow from sidewalks or other pedestrian easements in the city except in a careful manner so as to not endanger life, person or property of anyone within the city.

**Sec. 30-127. Damaging sidewalks and improved easements.**

No person shall use any mechanically driven vehicle for the removal of snow from sidewalks or other pedestrian easements in the city which will, by virtue of its use for such purpose, damage or tend to damage any sidewalk or improved easement in the city. The use of mechanically driven vehicles for such purpose shall be lawful only where such mechanically driven vehicles do not cause damage prohibited in this article. Plows may not be used on public sidewalks or improved easements.

**DIVISION 2. LICENSE\***

**Sec. 30-151. Required.**

No person shall engage in the business of snow removal by the use of mechanically driven vehicles without first obtaining a license therefor as provided in this article.

**Sec. 30-152. Application.**

Applicants for a license under this article shall file with the city, a written, sworn application provided by the city manager or his designee, signed by the applicant if an individual, by all partners if a partnership and by the president or other representative officer if a corporation showing:

- (1) The name of the person having management, control and supervision of the applicant's snow removal business or operation during the time that it is proposed that it will be carried on within the city, together with the address of such person; and
- (2) The places within the city where it is proposed to carry on the snow removal business and actual operation.

**Sec. 30-153. Fees.**

The application for a license under this article shall be accompanied by an inspection fee for each vehicle to be used in the removal of snow, prior to a mandatory inspection of said vehicle. Such fee shall be non-refundable. After inspection of at least one vehicle is complete, a seasonal license, permitting the use of the approved vehicle (and any subsequent inspected and approved vehicles) will be issued to the business making application to the City. Fees for the application and the seasonal license may be changed from time to time by simple resolution of the City Council.

**Sec. 30-154. Bond or insurance prerequisite to issuance.**

No license shall be issued under this article except upon presentation of a surety bond or liability insurance, in such form as to protect the city and any individual within the city from damage to person or property resulting from the negligent operation of the snow removal equipment or business, such bond or liability insurance, to be in the amount as presently established or as hereafter prescribed by resolution of the city council for each person and for each occurrence.

**Sec. 30-155. Approval of equipment prerequisite to issuance.**

No license to engage in the operation of snow removal by the use of mechanically driven vehicles shall be issued until the director of public works or his designee shall determine whether or not any of the equipment which the applicant proposes to use would be dangerous to the public or detrimental to or tend to damage streets, alleys or sidewalks in the city. No such license shall be issued until the director of public works or his designee advises the city clerk in writing that he has determined that the vehicles and equipment which the applicant proposes to use will not jeopardize the safety of any person or damage or tend to damage any street, alley or sidewalk or other property. Licenses issued under this article shall permit the use of only the equipment described in the application and license. In addition, it shall be required that any operator of any such vehicle shall be appropriately licensed to operate a vehicle under the laws of the state. No licensee shall use other equipment without first obtaining approval therefor based upon additional application fully describing such equipment which shall be submitted to the director of public works or his designee for his approval in the same manner as in the case of the original application. (Code 1981, § 14-90)

SECTION 2: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, October 5, 2009.

Approved on the Second Reading at the Regular City Council Meeting on Monday, November 2, 2009.

Marilyn V. Stephan  
Mayor

Attest:

Mary V. Hughes  
City Clerk