

**ORDINANCE 5054**

**COLLECTION OF BRUSH AND LEAVES**

WHEREAS, the Common Council of the City of Goshen has the authority to establish regulations to promote and protect the public health, safety and welfare, and this ordinance is declared to be an exercise of the city’s police powers; and

WHEREAS, this ordinance is intended to promote the public health, safety and welfare and to protect the interests of city residents by regulating the collection, removal and disposal of Brush and Leaves so that conditions that impair the safety and aesthetic appearance of neighborhoods are prevented and eradicated.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that:

**Section 1. Residential Leaf and Brush Collection and Disposal**

- A. The City shall provide for the pick-up, transportation, and disposal of Leaves and Brush from Residential Properties arising from the occupancy and use of each Residential Property, as provided by this Ordinance.
- B. The City shall collect Brush starting on the last Monday of the months of May, June, July, August, and September, and continuing during the week following the last Monday of said months. The City shall pick up piles of Brush during the months of April and May, at times designated and announced by the Head of the Street Department. Any scheduled or announced collection of Brush shall be subject to change by the Head of the Street Department as necessitated by special circumstances, including but not limited to, holidays, special events, weather, or equipment breakdown.
- C. The City shall commence its annual collection of Leaves when residents of Goshen begin placing Leaves in piles for collection in the fall, and shall continue the collection of Leaves as weather permits during the months of October, November, and December. The City shall also collect Leaves each year during the months of April and May, at times designated and announced by the Head of the Street Department. Any scheduled or announced collection of Leaves shall be subject to change by the Head of the Street Department as necessitated by special circumstances, including but not limited to, holidays, special events, weather, or equipment breakdown.

**Section 2. Placement of Brush for Collection**

- A. Brush intended for collection under this Ordinance must be placed for collection in compliance with the following requirements:
  - 1. Brush must be placed neatly in piles adjacent to a street, but not located in a street or alley, nor blocking any sidewalk or alley.

2. Piles of Brush may not be larger than 10' long, by 5' wide, and by 5' high.
  3. Piles of Brush must be placed in a location clear from trees, power poles, guy-wires, hydrants, mailboxes, parked cars, and other obstacles.
  4. Piles of Brush may not contain grass clippings, Leaves, root balls, vines, fire wood, fencing material, lumber, landscape timbers, or similar items.
  5. Brush may not contain branches, limbs, or sticks larger than six inches (6") in diameter.
  6. Brush must be placed at the designated collection site for collection and disposal by the city, or its authorized representative, no later than 7:00 a.m. on the Monday of a week designated for collection.
- B. Brush may not be piled adjacent to streets during the months of October, November, December, January, February, or March, unless the Street Department designates special Brush pick-up during such months.

**Section 3. Placement of Leaves for Collection**

- A. Leaves intended for collection under this Ordinance must be placed for collection in compliance with the following requirements:
1. Leaves must be placed neatly in piles adjacent to a street, but not located in a street or alley, nor blocking any sidewalk or alley.
  2. Leaves must be placed on the ground in a location clear from trees, power poles, guy-wires, hydrants, mailboxes, parked cars, and other obstacles
  3. Piles of Leaves must be free from Brush, trash, or other debris.
- B. Leaves may not be piled adjacent to streets during the months of January, February, March, April, May, June, July, and August unless the Street Department designates special pick-up of Leaves during such months.

**Section 4. Large Quantities of Brush**

For City residents who anticipate generating Brush in volume greater than what would allow placement of piles complying with this Ordinance, the Street Department shall make trailers available to City residents for loading and removal of Brush. City residents who plan to generate a large volume of Brush may call the Street Department to schedule the use of a trailer for the collection and removal of the Brush, subject to policies of the Street Department. Residents using a city-owned trailer shall be responsible to load onto the trailer all Brush intended for collection

**Section 5. Commercial Landscaping and Tree Services**

- A. The City shall not collect Brush generated by professional tree services or by professional landscaping services. Contractors hired to perform tree trimming, tree removal, or general landscaping installation and maintenance shall remove all Brush generated by the contractor from the property, and dispose in a legal manner.

- B. The City shall only collect Brush generated from tree trimming or removal conducted by a resident on the property where the pile is located, and not by a third-party contractor.

**Section 6. Non-Residential properties.**

The occupants of all properties not classified as Residential Properties shall be responsible for the lawful collection and disposal of all Brush and Leaves generated from non-Residential Properties.

**Section 7. Enforcement/ Penalties**

- A. The City may refuse to collect piles of Brush or Leaves that do not comply with the requirements of this Ordinance, or that are contaminated by materials not allowed by this Ordinance, in which case the owner or occupant of the real property where such Brush or Leaves are located shall be responsible for the lawful removal and disposal of the Brush and/or Leaves.
- B. Members of the Legal Department, Building Department, Police Department, or an Ordinance Compliance Officer may make inspections, determine violations, and take action to enforce the provisions of this Ordinance.
- C. Any violation of this Ordinance may be enforced without providing the violator any prior opportunity to correct the violation.
- D. The owner(s) of real property on which a violation of this Ordinance is found may be cited into the City of Goshen's Ordinance Violations Bureau, or into any court of competent jurisdiction in Elkhart County, Indiana for any such violation and shall be subject to the penalties set forth in this Ordinance.
- E. Any person who violates a provision of this Ordinance may be subject to a fine in an amount not more than Five Hundred Dollars (\$500.00) for each offence. If a violation is of a continuing nature, each day of failure to comply with the provisions of this Ordinance shall constitute a separate offence.
- F. This Ordinance may be enforced against either the owner or occupant of Residential Property found to be in violation of this Ordinance. Enforcement of this Ordinance against any owner of record of Residential Property shall not diminish the ability of the City to enforce this Ordinance against an occupant of the real property, and the enforcement of this Ordinance against any occupant shall not in any manner diminish the ability of the City to enforce this Ordinance against an owner of record of the Residential Property.

**Section 8. Definitions**

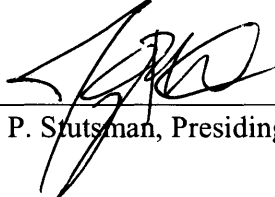
- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance. Words in the singular shall include the plural, and words in the plural shall include the singular.

1. "Brush" shall mean tree limbs, branches, and sticks generated on Residential Properties.
2. "Leaves" shall mean foliage that has fallen from trees located on Residential Properties.
3. "Residential Properties" shall mean parcels of real property located within the corporate boundaries of the City of Goshen on which four (4) or fewer living units are located.

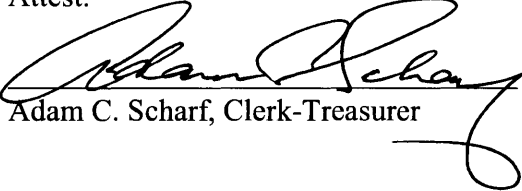
**Section 9. Effective Date**

A. This ordinance shall be effective upon its passage and publication as required by law.

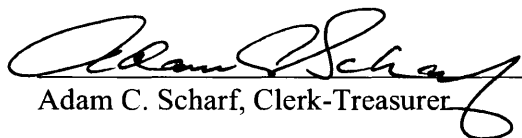
This ordinance is PASSED by the Common Council of the City of Goshen, Indiana on the 1<sup>st</sup> day of September, 2020.

  
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Jeremy P. Stutsman, Presiding Officer

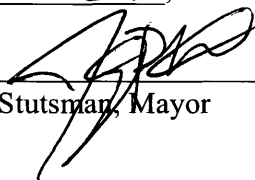
Attest:

  
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Adam C. Scharf, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is PRESENTED by me to the Mayor of the City of Goshen on the 4<sup>th</sup> day of September, 2020 at 8:00 a.m./p.m.

  
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Adam C. Scharf, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is APPROVED by me and ADOPTED on the 4<sup>th</sup> day of September, 2020.

  
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Jeremy P. Stutsman, Mayor