ORDINANCE 1542

AN ORDINANCE AMENDING TITLE 8 AND TITLE 10 OF THE CODE OF ORDINANCES OF THE CITY OF BLUFFTON, INDIANA

WHEREAS, the Common Council ("**Council**") of the City of Bluffton ("**City**") has authority under the Acts of the Indiana General Assembly to make all necessary regulations for the preservation of the rights, property, health, safety and welfare of its citizens;

WHEREAS, the Street Commissioner has reported to the Council that the pushing, shoveling or blowing of snow into the City's streets from driveways and sidewalks creates a hazard for the public's use of the City's streets and impairs, hinders and makes it difficult for the City workers to perform their responsibilities to maintain the streets free of ice and snow;

WHEREAS, Section 10.13.050 of the City's Municipal Code ("**Code**") defines as a violation of the Code the action of any person to "*cause snow to be removed from any sidewalk, private property in such a way that it is discharged onto any street, bridge, or culvert within the city*" during any Traffic Emergency.

WHEREAS, the Street Commissioner has requested the Council consider an amendment to Section 10.13.050 of the Code to remove the Traffic Emergency limitation so that the restricted and prohibited activity applies at any time, not just during a Traffic Emergency.

WHEREAS, the Street Commissioner has also reported to the Council that the actions of persons to cause yard waste, leaves and tree limbs to be discharged onto any City street or culvert causes obstructions in the City's storm water infrastructure and creates hazardous situations in the City's streets.

WHEREAS, the Street Commissioner has requested the Council consider an amendment to the City Code to preclude persons from causing yard waste, leaves and tree limbs to be discharged onto any City street or culvert, except for when leaf pick up has been scheduled by the City;

WHEREAS, the Council has considered the requests of the Street Commissioner, has considered the responsibility of the Council to maintain the safety of the City streets for use by the Citizens of the City as well as visitors to the community, and has considered the adverse effect of causing snow and yard waste to be discharged into the City's streets and into storm water culverts;

WHEREAS, the Council now finds that the interests of the citizens of the City would be best served by amending the Code to restrict the actions of persons within the City from causing the discharge of snow and yard waste onto a City street or into a City culvert.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA, AS FOLLOWS:

Section 1: The Code of Ordinances of the City of Bluffton, Indiana, Section 8.12.010, is hereby amended to add the following definition:

"Yard Waste" shall mean grass clippings, leaves, tree limbs, shrubbery clippings or other debris or waste produced in conjunction with yard maintenance or gardening.

Section 2: The Code of Ordinances of the City of Bluffton, Indiana, is hereby amended to add the following new Section 8.12.080:

"**8.12.080 Handling of Yard Waste**
It shall be unlawful for any person to knowingly or intentionally cause the discharge of Yard Waste onto any streets, alleys, and other public roads within the boundaries of the City or into any City storm water culvert. A Property Owner is responsible to ensure that any persons hired to cut grass or maintain a yard of a Property Owner complies with this Section. Any Yard Waste which inadvertently is caused to enter the street or alleys of the city shall be promptly removed. Because this is a safety and drainage concern, no grace period shall be given to remove any Yard Waste which is a violation of this Section. Tree leaves shall be excluded from this prohibited activity in the fall during any period in which the City is conducting residential tree leaf collection activities and the leaves are collected and placed according to the City Street Departments directives.

Section 3: The Code of Ordinances of the City of Bluffton, Indiana, Section 10.13.050 is hereby deleted and replaced with the following:

"**10.13.050 DISCHARGING SNOW ONTO STREETS AND BRIDGES, AND INTO CULVERTS**
No person shall cause snow to be removed from any sidewalk or private property in such a way that the snow is discharged onto any street or bridge, or into any culvert within the city, or is placed within five (5) feet of any fire hydrant."

Adopted by the Common Council of the City of Bluffton, Indiana, this 17th day of August 2021, by the following vote:

AYES 4, to-wit:	NAYS ___, to-wit:	ABSENT 1, to-wit:
		Rick Elwell