CITY OF BLUFFTON, INDIANA
ORDINANCE NO. 1695

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF BLUFFTON, INDIANA TO ADD A NEW CHAPTER 8.50 ESTABLISHING A TREE MANAGEMENT PROGRAM AND TREE ADVISORY BOARD FOR 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 and the Council finds that the interests of the citizens of the City of Bluffton would be best served by amending the Bluffton Municipal Code ("**BCC**") to add a new Chapter 8.50 to establish a tree maintenance program and create an advisory board to establish and fulfill the policies established by the advisory board for tree maintenance within the City; and

WHEREAS, trees add beauty and aesthetic scenery to the City as well as provide a natural air filtration system; and

WHEREAS, an urban tree canopy is part of a community's infrastructure and creates valuable environmental, economic, and social benefits; and

WHEREAS, many of the trees within the City are aging and a plan to care for, maintain and replace the trees is necessary.

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

SECTION 1. A new Chapter 8.50 is added to the Code of Ordinances of the City of Bluffton, Indiana in the form as set forth in "**Exhibit A**" attached hereto and is to be enforced as an ordinance of the City of Bluffton, Indiana, and is to be titled "Tree Management and Advisory Board."

SECTION 2: If any provision, sentence, clause, phrase, or application of this Ordinance is held invalid or unenforceable, the remaining provisions and applications shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bluffton and approval of the Mayor, and once filed in the records of Wells County, Indiana.

[Councilperson Signatures follow]

Adopted by the Common Council of the City of Bluffton, Indiana, this 20 day of October 2026, by the following vote:

Councilperson	AYES 7	NAYS 0	ABSENT 0
Rickey D. Elwell			
Janella J. Stronczek			
Joshua D. Hunt			
Ronald J. Neuenschwander			
Blake A. Fiechter			
Sarah J. Reed			
David P. Teeple			

Mayor Scott Mentzer, Presiding Officer

ATTEST:

Amber Hartman, Deputy Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, at 5:49 o'clock p.m. this 20 day of October, 2026.

Amber Hartman, Deputy Clerk-Treasurer

Approved by me this 20 day of October, 2026.

Scott Mentzer, Mayor

EXHIBIT A

CHAPTER 8.50 TREE MANAGEMENT AND ADVISORY BOARD

8.50.010 PURPOSE

The purpose of this Chapter is to enhance the quality of life and the present and future health, safety, and welfare of all residents of the City; to enhance property values; and to ensure proper planting and care of trees on public property. In this Chapter, the Council delegates the authority and responsibility for managing Public Trees, creates a Tree Advisory Board, establishes practices governing the planting and care of trees on Public Property, and makes provision for the emergency removal of trees on private property under certain conditions.

8.50.020 DEFINITIONS

As used in this Chapter, the following words and phrases shall have the meanings indicated:

A. BCC – the Bluffton City Code: Municipal Code for the City of Bluffton, Indiana.

B. Board – Tree Advisory Board.

C. BOW – the City of Bluffton Board of Public Works & Safety.

D. Council – the Common Council for the City of Bluffton, Indiana.

E. Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of the soil surrounding a tree; a substantial change in the natural grade above a root system or around a trunk of a tree; surrounding the tree with impervious paving materials; or any trauma caused to a tree by an accident, collision or act of God.

F. Director – as defined in Section 8.50.030.A.

G. Notice – written notice of a violation under this Chapter.

H. Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians, or vehicles; threatens public health, safety, and welfare; or is determined by the Director after consultation with a representative of the Indiana Department of Natural Resources, Division of Forestry, or similar authority, to be unsafe.

I. Parkway Area –the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

J. Person – a Person includes an individual, corporation, limited liability company, partnership or any other legal entity.

K. Public Property – all land and rights-of-way (ROW) owned or maintained by the City.

L. **Public Tree** – any tree or woody vegetation, the trunk of which is located on Public Property. For a tree or woody vegetation located on private property, only that portion which overhangs Public Property shall be subject to this Chapter as a Public Tree.

M. **Top or Topping** – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

8.50.030 AUTHORITY AND POWER

A. Delegation of authority and responsibility. The Director of Utilities, hereinafter referred to as the "Director," and in the absence of a Director, an appointee of the Mayor, and/or his/her designee(s), shall have full authority and responsibility to plant, prune, maintain, remove and trim trees and woody plants growing in or upon, or overhang municipal streets, rights-of-way, city parks, and other Public Property. The Director shall administer the requirements of this Chapter and make technical determinations required under this Chapter. Formal enforcement actions shall be handled pursuant to BCC 8.24 and other applicable provisions of the BCC. The authority shall include the removal or trimming of trees that may threaten electrical, telephone, gas, or municipal water or sewer line, any tree that is affected by fungus, insect, or other pest disease, or any tree that is determined under this Chapter to be a Nuisance.

B. **Coordination among City departments.** All City departments are to coordinate as necessary with the Director and must provide services as required by the Director to ensure compliance with this Ordinance as relates to streets, alleys, rights-of-way, drainage, easements, and other Public Properties not under direct jurisdiction of the Director.

C. **Interference.** No Person shall hinder, prevent, delay, or interfere with the Director or the Director's designees while engaged in carrying out the execution or enforcement of this Ordinance.

8.50.40 TREE ADVISORY BOARD

A. **Creation**. A "**Tree Advisory Board**" is hereby created and is hereinafter referred to as the "**Board**."

B. **Duties.** The Board shall act in an advisory capacity to the Director and shall:

1. Coordinate and promote Arbor Day activities;
2. Review and update a five-year plan to plant and maintain trees on Public Property;
3. Support public awareness and education programs relating to trees;
4. Review City department concerns relating to tree care;
5. Submit an annual report of the Board's activities to the Council;
6. Assist with the annual application to renew the City's Tree City USA designation;
7. Recommend a list of tree species for planting on Public Property, and a list of tree species prohibited on Public Property; and
8. Perform other duties as assigned by the Council or as requested by the Director.

C. **Membership.** The Board shall consist of five (5) members appointed and approved by the Council. Members shall serve without compensation.

D. **Term of office.** Each Member shall serve a three-year term. The terms shall be staggered. Initial appointments are to be staggered to ensure continuity, with the staggered terms determined by the Council in the initial appointments as follows: two three-year terms; two two-year terms; and one one-year term. A vacancy on the Board shall be filled by a Council appointment for the remainder of the unexpired term. A Member may serve an unlimited number of terms.

E. **Officers.** The Board must annually select a chair and a secretary, and may select a vice-chair.

F. **Meetings.** The Board must meet at least four (4) times per year. All meetings must be open to the public in compliance with Indiana's open-door law. The Board chair may schedule additional meetings as needed.

G. **Bylaws.** The Board must adopt a Code of Bylaws which are to provide the procedures for the conduct of the meetings and the elections and responsibilities of the officers.

8.50.050 TREE PLANTING AND CARE STANDARDS

A. **Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

B. **Requirements of franchise utility companies.** The maintenance of Public Trees for utility clearance shall conform to all applicable utility industry standards. If no applicable standards exist, the Board shall recommend standards to the Director and the Director shall determine the standards to be applied in utility rights of way or easements.

C. **Preferred species list for Public Property.** The Director shall maintain an official list of desirable tree species for planting on Public Property in two classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director.

D. **Planting distances.** The Director shall develop and maintain an official set of spacing requirements for the planting of trees on Public Property. No tree may be planted within the visibility triangle of a street intersection as determined under the applicable sections of the Wells County Zoning Ordinance or the Wells County Subdivision Control Ordinance, or within 10 feet of a fire hydrant.

E. **Planting trees under electric utility lines**. Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

8.50.060. PROHIBITION AGAINST HARMING PUBLIC TREES

A. It shall be a violation of this Chapter for any Person to damage, remove, or cause the damage or removal of a Public Tree without written permission from the Director.

B. It shall be a violation of this Chapter for any Person to attach any cable, wire, sign, or any other object to a Public Tree without written permission from the Director.

C. It shall be a violation of this Chapter for any Person to "top" any Public Tree. Public Trees severely damaged by storms or other causes, where best pruning practices are impractical, may be exempted from this provision at the determination of the Director.

D. Any Person or City department performing construction near any Public Tree shall consult with the Director and shall employ appropriate measures to protect the Public Tree, according to procedures contained in the Best Management Practices for "Managing Trees During Construction" published by the International Society of Arboriculture.

8.50.070 ADJACENT OWNER RESPONSIBILITY

A. The owner of land adjacent to any Parkway Area, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent Parkway Area.

B. It shall be a violation of this Chapter for any property owner to allow a tree or other plant growing on his/her property to obstruct or interfere with pedestrians or the view of motor vehicle drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the record owner of the property to prune or remove the tree or plant and specify a time period in which compliance is required. If the owner fails to comply with the notice, the City may undertake the necessary work. All expenses and costs incurred by the City shall be payable by the property owner. Any expenses and not paid may be collected as provided in the BCC, or, if applicable, the City may file a copy of the notice of charges in the Wells County Records as a lien against the property pursuant to IC 36-1-6-2.

8.50.080 CERTAIN TREES DECLARED A NUISANCE

A. Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare, is declared a Nuisance under BCC 8.24.030, and the City may require the treatment or removal of the Nuisance.

B. Private property owners have the duty, at their own expense, to abate a Nuisance on their property. The City may remove the Nuisance at the property owner's expense if the owner does not complete the abatement as specified in the Notice from the Director or the City's Code Enforcement Officer within the period provided in the Notice. Any expenses or costs incurred by the City may be collected from the property owner as provided in the BCC, or, if applicable, by following the procedures provided in IC 36-1-6-2 as a lien against the property.

C. Any person may notify the Director of a tree which is a possible Nuisance. The Director shall determine if the Nuisance exists and, if so, then proceed as provided in this Chapter. A complaining person may request review of the Director's decision by the BOW. The BOW may, in its discretion, place the matter on its agenda for review. Nothing in this subsection creates a right of appeal for a complaining person.

8.50.090 VIOLATIONS, PROCEDURES AND PENALTY

A. Each violation of this Chapter shall constitute a separate violation, punishable by penalties under BCC 1.08.010, in addition to the mitigation values determined by the BOW on any Public Tree removed or damaged in violation of this Chapter. The procedures provided in BCC 8.24 to address a nuisance shall be followed to enforce this Chapter.

B. The BOW shall adopt an administrative policy and procedure for tree removal. The policy and procedure shall be published on the City's website. The Director shall determine the responsible party under the policy and procedure for removal of a tree. If the designated responsible party disagrees with the Director's decision, the designated responsible party may appeal the Director's decision to the BOW. The appeal must be submitted in writing to the BOW and must include a statement for the basis of the appeal. The appeal must be filed with the City Clerk/Treasurer as Secretary to the BOW not later than seven days from the date the Director notifies the responsible party to remove the tree. The BOW shall hear the appeal at the next regular meeting of the BOW following the submission of the appeal.