



Goshen Common Council

6:00 p.m. August 18, 2020 Regular Meeting

Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

This meeting will be conducted under a declared public health emergency covering all of the State of Indiana. Due to social distancing guidelines there will be very limited spaced for public attendance. Members of the public are encouraged to submit questions or comments ahead of time to elected officials and/or the pertinent city offices.

The meeting will be streamed live via Zoom. For link, see <https://goshenindiana.org/calendar>

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Electronic Meeting Participation Statement and Roll Call:

Megan Eichorn (District 4)	Julia King (At-Large)	Jim McKee (District 1)
Doug Nisley (District 2)	Gilberto Pérez, Jr. (District 5)	Matt Schrock (District 3)
Council President Brett Weddell (At-Large)	Youth Advisor Hazany Palomino (Non-voting)	

Approval of Minutes

Approval of Meeting Agenda

Privilege of the Floor

Elected Official Reports

- I. **Ordinance 5053** (1st Reading): Additional Appropriation to Match Emergency Relief Fund Contributions and Authorization of the Transfer of Funds
- II. **Ordinance 5054** (1st Reading): Collection of Brush and Leaves

Adjournment

ORDINANCE 5053

Additional Appropriation to Match Emergency Relief Fund Contributions and Authorization of the Transfer of Funds

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; and

WHEREAS, the Goshen Common Council established a Flood Relief Fund by adoption of Ordinance 4946; and

WHEREAS, the City of Goshen publicly committed to matching dollars contributed to this fund by community members, businesses, and other entities on a one-to-one basis up to a cap of \$100,000; and

WHEREAS, contributions received by the City of Goshen totaled \$74,506.14; and

WHEREAS, the Goshen Common Council renamed the Flood Relief Fund to the Emergency Relief Fund and expanded the permitted uses by adoption of Ordinance 5006; and

WHEREAS, the City of Goshen, along with the rest of the world, is currently experiencing a public health and economic emergency due to COVID-19;

WHEREAS, the City of Goshen endeavors to fulfill its commitments and obligations; and

Now, THEREFORE, be it ordained by the Common Council of the City of Goshen, Elkhart County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out the funds named and for the purposes specified, subject to the laws governing the same:

GENERAL – FUND 101

101-510-07-439.0930

BD WORKS/Other Service Charges.....\$74,506.14

AND WHEREAS, the Clerk-Treasurer intends to make payment in the amount appropriated by this ordinance into Fund 217 – Donations, to be receipted into line 217.410.00.367.0300; and

WHEREAS, payment of these funds must be made from a budgeted expenditure line;

Be it further ordained that the following budget category transfer is authorized:

FROM: **DONATIONS – FUND 207**
217.410.00.367.0300

TO: **DONATIONS – FUND 207**
217.510.00.439.0300.....\$74,506.14

PASSED AND ADOPTED, this 18st day of August, 2020, by the Common Council of the City of Goshen, Indiana.

Presiding Officer

ATTEST: _____
Adam Scharf, Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana,
on the _____ day of August 2020.

Adam Scharf, Clerk-Treasurer

This Ordinance approved and signed by me on the _____ day of August 2020.

Jeremy Stutsman, Mayor

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 ____ day of _____, 2020.

 Jeremy P. Stutsman, Presiding Officer

Attest:

 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 ____ day of _____, 2020 at _____ a.m./p.m.

 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 ____ day of _____, 2020.

 Jeremy P. Stutsman, Mayor