

ORDINANCE 5266

COLLECTION OF BRUSH AND LEAVES

WHEREAS, this Ordinance is intended to promote the public health, safety and welfare by establishing updated regulations governing the placement, collection, removal and disposal of Brush and Leaves within the City of Goshen;

WHEREAS, such regulations are necessary to prevent obstructions of public rights-of-way and stormwater drainage facilities, reduce hazards to motorists and pedestrians, preserve neighborhood appearance, and promote the efficient operation of the City's residential Brush and Leaves collection program.

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

SECTION 1. Residential Brush and Leaves Collection and Disposal

(A) The City shall provide for the collection, transportation, and disposal of Brush and Leaves generated on Residential Property in accordance with the provisions of this Ordinance.

(B) The owner or occupant of real property not classified as Residential Property shall be responsible for the lawful collection, removal, and disposal of all Brush, Leaves, and other landscaping waste generated from such property.

SECTION 2. Residential Collection of Brush; Placement; Large Volumes

(A) Collection Schedule.

(1) The City shall begin the collection of Brush on the last Monday of May, June, July, August, and September. Collection shall continue until one complete pass through the city has been made for each designated collection period.

(2) The City may collect Brush at other times as 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.

(B) **Placement Requirements.** Brush placed for City collection shall comply with the following requirements:

(1) Brush must be placed in neat piles adjacent to a street.

(2) Brush shall not be placed upon a street or alley, upon or across a sidewalk, within or obstructing a stormwater drainage facility, or in any manner that obstructs pedestrian, vehicular, or drainage access.

(3) Piles of Brush must be placed in a location clear of trees, utility poles, guy-wires, hydrants, mailboxes, parked vehicles, and other obstacles.

(4) Piles of Brush may not be larger than ten feet (10') in length, five feet (5') in width, and five feet (5') in height.

(5) Piles of Brush may not contain Leaves, grass clippings, root balls, vines, firewood, fencing material, lumber, landscape timbers, or similar items.

(6) Brush may not contain trunks, branches, limbs, or sticks larger than six inches (6") in diameter.

(7) To be collected, Brush must be placed for collection and disposal by the City no later than 7:00 a.m. on the Monday of a week designated for collection.

(8) Brush shall not be piled adjacent to a street during the months of October, November, December, January, February, March, or April unless the Head of the Street Department designates special Brush collection during such months.

(C) Large Volumes. Residents who anticipate generating Brush in excess of the pile size limitations established by this Ordinance may contact the Street Department to schedule the use of a City-owned trailer for the collection and removal of the Brush, subject to Street Department policies and trailer availability. Residents using a City-owned trailer shall be responsible for loading all Brush into the trailer.

SECTION 3. Residential Collection of Leaves; Placement

(A) Collection Schedule.

(1) The City shall begin the collection of Leaves on the first Monday of November and December. Collection shall continue until one complete collection pass through the city has been made for each designated collection period.

(2) The City may collect Leaves at other times as 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.

(B) Placement Requirements. Leaves placed for City collection shall comply with the following requirements:

(1) Leaves must be placed in neat piles adjacent to a street.

(2) Leaves shall not be placed upon a street or alley, upon or across a sidewalk, within or obstructing a stormwater drainage facility, or in any manner that obstructs pedestrian, vehicular, or drainage access.

(3) Leaves must be placed on the ground in a location clear of trees, utility poles, guy-wires, hydrants, mailboxes, parked vehicles, and other obstacles.

(4) Piles of Leaves must be free from Brush, trash, or other debris.

(5) To be collected, Leaves must be placed for collection and disposal by the City no later than 7:00 a.m. on the Monday of a week designated for collection.

(6) Leaves may not be piled adjacent to a street during the months of January, February, March, April, May, June, July, August, and September unless the Head of the Street Department designates special collection of Leaves during such months.

SECTION 4. Commercial Landscaping and Tree Services

(A) The City shall not collect Brush or other landscaping waste generated by a commercial tree service, landscaping company, property maintenance company, or similar commercial service provider. A contractor hired to perform tree trimming, tree removal, landscaping installation, landscaping maintenance, or related services must remove all Brush and landscaping waste generated by the contractor from the property and dispose in a legal manner. A contractor shall not place Brush or other landscaping waste for collection and disposal by the City.

(B) The City shall collect only Brush generated from tree trimming or removal conducted by the owner or occupant of a Residential Property where the Brush pile is located, and not by a third-party contractor.

SECTION 5. Enforcement; Penalties

(A) The City may decline to collect piles of Brush or Leaves that contain prohibited materials or that otherwise do not comply with the requirements of 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 or Leaves.

(B) The Legal Department, Building Department, Police Department, Code Compliance Officer, or any other employee authorized by the City may make inspections, determine violations, and take action to enforce the provisions of this Ordinance.

(C) Any violation of this Ordinance may be enforced by the City without providing the violator with any prior opportunity to correct the violation.

(D) The owner or occupant of real property on which a violation of this Ordinance is found may be cited before the City of Goshen's Ordinance Violations Bureau, or before 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 up to Five Hundred Dollars (\$500.00) for each offense. If a violation is of a continuing nature, each day of failure to comply with the provisions of this Ordinance shall constitute a separate offense.

(F) This Ordinance may be enforced against either the owner or occupant of real property found to be in violation of this Ordinance. Enforcement of this Ordinance against any owner of record of the real 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 real property.

SECTION 6. Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

(A) "Brush" shall mean tree limbs, branches, and sticks generated on Residential Property.

(B) "Leaves" shall mean foliage that has fallen from trees located on Residential Property.

(C) "Residential Property" shall mean a parcel of real property located within the corporate boundaries of the City of Goshen on which four (4) or fewer dwelling units are located.

SECTION 7. Other Ordinances

(A) Ordinance 5254, Amending Ordinance Violations Bureau, is amended by removing the reference to Ordinance 5054 and inserting in its place Ordinance 5266 in Section 3.1, City of Goshen Bureau Ordinance Schedule, and in Section 4.1.

(B) Ordinance 5054 is repealed.

SECTION 8. Severability

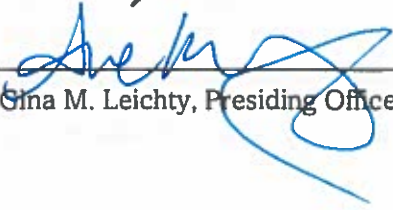
The provisions of this Ordinance are severable. If any provision of this Ordinance as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 9. Effective Date

This Ordinance shall be effective upon its passage, approval and adoption according to the laws of the State of Indiana.

[Signature page follows.]

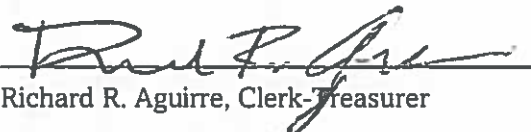
PASSED by the Goshen Common Council on July 27, 2026.


Gina M. Leichty, Presiding Officer

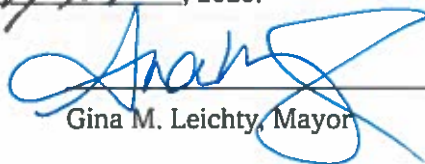
ATTEST:


Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on July 27, 2026, at the hour
of 8:45 p.m.


Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on July 27, 2026.


Gina M. Leichty, Mayor