

City of Bluffton, Indiana

APPLICATION FOR PLACEMENT OF OBJECT(S) IN RIGHT OF WAY

The undersigned applies for consent of the City of Bluffton to place an object or objects in the public right of way.

The applicant agrees to indemnify and hold harmless the City of Bluffton, its agents and employees from and against any and all loss or expense (including costs and attorney fees) because of liability imposed for damages arising out of or in consequence of the placement of the object(s) described below by the applicant claimed due to the negligence of the applicant. The applicant further agrees to name the City of Bluffton as its secondary insured on its policy where able and to provide defense to the City if incidentally named in a law suit because of the negligence of the applicant.

The applicant agrees to reimburse to the City of Bluffton the cost of repair and/or restoration to original condition any City street or alley, electric, water, or sewer line damaged or excavated as a result of the action by the Applicant or individuals contracted by the Applicant.

The Applicant agrees to abide by regulations set by the Board of Public Works and Safety of the City of Bluffton regarding placement of objects in the right of way.

Location of Proposed Object

Description of Proposed Object (Please attach photo if possible)

Duration of Placement Including Dates

Applicant (Signature)

Date

Address of Applicant

Phone Number of Applicant

Approved subject to the following conditions:

Board of Public Works and Safety:

Member

Member

Member

Date

City of Bluffton, Indiana

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8.20.030 OBJECTS IN THE CITY RIGHT OF WAY

- A. No person shall place or permit any object to remain the public right of way or City utility easement for more than 24 hours without the written consent of the Board of Public Works and Safety of the City of Bluffton, Indiana.
- B. The preceding shall not apply to the following:
 1. Household garbage or rubbish, properly bagged or in proper containers, or recycling containers when placed and removed as provided in Chapter 24 of this Title;
 2. Vehicles, except as prohibited in Chapter 19 of this Title;
 3. Items displayed for sale by a registered retail merchant, if displayed on the merchant's premises and displayed for not more than 72 hours in a 90-day period;
 4. Signs offering the real estate upon which the sign is placed for sale or rent, if placed on the real estate; and
 5. Signs placed by a unit of federal, state, or local government.
- C. The Board of Public Works and Safety may grant written permission for the placement of an object that would otherwise be in violation of this Chapter upon application which sets forth the following:
 1. The name and address of the person wishing to place an object;
 2. The location of the requested placement of the object;
 3. The purpose of the placement of the object; and
 4. The duration of the placement of the object; provided however, the Board may determine the duration of the placement of the object as a term of its consent.
- D. The City may remove any item placed on the right of way or in the utility easement which is placed or permitted to remain in violation of this Chapter, and if the City removes an object that is in violation of this Chapter:
 1. The person who places the item is liable for all of the costs incidental to its removal, storage, and/or disposal. The item shall not be released to its owner until all such costs are paid.
 2. The City shall not be liable for any loss or damage to any object removed by the City under the terms of this Chapter.

8.20.040 STORAGE OF JUNK

Any person, firm, corporation, partnership, or other association placing or permitting the placement of scrap copper; brass; rope; rags; batteries; trash; rubber; debris; waste; junked, dismantled, or wrecked automobiles or automobile parts; discarded household or business items; iron; steel' lumber; and/or other scrap ferrous or nonferrous material such that is unsightly and in such a manner that it is visible from any public street, alleyway, or neighboring property shall be notified by a law enforcement office of the City of Bluffton that such material must be removed within 5 days of the date of the notice. Said notice shall be served by a law enforcement officer upon the landowner of the real estate upon which the material has been placed by in person or by registered mail and by placing said notice in a conspicuous location on the premises where the material has been placed.

It shall be a violation of this chapter for any person to permit such material to remain beyond 5 days after said notice has been served.