

BILL NO. 86-17

ORDINANCE NO. 10571-17

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 10 ENFORCEMENT BY ADDING THE AREA PLAN COMMISSION TO THE DESIGNATED ENFORCEMENT STAFF.

STATEMENT OF PURPOSE AND INTENT

Historically the Building Commissioner has also served as the Zoning Administrator for the City of South Bend. The Building Department has provided the appropriate staff functions associated with the responsibilities, including but not limited to Zoning Enforcement. Throughout the state, these responsibilities are usually assigned to the Plan Commission staff. The Building Department and Area Plan Commission staffs have worked closely to establish a process and timeline by which these responsibilities will transfer to the Area Plan Commission on January 1, 2018. Some enforcement activities may still need to be enforced by the Building Department. As such, various changes to the South Bend Zoning Ordinance need to be amended to appropriately reflect responsibilities and procedures.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(a) Authority, is hereby amended as follows:

The Building Department of the City of South Bend, the Department of Code Enforcement of the City of South Bend, the Area Plan Commission of St. Joseph County, and the ~~Staff of both~~ each departments are hereby designated to enforce the terms and provisions of this Ordinance in accordance with Indiana law.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(f) Violations, is hereby amended as follows:

Subject to the provisions of Section 21-01.03 – Nonconforming Lots, Uses, Buildings, Structures or Signs, each of the following shall constitute a zoning violation which may be enforced by the Building Department, the Area Plan Commission, or the Department of Code Enforcement in accordance with the provisions set forth in Section 21-10 (g) below:

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(f) Violations, is hereby amended as follows:

The primary enforcement responsibility for Items (2) ~~and (8) above~~ shall be the vested with the Building Department, provided however, the Department of Code Enforcement or the Area Plan Commission may also initiate enforcement of these matters.

The primary enforcement responsibility for Items (3), (4) and (6) shall be vested with the Department of Code Enforcement, provided however, the ~~Building Department or~~ Area Plan Commission may also initiate enforcement of these matters.

~~The enforcement responsibility for Items (1), (5), (7), (9) and (10) shall be vested in both the Building Department, the Department of Code Enforcement and both or either department may initiate enforcement of these matters.~~

The Zoning Administrator and his or her designee shall be responsible for enforcing against all other zoning violations set forth above; provided, however, that the Department of Code Enforcement and Building Department shall also be authorized to initiate enforcement, at their discretion.

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Enforcement, Section 21-10(h) Fines, subsection (4), is hereby amended by adding a new subsection (B) as follows:

(B) If enforcement action was initiated by the Area Plan Commission, all fines thus received shall be deposited with the applicable fund for fines of the Area Plan Commission.

~~(B)~~ (C)

~~(C)~~ (D)

Section V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Passed on January 8, 2018 by the Common Council of the City of South Bend, Indiana.
Presented to approved and signed by Mayor Peter Buttigieg on January 11, 2018.
Approved: Tim Scott, President of the Common Council
Kareemah Fowler, City Clerk