

## ENFORCEMENT

### 154.615 AUTHORITY.

The Area Plan Commission, Historic Preservation Commission, and the Building Department are hereby designated to enforce the terms and provisions of this chapter in accordance with Indiana law. (*Ord. 8-18; 1/9/2018; Ord. 19-20, 2/18/20*)

(*Ord. 51-05, § 8.11A, passed 5-10-2005*)

### 154.616 ALLEGED VIOLATIONS.

Whenever staff receives a complaint or has reason to suspect that an alleged violation of the terms and provisions of this chapter are occurring, staff shall investigate the complaint or suspicion and shall take whatever action is warranted in accordance with the provisions of this subchapter.

(*Ord. 51-05, § 8.11B, passed 5-10-2005*)

### 154.617 RESPONSIBILITY FOR VIOLATIONS.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists, directs, creates, or maintains any situation that is in violation of the terms and provisions of this chapter, may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

(*Ord. 51-05, § 8.11C, passed 5-10-2005*) Penalty, see § 154.999

### 154.618 INSPECTION OF PROPERTY; RIGHT OF ENTRY.

(A) Staff may enter upon any building, structure or land or part thereof at any reasonable time for the purpose of inspecting all buildings, structures or lands located within the unincorporated areas of St. Joseph County for the purpose of carrying out their duties in the enforcement of this chapter. Prior to entering upon any premises, staff shall furnish sufficient identification and information to enable the owner, tenant or occupant to determine the purpose of the inspection and that the person conducting the inspection is an authorized representative of St. Joseph County.

(B) In the event that entry is denied by the owner, tenant or occupant of a premises, staff may make application to any court of competent jurisdiction for the issuance of a search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of this chapter exists on the premises, or that such a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming

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use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner, tenant or occupant to permit entry to staff for the purposes stated therein.

*(Ord. 51-05, § 8.11D, passed 5-10-2005) Penalty, see § 154.999*

**154.619 CEASE AND DESIST ORDER.**

Staff is empowered to issue a cease and desist order requiring the suspension of land improvement of any kind when any of the following circumstances exist:

- (A) A site improvement is occurring without an improvement location permit or any other permit required by this chapter having first been obtained; or,
- (B) A site improvement is occurring in violation of:
  - (1) The terms, conditions or provisions of this Chapter;
  - (2) The terms and conditions of an improvement location permit;
  - (3) The terms and conditions of any other permit required as a pre-requisite to the issuance of an improvement location permit;
  - (4) The terms, provisions, conditions or commitments of a variance or special use;
  - (5) The terms of commitments made or conditions imposed in connection with the approval of a development plan;
  - (6) Other approval grant authorized by this chapter; or,
  - (7) Other applicable federal, state or local law or ordinance.
- (C) The cease and desist order shall be posted on the property in a conspicuous place, or personally delivered to the owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists, directs, creates, or maintains any situation that is in violation of the terms and provisions of this chapter and state the conditions under which construction or other activity may be resumed. Staff shall meet with the recipient of a cease and desist order upon request to explain the conditions under which construction or other activity may be resumed.
- (D) In addition to any other remedies available pursuant to any other applicable law and this chapter, the St. Joseph County Attorney, Zoning Administrator or appropriate enforcement official may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a cease and desist order, including but not limited to injunctive relief.

*(Ord. 51-05, § 8.11E, passed 5-10-2005)*

**154.620 VIOLATIONS.**

Subject to the provisions of §§ 154.045 through 154.058, each of the following shall constitute a zoning violation which may be enforced by the Area Plan Commission and the Building Department in accordance with the provisions set forth in § 154.999, below: (*Ord. No. 8-18; 1/9/2018*)

(A) The location, erection, or maintenance of any sign not specifically permitted by this chapter;

(B) The failure to obtain an improvement location permit when one is required by the terms and provisions of this chapter;

(C) (1) The parking or storage, in any district the provisions of which do not specifically permit such a use, of any:

(a) Motor vehicle used or designed for use in pulling, towing, hauling, transporting; or,

(b) Motor vehicle or separate trailer as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or tractors having dual rear wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one axle or having an overall length of more than 12 feet).

(2) However, this provision does not apply to motor vehicles which are the primary source of transportation for an individual whose primary place of residence is the particular dwelling at which the commercial motor vehicle is parked on a regular basis;

(D) The outdoor storage or display of merchandise or goods in any district the provisions of which do not specifically permit such a use or in violation of the district development standards regulating such a use;

(E) The conduct of any activity in a residential district that is not specifically enumerated as a permitted primary or accessory use in that district, and which activity has not been legally established by a currently valid special use or other approval grant;

(F) Failure to comply with district development standards, including but not limited to landscaping, paving of parking areas, minimum parking space requirements, minimum loading space requirements, trash dumpster enclosure, fencing, landscaping or screening requirements;

(G) The failure to comply with:

(1) The terms, provisions, conditions or commitments of a variance grant, special use grant or conditional use grant;

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(2) The terms of commitments made in connection with a zoning map change or the approval of a development plan;

(3) The terms, provisions or conditions of any other permit required as a prerequisite to the issuance of a improvement location permit; or,

(4) Other approval grant authorized by this chapter;

(H) The violation of a cease and desist order issued pursuant to this subchapter; and,

(I) Failure to comply with any other provisions of this chapter, or other applicable federal, state or local law or ordinance.

*(Ord. 51-05, § 8.11F, passed 5-10-2005) Penalty, see § 154.999*

Cross-reference:

Remedies or penalties for violation, fine, and additional remedies, see § 154.999