

Proposed County Code Enforcement Ordinances Outline of Major Changes from Public Comment

I. Abandoned Vehicle

- **Section 3. Definitions** – Added “vehicle” definitions for greater clarity
- **Section 4. Procedure** – Clarified notification process for hangtag notices

II. Public Nuisance

- **Section 2. Definitions**
Added several clarifications to the definition of “Public Nuisance” (text in **bold** added to ordinances):

Overview of Changes to Definitions

- Added language in regulated rain or urban drain per comments from John Law
- Added exception for compost piles per public comments
- Only regulating log piles or other tree parts in front yard (not all yards)

2. boxes, appliances, furniture, household items, and items of a similar nature which have accumulated outside a storage structure; said nuisances do not include machinery, stock or inventory used **(and in a condition capable of being used, i.e., not inoperable or disassembled)**

8. the construction of, or the placement of any structure or materials within the drainage way of any right of way or platted easement that will prevent the natural flow of water and cause it to collect and pool upon any private or public property **or in any way interfere with the regular maintenance of a regulated drain or urban drain including but not limited to retention/detention basins;**

9. the placing or accumulating on or within any real or personal property, or the permitting of same, of any matter which attracts or may attract rodents, insects, domestic or wild animals in such a manner as to create a health hazard, unsanitary, or dangerous condition. **This does not include a maintained compost pile, that is contained, placed in compliance with the accessory structure setbacks in the St. Joseph County Zoning Ordinance, and not emitting an odor or attract rodents;**

12. Piles of wood, trees, parts of trees, and other brush which is **located in the minimum front yard or in the buildable area of a lot located between the front line of the primary building and the minimum front yar**

- **Section 6. Violation Notice**

- Clarified that a landowner may contact staff to propose a plan of action to bring the property into compliance (per public comment)
 - Clarified notification process for hangtag notices
- **Section 11. Penalty Provisions** – Clarified that any penalties assessed for non-compliance would pertain to repeat offenders; added language that any penalties collected for repeat offenders shall be applied to any abatement costs incurred

III. Weed and Other Rank Vegetation

- **Section 2. Definitions** – Rewrote definition I. “Weeds and Other Rank Vegetation,” and expanded exceptions in definition

Overview of Changes to Definition

- Exceptions to the definition of weed and other rank vegetation were greatly expanded to allow flexibility in utilizing native species and naturalized yards based on input from Steve Sass, Indiana Nature, and Evie Kirkwood, former Director St. Joseph County Parks
- Clarification on applicability only to the front yard setback or minimum front yard added based on public comment and further staff consideration for enforceability
- Nine (9) inch height was selected to be consistent with jurisdictions in St. Joseph County; Elkhart County’s ordinance limits height to eight (8) inches
- Planning & Zoning staff to review landscaping requirements in the Zoning Ordinance to potentially prohibit invasive species from being able to be planted as part of required landscaping elements in a development where landscaping

Started with: Weeds and Other Rank Vegetation" shall mean and refer to any and all plant life exceeding a height of nine (9) inches. Landscaped areas and gardens containing trees, ornamental grasses, flowers, agricultural crops, bushes and shrubberies exceeding a height of nine (9) inches are not to be considered Weeds and Other Rank Vegetation unless they constitute an extreme deviation from the aesthetic appearance of the surrounding neighborhood.

Changed to: "Weeds and Other Rank Vegetation" shall mean unmaintained and non-cultivated grasses, forbs, vines, and shrubs refer to any and all plant life exceeding a height of nine (9) inches located in the minimum front yard or in the buildable area of a lot located between the front line of the primary building and the minimum front yard. For the purpose of this ordinance, the following are not to be considered weed or other rank vegetation:

- a. Areas of maintained landscaping which have been planted or cultivated by the owner or occupant of the property;
- b. Agricultural and food crops;
- c. Filter or buffer strips within riparian zones and edges of ponds or lakes within thirty (30) feet of the water’s edge;

- d. Vegetation within a wetland recognized by the US Fish and Wildlife National Wetlands Inventory shall not be considered Weeds and Other Rank Vegetation;
 - e. Rain gardens, pollinators, and other cultivated native plant gardens;
 - f. Naturalized wooded areas.
- **Section 6. Violation Notice** – Clarified notification process for hangtag notices
- **Section 12. Penalty Provisions** – Clarified that any penalties assessed for non-compliance would pertain to repeat offenders; added language that any penalties collected for repeat offenders shall be applied to any abatement costs incurred