



City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

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Karen L. White
President

Sharon L. McBride
Vice-President

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of the Whole

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Second District

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Third District

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Fourth District

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Fifth District

Sheila Niezgodski
Sixth District

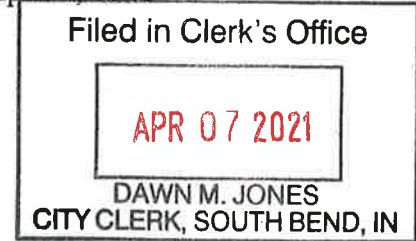
Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

April 7, 2021



Re: AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING CHAPTER 19 ARTICLE 1, DIVISION 2 SECTION 19-13 OF THE SOUTH BEND MUNICIPAL CODE TO IDENTIFY SPECIES OF VEGETATION PROHIBITED FROM SALE, PLANTING, OR PROPAGATING WITHIN THE CITY, AND AMENDING SECTION 19-14 TO IDENTIFY SPECIES OF VEGETATION PROHIBITED IN THE TREE AND LAWN AREAS IN THE CITY.

Dear Council Members:

Invasive plant life is recognized as a growing (no pun intended) and expensive danger to natural areas. The Municipal Code restricts planting invasive species in Chapter 19. However, these code sections were enacted in 1962 when invasive plants were much less of a known problem. The ordinances need to be amended.

The Bill updates the current ordinance and applies to all vegetation planted within the City and ties the prohibited list to the Indiana Invasive Species Council's list of invasive plants. This Bill also applies to all vegetation planted within the City and ties the prohibited list to the Indiana Invasive Species Council's list of invasive plants.

These changes are necessary to clarify vague common names by replacing them with scientific names. Additionally, restricting the sale and planting of invasive species will have positive impacts on the regional ecosystem including the creation of greater insect/pollinator diversity and promoting an ecosystem that is more sustainable and more adaptive to climate change.



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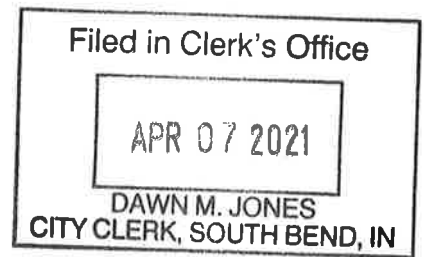
I ask that this ordinance be given first reading on April 12, 2012 and be assigned to the PARC Committee for consideration at its April 26,, 2021 meeting and presented to the full Council for passage at its meeting on the same date.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink that reads "Sharon L. McBride".

Sharon McBride Vice-President, South
Bend Common Council



BILL NO. 87-21

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA,
AMENDING CHAPTER 19 ARTICLE 1, DIVISION 2 SECTION 19-13 OF THE SOUTH
BEND MUNICIPAL CODE TO IDENTIFY SPECIES OF VEGETATION PROHIBITED
FROM SALE, PLANTING, OR PROPAGATING WITHIN THE CITY, AND
AMENDING SECTION 19-14 TO IDENTIFY SPECIES OF VEGETATION
PROHIBITED IN THE TREE AND LAWN AREAS IN THE CITY**

STATEMENT OF PURPOSE AND INTENT

The existing Section 19-13 of the Municipal Code pertains to trees planted within the “tree and lawn area” of the City. This amendment to that section applies to all vegetation planted within the City and ties the prohibited list to the Indiana Invasive Species Council’s list of invasive plants.

The existing Section 19-14 pertains to species of shrubs within the City. This amendment removes the antiquated *Berberis* ban and reassigns the section to pertain to the “tree and lawn area.” The amendment also defines prohibited species of non-invasive plants which are considered by the City Forester to be unsuitable for planting in the “tree and lawn area” and identifies those species by taxonomic names.

The last Code update regarding invasive species occurred in 1962 when invasive plants were much less of a known problem. Since that time, it has been learned that Indiana agencies and landowners have spent millions of dollars to manage invasive species and protect natural areas. These amendments are necessary to clarify vague common names by replacing them with scientific names. Additionally, restricting the sale and planting of invasive species will have positive impacts on the regional ecosystem including the creation of greater insect/pollinator diversity and promoting an ecosystem that is more sustainable and more adaptive to climate change.

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

SECTION I. Chapter 19, Article 1, Division 2, Section 19-13 of the South Bend Municipal Code is amended to read in its entirety as follows:

Sec. 19-13. – Prohibited species of vegetation.

No person shall sell, plant or knowingly propagate within the City any species of aquatic or terrestrial tree, shrub, vine or other vascular plants that are listed on the Official Invasive Plant List as created and maintained by the Indiana Invasive Species Council (currently located at <https://www.entm.purdue.edu/iisc/invasiveplants.php>) as that list exists and as may be amended from time to time.

SECTION II. Chapter 19, Article 1, Division 2, Section 19-14 of the South Bend Municipal Code is amended to read in its entirety as follows:

Sec. 19-14. – Prohibited species of vegetation in the “tree and lawn area”.

No species of vegetation as defined by Chapter 19, Article 1, Division 2, Section 19-13 shall be planted in any tree and lawn area or upon, along or within the limits of any public street. Additional prohibited trees and shrubs in this area shall include boxelder (*Acer negundo*), silver maple (*Acer saccharinum*), paper birch (*Betula papyrifera*), ash (*Fraxinus spp.*), ginkgo (*Ginkgo biloba* – female only), Osage orange (*Maclura pomifera*), white poplar (*Populus alba*), cottonwood (*Populus deltoides*), Lombardy poplar (*Populus nigra*), black locust (*Robinia pseudoacacia*), willow (*Salix spp.*), mountain ash (*Sorbus americana*), black walnut (*Juglans nigra*), conifers and any trees with pendulous or weeping branches, and other vegetation deemed inappropriate by the City Forester and the citizen’s tree board.

SECTION III. Effective Date.

This ordinance shall be in full force and effect after its passage by the Common Council, approval by the Mayor, and publication as required by law.

Karen L. White, Council President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2021, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2021, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

