

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-061

**ORDINANCE CONCERNING PROHIBITING THE USE OF HEAVY
CONSTRUCTION EQUIPMENT UPON THE STREETS, ALLEYS AND
ROADWAYS WITHIN THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of preventing damage to streets, alleys and roadways, has deemed it necessary that the town develop an Ordinance which forbids the operation of heavy construction equipment upon the streets, alleys and roadways within the Corporate limits of the Town of Greenville;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

Definition of Heavy Construction Equipment for the Purpose of this Ordinance

Any type of construction equipment tracked, or tired that would cause damage to the streets, alleys and roadways. Such as but not limited to bull dozers, excavators, etc.

Requirements of Compliance with this Ordinance:

1. Persons or person wishing to excavate a property using heavy construction equipment may transport equipment to construction site using typical truck and trailer used to transport this type of equipment on the streets, alleys and roadways, but must unload equipment onto area to be excavated without using the streets, alleys and roadways of the Town of Greenville.
2. After the loading or unloading of such equipment the owner of truck and trailer used for transportation of the heavy construction equipment shall not park truck and trailer as to where it impedes the flow of traffic on the streets, alleys and roadways of the Town of Greenville.

Exempted from this Ordinance

1. The Greenville Water Utility and streets, alleys, roadway maintenance {grading, asphaltting, resurfacing, replacing and installing culverts} performed by or on the behalf of the Town of Greenville.

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ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to I.C. 36-1-6-2, I.C. 36-1-6-3 or I.C. 36-1-6-4, or a successor statute if said statute is repealed.

Fines and Penalties:

1. If failure to comply with this Ordinance will require Greenville Marshal's Department to obtain a court order to stop excavation using such heavy construction equipment operating on roadways, streets and alleys within the corporate limits of the Town of Greenville, a fine of five hundred dollars per day will occur for each day the violation continues after Marshal issuing the citation while obtaining a court order to stop the excavation. If levied fines are not paid within 30 days then a lien will be sought against person's property, who is the owner of the property being excavated in accordance with I.C. 36-1-6-2 plus attorney fees and court cost.

2. Persons or person who is the owner or owners of such property shall be responsible for a any repair construction work required. Repairs to be completed within 14 days upon notice to correct any damage to roadways {streets, alleyways} caused by such heavy construction equipment, to the satisfaction of the Greenville Town Council. If the Town of Greenville Council deems it necessary to hire another party to perform such repairs, the owner or owners of such property shall be responsible for those costs. If levied costs are not paid within 30 days then a lien will be sought against person's property, who is the owner of the property where heavy construction equipment was used in accordance with I.C. 36-1-6-2 plus attorney fees and court cost.

3. The Town of Greenville may pursue any and all penalties described in I.C. 36-1-6-3 in addition to the penalties described in I.C. 36-1-6-4 plus attorney fees and court cost, or a successor statute if said statute is repealed.

4. Furthermore, if the condition of said real estate has not been corrected within thirty (30) days, the Town may cause to be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer in the following year together with attorney fees and court cost in accordance with IC 36-1-6-2 or successor statute, if said statute is repealed.

5. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.

6. This Ordinance replaces Ordinance 2009-T-029 dated May 26th, 2009. Ordinance 2009-T-029 shall be moved to the voided Ordinance file after passage of this Ordinance.

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9. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
10. The Town of Greenville Clerk Treasurer shall attach a copy of the publication and related information to the original signed Ordinance and a PDF file shall be added to the electronic file copy of this Ordinance.
11. Any unlawful provision found in this ordinance shall not effect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
31st DAY OF AUGUST, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES