

Town of Greenville
P.O. Box 188
Greenville, In. 47124

SPECIAL MEETING NOTICE
FOR THE TOWN OF GREENVILLE

OPEN SESSION FOR PUBLIC INFORMATION:

SUBJECT: LAST PRESENTATION ON COMPREHENSIVE PLAN FOR THE TOWN OF GREENVILLE BY DON LOPP FLOYD COUNTY PLANNER AND REVIEW AND CONSIDERATION FOR PASSAGE OF THE FOLLOWING TOWN ORDINANCES AND RESOLUTIONS IF TIME ALLOWS.

THE GREENVILLE TOWN COUNCIL ENCOURAGES ALL CITIZENS OF THE TOWN TO ATTEND THIS SPECIAL MEETING FOR THE REVIEW OF PROPOSED ORDINANCES. ANY ORDINANCES NOT READ OR VOTED ON, WILL BE OPEN TO THE PUBLIC IN ADDITIONAL MEETINGS.

**2009-T-023 FIRST READING
2009-R-021 FIRST READING
2009-T-007 SECOND READING
2009-T-002 FIRST READING
2009-T-005 FIRST READING**

DATE: 05-18-2009

TIME: 7:00 P.M.

NOTICE POSTED BY THE GREENVILLE TOWN COUNCIL 05-13-2009



**RANDAL JOHNES
VICE-PRESIDENT**

Minutes of Greenville Town Council
Special Meeting – May 18, 2009

The Council met for a special meeting to consider the passage of several town ordinances. President Talbotte Richardson called the special meeting to order at the Town Hall at 7:00 PM. Councilpersons present were Randal Johnes, Bob Wright, Patti Hayes, James Pearce and Talbotte Richardson, along with Clerk Jack Travillian and town attorney Rick Fox.

Town Planning Commission. A final draft of a proposed town comprehensive plan was presented to the council. Floyd County planner Don Lopp went over the plan and the council accepted it. Next step was to create an ordinance naming Floyd County Planning Commission as the Greenville Municipal Planning Commission. Mr. Lopp recommends using a grandfather clause to help re-assure citizens rights. A Mixed Land Use was in place for the downtown area to help keep the options open for council input on uses.


Ordinance 2009-M-023 ORDINANCE CONCERNING THE USE OF FORCE BY THE GREENVILLE MARSHAL'S DEPARTMENT IN THE TOWN OF GREENVILLE, INDIANA The Ordinance was read and discussion was held. After first reading motion was made by T. Richardson and seconded by R. Johnes to accept the ordinance with amendments. The council unanimously voted to consider the ordinance. After second reading motion was made by R. Johnes and seconded by P. Hayes. Motion passed 5-0. Third reading T. Richardson made motion to accept the ordinance and J. Pearce seconded. Motion passed 5-0.

Resolution 2009-R-021 RESOLUTION CONCERNING A DISASTER RESPONSE PLAN FOR THE TOWN OF GREENVILLE, INDIANA The resolution was read and discussion was held. After reading R. Johnes made the motion to accept the resolution and T. Richardson seconded. Motion passed 5-0.

Ordinance 2009-T-007 ORDINANCE CONCERNING THE REGULATING OF YARD SALES, GARAGE SALES AND AUCTION SALES WITHIN THE CORPORATE LIMITS OF THE TOWN OF GREENVILLE, INDIANA Ordinance was read and discussion was held. Second reading was completed. R. Johnes made motion to accept the ordinance and P. Hayes seconded. Motion passed 5-0. Third reading was completed motion was made by T. Richardson, seconded by P. Hayes. Motion passed 5-0.

No further business coming before the Council the meeting was adjourned

ATTEST:


Clerk of the Council


Presiding Officer

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021

**RESOLUTION CONCERNING A DISASTER RESPONSE PLAN FOR
THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town develop a Disaster Response Plan for 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:

In accordance with the adoption of the Floyd County, Indiana Hazard Mitigation Plan passed by motion recorded in Town of Greenville Monthly Minutes dated December 10th, 2007, and Comprehensive Emergency Management Plan prepared by the Greenville Town Clerk passed by motion recorded in Town of Greenville Monthly Minutes dated December 10th, 2007, and adoption of the Floyd County, Indiana Hazard Mitigation Plan dated November 5th, 2008 per request of the River Hills Economic Development District & Regional Planning Commission, and per adoption of such plan in accordance with Town of Greenville Ordinance No. 2009-R-020 the following plan shall be implemented upon passing of Resolution 2009-R-021.

- **Whereas;** The Town of Greenville Ordinance 2009-R-018 establishes the Greenville Town Hall, Town Hall basement area, and Water Company out building as the Official Emergency Shelter for within the Town of Greenville Corporate Limits.
- **Whereas;** Not knowing the scope of the disaster it may become necessary at that time to determine an alternative location for the Emergency Shelter.
- **Whereas;** The Town of Greenville Council concurs that it is necessary to pass this Resolution to clarify responsibilities of the Greenville Town Council, Greenville Marshal Department Members, Greenville Water Utility Superintendent, and the Greenville Water Utility Employees.

Plans Authorized Precedencies;

- In the case of a natural disaster Resolution 2009-R-021 will be the deciding Town of Greenville Resolution or Ordinance. Other passed plans shall remain in effect but will be enforceable only when the complete Greenville Town Council is incapacitated, or the natural disaster is of such a nature that it exceeds the capabilities of the Town of Greenville Council to provide needed relief to the residents of the Town of Greenville, or it is a pandemic situation that requires a Board of Health Physician to oversee the public health. However in the case of a pandemic situation the Town of Greenville Council President, Greenville Town Council, Greenville Marshal Department Members and the

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021**

Greenville Water Utility Superintendent will work with Board of Health Physician for the health and safety of the Greenville residents.

Declaration of a Disaster Emergency Situation;

1. Emergency declared by the President of the United States for an area which includes the Town of Greenville, Indiana.
2. Emergency declared by the Governor of the State of Indiana for an area which includes the Town of Greenville, Indiana.
3. Emergency declared by the Floyd County Council for an area which includes the Town of Greenville, Indiana.
4. Emergency declared by the Indiana State Police from Sellersburg, Indiana Post for an area which includes the Town of Greenville, Indiana.
5. Emergency declared by the Floyd County Sheriff Department for an area which includes the Town of Greenville, Indiana.
6. Emergency declared by {1} The Greenville Town Council President {if not incapacitated}; {2} The Greenville Town Council Vice-President {if not incapacitated}; {3} A Greenville Town Council Member {if not incapacitated}; {4} The Town of Greenville Marshal {if not incapacitated}; {5} The Town of Greenville Deputy Marshal {if not incapacitated}.
7. When a state of emergency is declared in accordance with items one {1} through five {5} of this section the emergency situation shall be assessed by Greenville Town Officials stated in item no. six {6} before an emergency evacuation will begin.

When a Declaration of a Disaster Emergency Situation has been Declared;

When a disaster emergency situation has been declared by one of the following; {1} The Greenville Town Council President {if not incapacitated}; {2} The Greenville Town Council Vice-President {if not incapacitated}; {3} A Greenville Town Council Member {if not incapacitated}; {4} The Town of Greenville Marshal {if not incapacitated}; {5} The Town of Greenville Deputy Marshal {if not incapacitated} shall be the acting town official to oversee the Greenville Disaster Response Team.

Procedures to be followed in the event of a disaster;

In accordance with this Resolution No. 2009-R-021 a disaster emergency that has been declared may require the official in charge to render decisions that will hold the Town of Greenville liable for financial expenditures necessary to address the disaster situation. In acceptance by the vote of the Greenville Town Council for this Resolution No. 2009-R-021, The Town of Greenville Council declares its unanimous consent for such necessary expenditures; however accurate records are to be kept for all such expenditures.

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021

Greenville Response Team and Responsibilities;

1. The Greenville Town Council President shall be the Greenville Official in charge of the Greenville Disaster Response Team. The Greenville Town Council President shall direct all response team members to coordinate their efforts to best serve the Town of Greenville Community.
2. The Greenville Town Council Vice President shall be the Greenville Official in charge of contacting and working in conjunction with the Greenville Official in charge, shall contact;
 - All news organizations {radio, television, newspapers} necessary to inform Greenville residents of disaster situation.
 - All hospitals, emergency services, electrical and telephone services affected by the disaster situation within the Greenville Corporate Limits.
 - Act as official liaison between the Town of Greenville and all news media.
3. The Greenville Town Council Special Projects Chairperson shall;
 - Consult with the Greenville Disaster Response Official in charge to the extent of the disaster. Under the direction of the official in charge they shall caused to be opened the Town of Greenville Emergency Shelter or contact the appropriate state or county officials requesting emergency shelter, water and food staples for disaster victims.
 - In the event that the Greenville Emergency Shelter is activated they shall work in conjunction with the Greenville Official in charge in accordance with Greenville Ordinance No. 2009-T-018 and provide a roster of staff to maintain and operate the shelter.
 - In the event that the Greenville Emergency Shelter is not activated they shall work in conjunction with the Greenville Official in charge and the Greenville Marshal Department in evaluating disaster victims to a shelter that may be provided by others.
4. The Greenville Town Council Streets and Roads Chairperson shall;
 - Consult with the Greenville Disaster Response Official in charge to the extent of the disaster. Under the direction of the official in charge and in conjunction with the Greenville Marshal Department they shall caused to have any blocked or closed streets, roadways or alleyways cleared of debris to allow the accessibility of emergency vehicles to assist disaster victims.
5. The Greenville Town Council Emergency Services Chairperson shall be the Greenville Official in charge of overseeing the Greenville Marshal Department Operations and working in conjunction with the Greenville Official in charge, shall;

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021

- Contact and direct to where they are needed emergency personnel needed in assisting disaster victims.
 - Locate any special equipment or services needed to aid and assist the Marshal Department's disaster relief efforts.
 - Assist the Streets and Road Chairperson in obtaining necessary equipment to clear any blocked streets, roadways or alleyways to be cleared.
 - Assist Greenville Marshals Department in locating additional law enforcement help if required.
 - Assist the Special Projects chairperson in opening and staffing of the Greenville Emergency Shelter.
6. The Town of Greenville Water Company Superintendent shall be the Greenville Official in charge of overseeing the Greenville Water Operations and working in conjunction with the Greenville Official in charge shall;
- Contact and assemble water company personnel as needed to assist disaster victims
 - Locate potable water supplies for drinking and personal hygiene.
 - Notify Greenville Water Company water suppliers of disaster emergency status and water situation and needs for disaster victims.
 - Assist the Special Projects chairperson in opening and staffing of the Greenville Emergency Shelter.
7. The Greenville Marshal and his Department shall provide security operations and working in conjunction with the Greenville Official in charge shall;
- Provide traffic control.
 - Provide emergency aid to disaster victims.
 - Assist in maintaining enforcement of rules and regulations of Greenville emergency shelter.
 - Provide law enforcement to prevent looting and crimes in disaster areas.
 - Assist the Special Projects chairperson in opening and staffing of the Greenville Emergency Shelter.
 - Provide reserve officer with patrol unit for courier service in the event that telephone services have been interrupted.

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021

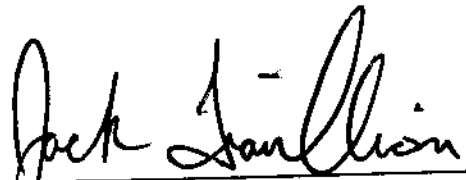
- Provide reserve officer with patrol unit for official personnel, if required.
 - Request additional help from surrounding law enforcement agencies, if required.
 - If additional law enforcement help is not available the Marshal is authorized by the Greenville Town Council unanimous vote per this resolution 2009-R-021 to swear in special reserve officers as needed. These officers will not have any arrest powers or carry a side arm. These officers shall be used for traffic control only. They may also be used for foot patrolling, but must report to the Marshal or member of the Greenville Marshal Department any suspicious activities. They are not to try to apprehend anyone suspected of illegal activities.
 - Provide assistance to all other Greenville Disaster Response Officials in charge.
8. The Greenville Town Clerk shall:
In conjunction with the Greenville Disaster Response Officials to obtain, receive and hold all documentation and receipts to substantiate any expenditure created by the disaster relief.
 9. In the worse case scenario if all Greenville Disaster Response Officials are incapacitated citizens of the Town of Greenville are to follow the instructions of the State, County, or Law Enforcement Agencies responding to the disasters.
 10. This plan to be posted in the Greenville Water Company and in the Greenville Town Hall at all times for public viewing.
 11. See list of current names and telephone numbers of recommended emergency contact information.

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
18th DAY OF May, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021

1. Talbotte Richardson, Greenville Town Council President (Ward 2) – 812-923-9269
2. Randal Johnes, Greenville Town Council Vice-President (Ward 1) – 812-923-9158
3. James Pearce Jr., Greenville Town Council (Ward 3) – 812-923-3153
4. Patti Hayes, Greenville Town Council (At-Large) – 502-681-2756
5. Bob Wright, Greenville Town Council (At-Large) – 812-923-3387
6. Jack Travillian, Greenville Town Council Clerk/Treasurer – 812-923-9636
7. Greenville Marshal Department – Marshal – 502-670-6716 and Deputy Marshal – 502-670-6613.
8. Gary Getrost, Greenville Water Utility Superintendent – 502-558-3776
9. Greenville Water Utility / Town Hall – 812-923-9821
10. Greenville Township Fire Dept – 923-5995 or 923-5991
11. Duke Electric – 800-343-3525
12. Harrison REMC – 812-951-2323
13. Indiana State Police – emergency only – 800-872-6743
14. Floyd County Sheriff – 812-948-5400
15. Floyd Memorial Hospital- 911
16. American Red Cross – 812-951-2288
17. Harrison County Hospital- 911
18. Clark County Hospital- 911
19. Tribune Newspaper – 812-944-6481
20. Banner Gazette – 812-967-3176
21. Courier Journal – 502-582-4600
22. WHAS 11 news hotline – 502-582-7220 / Radio 502-479-2210
23. WDRB channel 41 – news dept – 502-585-0811

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-021

- 24. Channel 3 newsroom – 502-561-4150
- 25. Channel 32 newsroom – 502-893-3671
- 26. Channel 58 newsroom – 502-584-6441
- 27. WAMZ 97.5 FM – 502-479-2222
- 28. WNAS New Albany High Schools – 812-981-7621

TOWN OF GREENVILLE
ORDINANCE NO. 2009-W-023

**ORDINANCE CONCERNING THE PAYMENT OF DAMAGES
PURSUANT TO EMINENT DOMAIN ACTION**

WHEREAS, the Greenville Water Utility Board authorized a complaint for eminent domain to be filed in the Floyd Circuit Court for the purpose of obtaining easement rights over property to construct and maintain a water line.

WHEREAS, said Complaint for Eminent Domain was filed in the Floyd Circuit Court, Cause No. 22C01-0903-PL-582.

WHEREAS, Raymond D. Padgett and Stephanie Padgett have accepted an offer of \$2328.00 as consideration for the permanent easement as described in Exhibit "A" and Exhibit "B" of Cause No. 22C01-0903-PL-582.

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

1. Payment of \$2328.00 to Raymond D. Padgett and Stephanie Padgett is hereby authorized.
2. That said draft shall be properly made payable from the Greenville Water Utility.

ADOPTED BY THE GREENVILLE WATER UTILITY BOARD AND THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 18th DAY OF MAY, 2009.

PRESIDENT OF THE GREENVILLE
WATER UTILITY AND THE TOWN
COUNCIL OF GREENVILLE, INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RICHARD R. FOX
409 BANK STREET
NEW ALBANY, IN, 47150
812-944-2500

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

**ORDINANCE CONCERNING THE REGULATING OF YARD SALES,
GARAGE SALES AND AUCTION SALES WITHIN THE CORPORATE
LIMITS OF THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public safety, has deemed it necessary that the town develop an Ordinance to regulate yard sales, garage sales, moving sales and auction sales held within the corporate limits of the Town of Greenville.

**RULES OF COMPLIANCE FOR YARD SALES, MOVING SALES, AND
GARAGE SALES:**

Definition of a Moving Sale for the purpose of this Ordinance;

A Moving Sale shall be a sale that is required by a resident because they are relocating to a different residence within or outside of the Greenville Corporate Limits. A Moving Sale shall be a sale that the person or persons conducting such sale do not have a retail merchant certificate displayed for that business and does not collect State of Indiana Sales Taxes at the location of the sale. Person or persons who do not have a retail merchant certificate displayed and do not collect State of Indiana Sales Taxes shall be in violation with this section of Ordinance 2009-T-007.

- A permit is not required to have a moving sale within the corporate limits of the Town of Greenville, Indiana. However contacting the Greenville Town Marshal's Department is required. Information to be provided to the Greenville Marshal's Department is as follows;
 - 1} Marshal Department to be notified a minimum of one week prior to moving sale.
 - 2} Location.
 - 3} Date of Moving sale.
- Moving Sale shall be allowed for a period of time not to exceed sixty continuous days from the start of the moving sale. Person or persons can request an extension beyond sixty days by requesting to speak before the Greenville Town Council at its monthly meeting to request such extension. Request shall be made in writing no later than one week prior to meeting by contacting the Greenville Water Clerk.
- Moving Sale hours are limited to not before 9:00 AM and no later than 6:00 PM.
- No blocking of public streets, roadways or alleyways will be permitted.
- Failure to contact the Greenville Marshal's Department will result in the following;
 - 1} The moving sale can be closed at the discretion of the Greenville Town Marshal or the Greenville Town Council President.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

- 2} If failure to comply with the closing of the moving sale will require Greenville Marshal's Department to obtain a court order to close the moving sale. A fine of fifty dollars per day will occur for each day the moving sale remains open after Marshal issuing the citation to close while obtaining a court order to close the moving sale. If levied fines are not paid within 30 days then a lien will be sought against person's property who is operator of the moving sale in accordance with I.C. 36-1-6-2.

Definition of Yard Sales or Garage Sales for the purpose of this Ordinance;

A Yard Sale or Garage Sale shall be a sale that the person or persons conducting such sale do not have a retail merchant certificate displayed for that business and does not collect State of Indiana Sales Taxes at the location of the sale. Person or persons who do not have a retail merchant certificate displayed and do not collect State of Indiana Sales Taxes shall be in violation with this section of Ordinance 2009-T-007.

- A permit is not required to have yard sales or garage sale within the corporate limits of the Town of Greenville, Indiana. However contacting the Greenville Town Marshal's Department is required. Information to be provided to the Greenville Marshal's Department is as follows;
 - 1} Marshal Department to be notified a minimum of one week prior to yard sale or garage sale.
 - 2} Location.
 - 3} Date of yard sale or garage sale.
- Only one yard sale or garage sale will be allowed per month.
- Yard sales or garage sales hours are limited to not before 9:00 AM and no later than 6:00 PM.
- Yard sales or garage sales days are limited to Friday, Saturday and Sunday. Unless the day is an official recognized holiday then a yard sale and garage sale can be held on that day.
- No blocking of public streets, roadways or alleyways will be permitted.
- Failure to contact the Greenville Marshal's Department will result in the following;
 - 1} First offence; a warning citation will be issued by the Greenville Marshal's Department.
 - 2} Second offence etc.; a citation for the amount of fifty dollars {\$50.00} will be issued and the yard sale or garage sale will be closed.
 - 3} If failure to comply with the closing of the yard sale or garage sale will require Greenville Marshal's Department to obtain a court order to close the yard sale or garage sale. A fine of fifty dollars per day will occur for each day the yard sale or garage sale remains open after Marshal issuing the citation while obtaining a court order to close the yard sale or garage sale. If levied fines are not paid within 30 days then a lien will be sought against person's property who is operator of the yard sale or garage sale in accordance with I.C. 36-1-6-2.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

RULES OF COMPLIANCE FOR AUCTION SALES:

Definition of Auction House for the purpose of this Ordinance;

Auction House shall be a facility that the person or persons conducting such auction sale have a retail merchant certificate displayed for that business and collects State of Indiana Sales Taxes at the location of the auction sale. Person or persons who do not have a retail merchant's certificate displayed and do not collect State of Indiana Sales Taxes shall not be considered an Auction House Facility and be in violation of this Ordinance 2009-T-007.

- Auction Houses that are in a permanent location with their own parking facilities within the Corporate Limits of The Town of Greenville are exempted from this ordinance
- A permit is not required to have an auction sale within the corporate limits of the Town of Greenville, Indiana. However, contacting the Greenville Town Marshal's Department is required. Information to be provided to the Greenville Marshal's Department is as follows:
 - 1) Marshal Department to be notified a minimum of one week prior to sale.
 - 2) Location.
 - 3) Date of auction sale.
 - 4) Time of auction sale.
- A verbal waiver may be obtained from the Greenville Marshal's Department to allow parking to block streets, roadways and alleyways in the immediate auction area. This waiver does not apply to US150. The Auction House conducting the auction shall provide security personnel at the Auction House expense {off duty Law Enforcement Members from Floyd County but preferably from the Greenville Marshal Department} to barricade streets, roadways or alleyways and direct traffic during the auction sale if this verbal waiver has been obtained.
- Failure to contact the Greenville Marshal's Department will result in the following:
 - 1) First offence; a warning citation will be issued by the Greenville Marshal's Department.
 - 2) Second offence etc.; a citation for the amount of fifty dollars {\$50.00} will be issued and the auction sale will be closed.
 - 3) If failure to comply with the closing of the auction sale will require Greenville Marshal's Department to obtain a court order to close auction sale. A fine of fifty dollars per day will occur for each day the auction sale remains open after Marshal issuing the citation while obtaining a court order to close the auction sale. If levied fines are not paid within 30 days then a lien will be sought against person's property who is owner of the Auction House who is conducting the auction sale in accordance with I.C. 36-1-6-2.
 - 4) After passing of this Ordinance the Greenville Town Clerk shall mail a copy of the signed Ordinance 2009-T-007 to local Auction Houses.

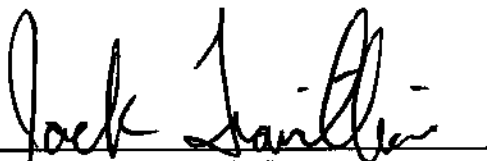
**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

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

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 18th
DAY OF MAY, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

Auction Houses list prepared from AT&T yellow pages 2008

The Harritt Group Inc., 4704 Corydon Pike New Albany, In.

J&J Auction LLC., 1777 Progress Way Clarksville, In.

Auction Center, 120 S. Spring St. Louisville, Ky.

Crum's Auction & Realty Inc., 4701 Hamburg Pike, Jeffersonville, In.

Heil's Auction Service, 6516 Heil Rd. Henryville, In.

Hurst Auction Service, 21415 Daisy Hill Road Borden, In.

Keithley's Auction Service 2001 Canal Ln. Georgetown, In.

Gary Kruer Auctioneer, 10682 US 150 Greenville, In.

Levell Auction 7687 Hwy. 135 N.E. New Salisbury, In.

McGinnis Auction & Appraisal Service, 911 E. Court Ave. Jeffersonville, In.

Ken Taylor Auctions 8556 Louis Smith Rd. Borden, In.

T & S Auction Services RR2 Pekin, In.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

IC 36-1-6 Chapter Enforcement of Ordinances

**IC 36-1-6-1 Application
of chapter**

Sec. 1. This chapter applies to all municipal corporations having the power to adopt ordinances. *As added by Acts 1980, P.L.211, SEC. 1.*

IC 36-1-6-2

Real property; action to bring compliance; expense as lien against property

Sec. 2. (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

(1) ten thousand dollars (\$10,000) for real property that:

(A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or

(B) is unimproved; or

(2) twenty thousand dollars (\$20,000) for all other real property not described in subdivision (1).

(b) The municipal corporation may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.

(c) A bill issued under subsection (b) is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.

(d) Whenever a municipal corporation determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare:

(1) a list of delinquent fees and penalties that are enforceable under this section, including:

(A) the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;

(B) a description of the premises, as shown on the records of the county auditor; and

(C) the amount of the delinquent fees and the penalty; or

(2) an instrument for each lot or parcel of real property on which the fees are delinquent.

(e) The officer shall record a copy of each list or each instrument with the county recorder, who shall

charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.

(f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

(g) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.

(h) The municipal corporation shall release:

- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
- (2) delinquent fees incurred by the seller;

upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

(i) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h).

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L. 50-2002, SEC.1; P.L.144-2003, SEC.1; P.L.177-2003, SEC.2; P.L.131-2005, SEC.5; P.L.88-2006, SEC.1; P.L.194-2007, SEC.8.

C 34-28-5

Chapter 5. Infraction and Ordinance Violation Enforcement Proceedings

IC 34-28-5-1

Prosecution in name of state or municipality; rules; limitations; burden of proof; deferral programs; agreement for community restitution or service

Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(c) Actions under this chapter (or IC 34-4-32 before its repeal):

- (1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and
- (2) must be brought within two (2) years after the alleged conduct or violation occurred.

(d) The plaintiff in an action under this chapter must prove the commission of an infraction or defendant

pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the

community restitution or service provided for in the agreement as approved by the court; and

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-007**

(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection. *As added by P.L 1-1998, SEC.24. Amended by P.L98-2000, SEC.12;P.L98-2004, SEC.123; P.L 176-2005, SEC.24; P.L200-2005, SEC.*