

TOWN OF GREENVILLE
ORDINANCE NO. 2011-MO-042

**ORDINANCE CONCERNING THE ISSUANCE OF MORE THAN ONE
CITATION BY THE GREENVILLE MARSHAL DEPARTMENT FOR
GRASS MOWING WITHIN A MOWING SEASON FROM MARCH 15th
THROUGH NOVEMBER 15TH OF EACH YEAR WITHIN THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of enforcement of Ordinance 2011-TO-035 by the Greenville Marshal Department within the Corporate limits of the Town of Greenville and;

WHEREAS, it sometimes requires a citation to be written for the same property more than once and;

WHEREAS, there is a cost involved of issuance of a citation by the Greenville Marshal Department and the Town of Greenville, Indiana;

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

1. First citation issued to a property owner shall not incur any fines except those stated in Town of Greenville Ordinance 2011-TO-035 if property owner does not bring property into compliance.
2. If it becomes necessary that the Greenville Marshal Department under the direction of the Town of Greenville Council President or his designee to issue a second citation or more within the same mowing season a fine of \$50.00 U.S. Dollars shall be imposed upon property owner for each citation written. If property owner does not bring property into compliance after second citation or more within the same mowing season fines stated in Town of Greenville Ordinance 2011-TO-035 shall apply including the fine for the second or more citations.
3. The Town of Greenville Clerk/Treasurer shall deposit all fines collected under this Ordinance as a debit into the General Fund Marshal Fuel Account Number 101001290 and shall carryover year to year.
4. The Town of Greenville Clerk/Treasurer shall deposit all attorney fees and court cost collected as a debit into the General Fund Legal Account Number 101001315 and shall carryover year to year.

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ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to I.C. 36-1-6-1, I.C.36-1-6-2, I.C.36-1-6-3, I.C.36-1-6-4, I.C. 34-28-6-1 or a successor statute if said statute is repealed.

Fines and Penalties:

1. If levied fines are not paid within 30 days, a lien will be sought against person or person's responsible real estate in accordance with I.C. 36-1-6-2 including attorney fees and court cost.
2. Furthermore, if fines have not been paid 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 I.C. 36-1-6-2 or successor statute, if said statute is repealed.
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, or a successor statute if said statute is repealed.
4. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.
5. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
6. 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.
7. Any unlawful provision found in this ordinance shall not affect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
18th DAY OF JULY 2011.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON


JACK TRAVILLIAN, CLERK/TREASURER

PREPARED BY: RANDAL JOHNES

TOWN OF GREENVILLE
ORDINANCE NO. 2011-MO-042

IC 36-1-6

Chapter 6. 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

Action to bring compliance with ordinance conditions; expense as lien against property; enforcement of delinquent fees and penalties

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. Continuous enforcement orders (as defined in IC 36-7-9-2) can be enforced and liens may be assessed without the need for additional notice. 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 instalment 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.

(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.

TOWN OF GREENVILLE
ORDINANCE NO. 2011-MO-042

(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.7; P.L.194-2007, SEC.8; P.L.88-2009, SEC. 5.

IC 36-1-6-3

Proceeding to enforce ordinance; law applicable

Sec. 3. (a) Certain ordinances may be enforced by a municipal corporation without proceeding in court through:

- (1) an admission of violation before the violations clerk under IC 33-36; or
- (2) administrative enforcement under section 9 of this chapter,
- (b) Except as provided in subsection (a), a proceeding to enforce an ordinance must be brought in accordance with IC 34-28-5, section 4 of this chapter, or both.
- (c) An ordinance defining a moving traffic violation may not be enforced under IC 33-36 and must be enforced in accordance with IC 34-28-5.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.108, SEC.39; P.L.177-1988, SEC.8; P.L.130-1991, SEC.35; P.L.1-1998, SEC.202; P.L.98-2004, SEC.159.

IC 36-1-6-4

Civil action by municipal corporation; action by court

Sec. 4. (a) A municipal corporation may bring a civil action as provided in IC 34-28-5-1 if a person:

- (1) violates an ordinance regulating or prohibiting a condition or use of property; or
- (2) engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.
- (b) A court may take any appropriate action in a proceeding under this section, including any of the following actions:
 - (1) Issuing an injunction.
 - (2) Entering a judgment.
 - (3) Issuing a continuous enforcement order (as defined in IC 36-7-9-2).
 - (4) Ordering the suspension or revocation of a license.
 - (5) Ordering an inspection.
 - (6) Ordering a property vacated.
 - (7) Ordering a structure demolished.
 - (8) Imposing a penalty not to exceed an amount set forth in IC36-1-3-8(a)(10).
 - (9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.
 - (10) Ordering a defendant to take appropriate action to bring a property into compliance with an ordinance within a specified time.
 - (11) Ordering a municipal corporation to take appropriate action to bring a property into compliance with an ordinance in accordance with IC 36-1-6-2.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L. 194-2007, SEC. 9; P.L. 88-2009, SEC. 6.

TOWN OF GREENVILLE
ORDINANCE NO. 2011-MO-042

IC 34-28-6-1

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 1C 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 1C 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 (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./*

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- #13 [TOWN OF GREENVILLE ORDINANCE NO. 2011-MO-042 ORDINANCE CONCERNING THE ISSUANCE](#)

TOWN OF GREENVILLE
ORDINANCE NO. 2011-MO-042

ORDINANCE CONCERNING THE ISSUANCE OF MORE THAN ONE CITATION BY THE GREENVILLE MARSHAL DEPARTMENT FOR GRASS MOWING WITHIN A MOWING SEASON FROM MARCH 15th THROUGH NOVEMBER 15TH OF EACH YEAR WITHIN THE TOWN OF GREENVILLE, INDIANA

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of enforcement of Ordinance 2011-TO-035 by the Greenville Marshal Department within the Corporate limits of the Town of Greenville and;

WHEREAS, it sometimes requires a citation to be written for the same property more than once and;

WHEREAS, there is a cost involved of issuance of a citation by the Greenville Marshal Department and the Town of Greenville, Indiana;

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

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2. If it becomes necessary that the Greenville Marshal Department under the direction of the Town of Greenville Council President or his designee to issue a second citation or more within the same mowing season a fine of \$50.00 U.S. Dollars shall be imposed upon property owner for each citation written. If property owner does not bring property into compliance after second citation or more within the same mowing season fines stated in Town of Greenville Ordinance 2011-TO-035 shall apply including the fine for the second or more citations.
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ENFORCEMENT:

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5. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
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 PRESIDENT OF THE TOWN COUNCIL OF GREENVILLE, INDIANA
 TALBOTTE RICHARDSON
 JACK TRAVILLIAN, CLERK/TREASURER
 PREPARED BY: RANDAL JOHNES

#13 Published: July 20th, 2011 4:00pm

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- #14 **TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES ...**
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- #15 **STATE OF INDIANA IN THE CLARK SUPERIOR COURT COUNTY OF CLARK SITTING AT ...**
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- #16 **IN THE CLARK COUNTY SUPERIOR/CIRCUIT COURT STATE OF INDIANA IN RE THE ...**
-
- #17 **TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES ...**

ATTACH COPY OF ADVERTISMENT HERE

Prescribed by State Board of Accounts

Town of Greenville
(Governmental Unit)
Elroy County, Indiana

To:
NEWS AND TRIBUNE
221 SPRING STREET
PO BOX 867
JEFFERSONVILLE, IN 47130

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines 82
Body -- number of lines
Tail -- number of lines 82
Total number of lines in notice

COMPUTATION OF CHARGES

82 lines, 3 columns wide equals 246 equivalent lines at 2674 cents per line \$ 65.78
Additional charges for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)
TOTAL AMOUNT OF CLAIM \$ 65.78

DATA FOR COMPUTING COST

Width of single column in picas 6 P10 Size of type 7 point.
Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:

7-21-11

Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
[checked] Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on
..... Newspaper has a Web site but refuses to post the public notice:

Kelly J. Wells

Date 7-27-11

Legal Clerk

ref # 06527856

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PREPARED BY: RANDAL JOHNES