

TOWN OF GREENVILLE  
ORDINANCE NO. 2011-WO-017

**ORDINANCE CONCERNING THE REGULATION OF ACCESS TO THE  
WATER SUPPLY OF THE GREENVILLE WATER UTILITY OF THE  
TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council and Water Utility Council for the Town of Greenville, Indiana, finds that it is in the best interest of the Greenville Water Utility to regulate access to the Greenville Water Utility water supply and prohibit tampering with the Greenville Water Utility water system.

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

**SECTION 1. PURPOSE**

The purpose of the Ordinance is to establish regulations for access to the Greenville Water Utility water supply; the use of water meters; to eliminate illegal access to the Greenville Water Utility water supply by not using Proper Metering Devices owned by the Greenville Water Utility; and to prohibit the tampering with the Greenville Water Utility water system.

**SECTION 2. DEFINITIONS**

- A. "Greenville Water Utility" shall mean Water Utility owned by the Town of Greenville, Floyd County, Indiana.
- B." Water Supply" shall mean the water in any part of the Greenville Water Utility Water System.
- C. "Greenville Water Utility Water System" shall mean all pipes, lines, joints, tanks, hydrants, wells, water treatment plant and all related parts used to supply public water to users.
- D. "Proper Metering Devices" shall mean equipment owned by the Greenville Water Utility to measure the water passing thru or out of the Greenville Water Utility Water Supply.
- E. "Tampering with Water System" shall mean to turn any portion of the Greenville Water Utility System on or off or otherwise change or damage it.
- F. "Jumper" shall mean any device or system used or intended to supply water from the Greenville Water Utility Water Supply to any structure, person or entity without the use of a Proper Metering Device.

**SECTION 3. REGULATION AND OPERATION**

- A. No person shall install or cause to be installed any Jumper for the purpose of accessing water from the Greenville Water Utility Water Supply that results in access to water supply without passing thru an operating Proper Metering Device.
- B. No person shall, without authority from the Greenville Water Utility, turn on or off any portion of the Greenville Water Utility Water System or otherwise change or damage the Greenville Water Utility Water System.

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C. Upon discovery of a Jumper or any form of tampering with the Greenville Water Utility Water System, the Town of Greenville Marshal Department shall be notified and shall issue a citation for violation of this Ordinance to the person or entity who has caused such violation and to the owner of the property where the violation occurred.

D. The owner of the property where the violation of this Ordinance occurred shall be responsible for any and all fines, penalties and damages resulting from the violation.

SECTION 4. TERRITORIAL APPLICATION

This Ordinance shall apply to the entire Greenville Water Utility Water System both inside and outside of the corporate limits of the Town of Greenville, Indiana.

SECTION 5. JURISDICTION

The Floyd County Superior Court of Floyd County, Indiana, shall have jurisdiction for the enforcement of this Ordinance and the determination of any and all Penalties and Damages.

ENFORCEMENT:

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

Fines and Penalties:

1. Any person who violates this Ordinance shall be fined not less than \$100.00 Dollars or more than \$300.00 for the first offense, plus attorney fees and court cost. For the second and all subsequent offences, the fine shall be not less than \$250.00 Dollars or more than \$1,000.00 for each offense, plus attorney fees and court cost. A separate offense shall be committed for each parcel of real estate owned by the owner on which a violation occurs.

2. In addition to the penalty provided for in item {1} above, any person violating this Ordinance may also be required to pay all damages to the Greenville Water Utility of Greenville, Floyd County, Indiana as a result of said violation and for the value of the water used as a result of such violation.

3. 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 or successor statute, if said statute is repealed. 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

4. The Greenville Water Utility and 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.

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

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6. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
7. 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.
8. Any unlawful provision found in this ordinance shall not affect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE  
14<sup>th</sup> DAY OF MARCH, 2011.

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

  
TALBOTTE RICHARDSON,

  
JACK TRAVILLIAN,  
CLERK/TREASURER

PREPARED BY:  
RANDAL JOHNES

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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.

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(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.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.*

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**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.*

**TAX RATE chart clark county 6x 9 ...**

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**#12 CROWN CASTLE USA (Crown) is proposing to modify the cell tower at the ...**

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**#13 STATE OF INDIANA COUNTY OF CLARK IN THE CLARK CIRCUIT COURT CASE NO. ...**

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**#14 YEAR 2002 MAKE KIA MODEL SPECTRA VIN KNAFB121225114147 CALL KIA OF CLARKSVILLE ...**

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**#15 TOWN OF GREENVILLE ORDINANCE NO. 2011-WO-017 ORDINANCE CONCERNING THE ...**

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ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE

14th DAY OF MARCH, 2011.

PRESIDENT OF THE WATER UTILITY AND  
TOWN COUNCIL OF GREENVILLE, INDIANA  
TALBOTTE RICHARDSON,  
JACK TRAVILLIAN,  
CLERK/TREASURER  
PREPARED BY:  
RANDAL JOHNES

*#15 Published: March 22nd, 2011 3:00pm*

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#16 **UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA NEW ALBANY DIVISION ...**

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