

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

**ORDINANCE CONCERNING THE ESTABLISHMENT OF THE
PROCEDURES FOR THE CONSTRUCTION OF NEW STRUCTURES
AND OFFSETS FOR PLACEMENTS ON LOTS WITHIN THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, has deemed it necessary that the Town develop an Ordinance which defines procedures for construction, types of structures and offsets required for placement on lots 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:

Definitions:

1. **Residential Dwelling** is a structure which its primary use is for the shelter of person or persons commonly referred to as a home or house occupied by a single person or a family.
2. **Commercial Dwelling** is a structure which its primary use is for the conducting of business with the public or other businesses.
3. **Multi-Family Dwelling** is a structure which its primary use is for the shelter of person or persons commonly referred to as a Condo, Duplex, Apartment Complex, etc.
4. **Addition to Dwelling** is a structure which is constructed to attach to a Residential or Commercial Dwelling.
5. **Detached Garage** is a structure that its main function is for vehicle storage that is detached from a Residential or Commercial Dwelling.
6. **Car Port** is a structure that its main function is to shelter a vehicle from the weather.
7. **Storage Building** is a structure that its main function is to be used as a storage area for such items as lawn equipment, etc. that is detached from a Residential or Commercial Dwelling.
8. **Pool House** is a structure that its main function is to be used as a changing house used with a swimming pool.
9. **Swimming Pool** is a structure used to hold water for the purpose of swimming.
10. **Gazebo** is a structure that its primary use is for sitting or swinging that is detached from a Residential or Commercial Dwelling.
11. **Porch** is a structure that is attached to a Residential or Commercial Dwelling that can be covered, uncovered or enclosed.

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12. **Deck** is a wooden structure that is attached to a Residential or Commercial Dwelling that can be covered, uncovered or enclosed.

Procedure before construction can begin:

1. Plot plan of new structure or addition to dwelling showing offset requirements being met must be presented to the Town of Greenville Council at its regular monthly meeting for construction approval .
2. If a variance is being requested from the set back requirements, a plot plan must be submitted showing that variance request to the Greenville Town Council at its regular monthly meeting for construction approval.
3. If plan is approved, a permit from the Floyd County Health Department must be obtained and a copy given to the Greenville Town Council at its regular monthly meeting for construction approval.
4. If building is to be used for commercial purposes a design release from the Indiana Department of Homeland Security shall be presented to the Greenville Town Council at its regular monthly meeting for construction approval.

Before you build review the following Ordinances:

1. 2009-T-028, 2009-T-029 and 2009-T-039, or a successor Ordinance if said Ordinance is repealed.

Structure Offset Requirements:

The following shall not apply to any structure or addition built prior to July 12th, 1994.

1. **Residential, Commercial, Multi Family Dwelling or Addition to Dwelling:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, rear property line {from rear of structure to adjoining property of others}, or other public right of way. This shall include any decks or porch structures located on front of dwelling which faces a highway, street, alleyway, or other public right of way. Five feet {5 ft.} from any side property line.
2. **Detached Garage, Car Port:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way. Five feet {5 ft.} from any side property line or rear property line {from rear of structure to adjoining property of others}.
3. **Storage Building, Pool House, Gazebo:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way. Five feet {5 ft.} from any side property line or rear property line {from rear of structure to adjoining property of others}.
4. **Porch, Deck:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way when deck or porch structure located on front of dwelling which faces a highway, street, alleyway, or other public right of way. Five feet {5 ft} from any side property line. Ten feet {10 ft.} from any rear property line {from rear of structure to adjoining property of others}.

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5. Swimming Pool: Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way. This shall include any decks located on pool which faces a highway, street, alleyway, or other public right of way. Ten feet {10 ft.} from any side property line or rear property line {from rear of structure to adjoining property of others}. This is to include any decking around pool. Pool area shall be fenced.

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to 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 any structure of any type as listed is found to be in violation of this ordinance, a stop construction order shall be issued through the Greenville Marshal Department.

2. Any violations of above Rules and Regulations shall be subject to a Fifty US Dollar {\$50.00} fine per day until violations are corrected, plus Attorney Fees and Court Cost.

3. Person or persons responsible shall be required to appear before the Greenville Town Council to show what shall be done to correct the structure or structures in violation. If the violations are not correctable, the person or persons responsible may request a variance from the Greenville Town Council to allow the construction to continue.

4. If a variance is required and it is denied the structure or structures shall be removed by the person or persons responsible within a time frame determined by the Greenville Town Council. If structure is ordered removed by the Greenville Town Council because the structure or structures do not comply with this Ordinance and the time frame determined by the Greenville Town Council for removal is not met, the Greenville Town Council may have the structure removed and fine the property owner or owners cost involved of removal of structure plus 20% handling fee; plus One Hundred U.S. Dollars {\$100.00} per day fine while structure is in non-compliance, plus Attorney Fees and Court Cost.

5. 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.

6. 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.

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7. No penalty shall be levied for violation of this Ordinance, nor shall any action be taken by the Town to bring the real property into compliance with this Ordinance, unless all persons holding a substantial interest in the property are given a reasonable opportunity to bring the property into compliance.
8. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.
9. This Ordinance replaces Ordinance 2009-T-065 dated September 14th, 2009. Ordinance 2009-T-065 shall be moved to the voided Ordinance file after passage of this Ordinance.
10. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
11. 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.
12. Any unlawful provision found in this ordinance shall not effect the remaining provision.

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

16th DAY OF AUGUST, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,



JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY: