

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-068

**ORDINANCE CONCERNING THE REGULATING OF OUTDOOR
ADVERTISING WITHIN THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council of the Town of Greenville, Indiana, by the powers granted by the Codes and Statutes of the State of Indiana {I.C. 36-1-3} recognizes that outdoor advertising is a legitimate, commercial use of private property adjacent to Public Streets, Roads, Alleyways and Public Ways and constitutes an integral part of a business and marketing function; further that such advertising is an established segment of the local economy and should be allowed to operate where other business and commercial activities are conducted; that erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to Public Streets, Roads, Alleyways and Public Ways within the Corporate Limits of the Town of Greenville, Indiana should be regulated in order to protect the public investments; orderly and effective display of such signs, displays and devices should be promoted within the Corporate Limits of the Town of Greenville, Indiana and:

WHEREAS, the Town Council of the Town of Greenville, deems it necessary to regulate the placement of signs, displays and devices within the Corporate Limits of the Town of Greenville, Indiana, therefore;

BE IT ORDAINED, that the placement of outdoor advertising within the Corporate Limits of the Town of Greenville, is prohibited except outdoor advertising which advertises activities conducted on the property upon which it is located and outdoor advertising which advertises the sale or lease of property upon which it is located. {I.C. 8-23-20 and INDOT Outdoor Advertising Control Manual 03-02-2010 or successor statute or manual, manual available for review at the Greenville Town Hall} and;

BE IT ORDAINED, that the placement of Political signs that advertise for the election to any type of government office or a political cause also shall be allowed but must adhere to all State of Indiana Election Laws {I.C. 8-23-20 and INDOT Outdoor Advertising Control Manual 03-02-2010 or successor statute or manual, manual available for review at the Greenville Town Hall}. Signs shall be permitted in town easement areas if permission has been received by property owner whom property adjoins easement.

FURTHER, the following signs shall not be permitted.

1. Signs which are illegal under the Federal and Indiana State Laws and Rules {I.C. 8-23-20 and INDOT Outdoor Advertising Control Manual 03-02-2010 or successor statute or manual, manual available for review at the Greenville Town Hall}
2. Signs not securely affixed to a substantial permanent structure

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3. Signs which attempt, or appear to attempt to regulate, warn, or direct the movement of traffic, or which interfere with, or imitate, or resemble any official traffic sign, signal, or device.

4. Signs which are not consistent with any law or promulgated rule prohibiting such a sign.

{I.C. 8-23-20 and INDOT Outdoor Advertising Control Manual 03-02-2010 or successor statute or manual, manual available for review at the Greenville Town Hall}

5. Signs which are erected or maintained upon trees painted or drawn upon rocks or other natural features.

6. Signs which are located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a driver of a vehicle view of approaching, merging or intersecting traffic.

7. Signs which move or have any animated or moving parts.

8. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light, or lights, or signs which uses various types of evolving technology such as lights, glow cubes, rotating slats, moving reflective discs, etc. except those giving public service information such as time, date, temperature, weather or similar information.

9. Signs of a pornographic nature that depict nude, or partially clad human bodies of adults or children, male or female genitals, or breast and language that would be considered pornographic, offensive, lewd or inappropriate to be viewed by minors.

10. It shall be the responsibility of the sign's owner to insure that all outdoor advertising devices are erected and maintained in good condition; that is not decayed, insecure, lacking part or portion thereof, is safe and message is not unsightly.

11. Non-conforming signs:

{A} A non-conforming sign is a sign which was lawfully erected but does not comply with the provisions of this Ordinance. Signs must have been physically in existence at the time this Ordinance becomes effective after passage by the Greenville Town Council and publication in the New Albany Tribune.

{B} The sign must remain substantially the same as it was on the date the sign became non-conforming. Reasonable repair and maintenance is allowed.

ENFORCEMENT:

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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 or I.C. 36-1-6-4, 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 plus attorney fees and court cost in accordance with I.C. 36-1-6-2.
2. 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.
3. No penalty shall be levied for violation of this Ordinance, nor shall any action be taken by the Town to bring the sign into compliance with this Ordinance, unless all persons holding a substantial interest in the property are given a reasonable opportunity to bring the sign into compliance.
4. The Town shall give all persons holding a substantial interest in any real property, which is not in compliance with this Ordinance ten {10} days written notice to correct the condition and bring the property into compliance. Such notice may be in person by any member of the Greenville Marshal Department, or by mailing it by registered or certified mail with return receipt requested.
5. That for each day any person or entity shall be in violation of this Ordinance after the ten {10} day period set forth said person shall be fined an amount not less than fifty dollars {\$50.00} per day plus Attorney fees and Court Cost.
6. Furthermore, if the condition of said real estate has not been corrected within thirty {30} days after the aforesaid ten {10} day notice period, 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.
7. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.
8. This Ordinance replaces Ordinance 2000-03 dated July 11th, 2000. Ordinance 2000-03 shall be moved to the voided Ordinance file after passage of this Ordinance.
9. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.

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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
13TH DAY OF DECEMBER, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES