

Minutes of Greenville Town Council
Special Meeting – May 04, 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.

Ordinance 2009-M-014 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.

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 The Ordinance was read and discussion was held, amendments were suggested. First reading R. Johnes made motion to accept the ordinance and P. Hayes seconded with amendments. Motion passed 5-0.


Ordinance 2009-T-008 ORDINANCE CONCERNING THE REGULATING OF UNLAWFUL ASSEMBLY, VANDALISM, DAMAGE TO BUILDINGS AND GRAFFITI WITHIN THE TOWN OF GREENVILLE, INDIANA Ordinance was read and discussion was held. After first reading motion was made by T. Richardson and seconded by B. Wright to accept the ordinance with amendments. The council unanimously voted to consider the ordinance. Second reading R. Johnes made motion to accept the ordinance and P. Hayes seconded. Motion passed 5-0. Third reading was completed motion was made by J. Pearce, seconded by P. Hayes. Motion passed 5-0.


Resolution 2009-R-016 RESOLUTION CONCERNING THE SERVICES TO BE PROVIDED TO PROPOSED PROPERTIES TO BE ANNEXED BY THE TOWN OF GREENVILLE, INDIANA Resolution providing for basic services was read and discussion was held. After first reading motion was made by T. Richardson and seconded by R. Johnes to accept the resolution as amended. Resolution passed 5-0.

Resolution 2009-R-018 RESOLUTION CONCERNING THE ESTABLISHMENT OF THE TOWN HALL, TOWN HALL BASEMENT AREA, AND WATER COMPANY OUT BUILDING AS THE OFFICIAL TOWN OF GREENVILLE EMERGENCY SHELTER FOR THE TOWN OF GREENVILLE, INDIANA The Resolution was read and discussion was held. After first reading motion was made by T. Richardson and seconded by R. Johnes to accept the resolution with amendments. 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
P.O. Box 188
Greenville, In. 47124

SPECIAL MEETING NOTICE
FOR THE TOWN OF GREENVILLE

OPEN SESSION FOR PUBLIC INFORMATION:

SUBJECT: REVIEW AND CONSIDERATION FOR PASSAGE OF THE FOLLOWING TOWN ORDINANCES.

THE GREENVILLE TOWN BOARD 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-002 SECOND READING WITH ADMENDMENTS
2009-R-019 FIRST READING
2009-M-014 FIRST READING
2009-T-007 FIRST READING
2009-T-008 FIRST READING
2009-R-016 FIRST READING
2009-R-018 FIRST READING
2009-T-005 FIRST READING

DATE: 05-04-2009

TIME: 7:00 P.M.

NOTICE POSTED BY THE GREENVILLE TOWN BOARD 04-29-2009



RANDAL JOHNES
VICE-PRESIDENT

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-019**

**RESOLUTION CONCERNING THE RENAMING OF WOODLAND
DRIVE TO HANZEL BARCLAY DRIVE WITHIN THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, to honor the service and memory of Councilman Hanzel Barclay to rename Woodland Drive located in Parkland Height Sub-division to Hanzel Barclay Drive located 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:

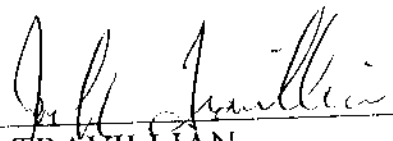
- Councilman Hanzel Barclay being the first Greenville public servant to pass away while serving his community and;
- Having served his community and Ward Three of the Town of Greenville for multiple terms and;
- Councilman Hanzel Barclay being highly respected and will be sadly missed by the community and Greenville Town Council in his honor and memory; and by the authority of the Greenville Town Council, we the Greenville Town Council proclaim;
- Woodland Drive located within Ward Three of Parkland Heights sub-division be renamed Hanzel Barclay Drive.
- After passing of this Resolution a copy shall be mailed to the Post Master of the US Postal Service located in Greenville Indiana, the Greenville Water Clerk, Floyd County Auditor's Office, Duke Energy, Insight Communications, AT&T and the Greenville residents located on Woodland Drive.
- All current residents located on Woodland Drive shall be notified of the change of drive name to Hanzel Barclay Drive. Residents will be required to put in a change of address with the U.S. Postal Service located in Greenville Indiana by Aug. 10th, 2009.
- The Greenville Town Clerk is directed to purchase four {4} street signs to replace Woodland Drive street signs.
- Effective date of drive name change to be Aug. 10th 2009. Street signs to be replaced no later than Aug. 9th, 2009.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-019**

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
11th 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-018**

**RESOLUTION CONCERNING THE ESTABLISHMENT OF THE TOWN
HALL, TOWN HALL BASEMENT AREA, AND WATER COMPANY OUT
BUILDING AS THE OFFICIAL TOWN OF GREENVILLE EMERGENCY
SHELTER 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 establishes the Town Hall, Town Hall Basement Area and Water Company Out Building within the Corporate limits of the Town of Greenville as the Official Town of Greenville Emergency Shelter;

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

- Emergency shelter will be located at the corner of Cross and Clark Street within the Town Hall, Town Hall Basement and the Water Company out buildings.
- The shelter will be open for an emergency where electrical power service is interrupted for more than 48 hours or in weather conditions where the temperature is less than 40 Degrees Fahrenheit the shelter will be open within 24 hours.
- Emergency situation is a situation where a state of emergency has been declared for the Greenville area by the Greenville Marshal Department, or the Greenville Town Council President.
- The emergency shelter is being provided for electrical and heating services only. Any bedding material, water, or food supplies are to be brought to the shelter by those requiring use of the facilities. No alcoholic beverages, pornographic type materials or smoking will be allowed within buildings or on outside parking areas.
- Citizens using the facility shall be required to conduct themselves in a proper, moral, courteous manner. No improper {vulgar} language, improper physical jesters, arguments or fighting, inciting arguments or fighting will be permitted. Anyone participating in these activities will be asked to leave.
- Citizens using the facility which bring dependent children under the age of 18 are required to supervise their children that they are not disruptive to others using the shelter. If children are disruptive the parents and children will be asked to leave.
- Citizens using the facility are required to register with the authority in charge giving name, phone number, address, number of persons in party and their names. Citizens refusing to provide this information will not be allowed the use of the shelter.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-018**

- The authorized authority in charge of the shelter in the case of an emergency situation will include any of the following; Town Marshal, Deputy Marshal, Reserve Officer, Town Board President, Town Council Member, Greenville Town Clerk and the Greenville Water Superintendent.
- There shall be an authority in charge at all times during the shelter being open to the Greenville Public. Emergency Services Committee Chair to open the shelter and provide a list of personnel to staff facility and hours to be present.
- The Town of Greenville Clerk is to purchase two {2} Emergency Shelter Signs after passing of this resolution. One {1} to be posted on the outside wall of the Town Hall, one {1} to be posted on the outside wall of the Water Company Out Building. These signs are to be posted in a manner to be viewable from the intersection of Cross and Clark streets located in the Town of Greenville, Indiana.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
4th 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-016**

**RESOLUTION CONCERNING THE SERVICES TO BE PROVIDED TO
PROPOSED PROPERTIES TO BE ANNEXED BY THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, The Town Council for the Town of Greenville, Indiana contemplates and anticipates the annexation of territory adjacent to existing Town of Greenville Corporate Limits;

WHEREAS, Indiana Code Section 36-4-3-13 calls for a written fiscal plan to be developed and a policy established, by resolution of the Town Council for the Town of Greenville concerning any territory to be annexed;

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

- {A} The cost estimates of planned services to be furnished any territory to be annexed are as follows:
- {1} Marshal protection – Currently provided to territory to be annexed by the Floyd County Sheriff’s Department only.
 - {2} Fire service – Currently provided to the territory to be annexed by the Greenville Township Volunteer Fire Department.
 - {3} Street lighting – Currently provided to the territory to be annexed.
 - {4} Street and Road Maintenance
 - {5} Water service – Currently provided to the territory to be annexed by the Greenville Water Utility .
 - {6} Snow removal on roadways.
 - {7} Community rates for curb side trash pick up.
 - {8} Opportunity to run for elected position on Greenville Town Council to help shape our community.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-016**

{B} The method of financing the plan services shall be as follows:

{1} Marshal protection – Corporation tax and property tax.

{2} Fire service – Corporation tax and property tax.

{3} Street lighting – State distribution Motor Vehicle Fund.

{4} Street and Road Maintenance – State distribution Motor Vehicle Fund and Local Roads and Street Funds.

{5} Water service – Current rates charged by Greenville Water Utility .

{6} Snow removal on roadways – State distribution Motor Vehicle Fund and Local Roads and Street Funds.

{7} Community rates for curb side trash pick up – Rates charged by contracted trash hauler.

{8} Opportunity to run for elected position on Greenville Town Council to help shape our community – Property owners qualify to run for Town Council Position every four years.

{C} The plan for the organization and extension of the services set forth above to the annexed territory shall be as follows:

{1} The area is currently lying within or is adjacent to an area currently within the Town of Greenville Corporate Limits.

{D} The services planned for the annexed territory which are of a non-capital nature, will be provided to the annexed territory within one {1} year after the effective of annexation; and these services will be provided in a manner equivalent in the standard and scope to those of non-capital services provided to areas within the corporate limits of the Town of Greenville that have similar topography platters of land use, and population density.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-016**

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
4th DAY OF MAY, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNS

Remonstrances; hearing; order; requirements

Sec. 13. (a) Except as provided in subsections (e) and (g), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless

of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(e) At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the conditions set forth in clauses (A) through (D) and, if applicable, clause (E) exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

(D) One (1) of the following opposes the annexation:

(i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(E) This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or

(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) This subsection applies only to cities located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

- (i) Police and fire protection.
- (ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) One (1) of the following opposes the annexation:

(i) A majority of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(h) The most recent:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.11, SEC.161; Acts 1981, P.L.308, SEC.5; Acts 1982, P.L.33, SEC.22; P.L.56-1988, SEC.13; P.L.257-1993, SEC.3; P.L.4-1997, SEC.13; P.L.255-1997(ss), SEC.13; P.L.248-1999, SEC.7; P.L.217-1999, SEC.7; P.L.76-2001, SEC.2; P.L.170-2002, SEC.144; P.L.173-2003, SEC.24; P.L.97-2004, SEC.126; P.L.111-2005, SEC.7.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-008**

**ORDINANCE CONCERNING THE REGULATING OF UNLAWFUL
ASSEMBLY, VANDALISM, DAMAGE TO BUILDINGS AND GRAFFITI
WITHIN THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public safety and nuisance and to protect buildings and facilities from vandalism and damage, has deemed it necessary that the Town develop an Ordinance which forbids unlawful assembly, vandalism, damage to buildings and graffiti 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:

Loitering and Unlawful Assembly:

- (a) **Loitering** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in any public place, public way, street, highway, or alley and refuse to obey the lawful command of a Greenville Marshal Department Member to move on or provide to such Greenville Marshal Department Member a lawful reason for remaining on such public way, street, highway, place or alley if the alleged loitering by such person would create or cause to be created any of the following:
- (1) Danger of a breach of the peace;
 - (2) The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
 - (3) The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley;
 - (4) The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-008**

(b) Unlawful assembly. No person who is a member of a group of three (3) or more persons who are loitering or prowling in a place, at a time or in a manner not usual for law abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, in a public way, street, highway, place or alley, shall refuse the lawful command of a Greenville Marshal Department Member to move or provide to the Greenville Marshal Department Member a lawful reason for remaining in a public way, street, highway, place or alley, whether such group is stationary or in transit, if the alleged loitering would create or cause to be created any of the following:

- (1) Danger of a breach of the peace;
- (2) The unreasonable danger of a disturbance to the comfort and repose of any person acting lawfully on or in a public way, street, highway, place or alley reserved for pedestrians;
- (3) The obstruction or attempted obstruction of the free normal flow of vehicular traffic or the normal passage of pedestrian traffic upon any public way, street, highway, place or alley;
- {4} The obstruction, molestation or interference or attempt to obstruct, molest or interfere with any person lawfully on or in a public way, street, highway, place or alley, in a manner that would cause a reasonable person or pedestrian of a public way, street, highway, place or alley to fear for his or her safety.

(c) Failure of Greenville Marshal Department Member to comply with proper procedure

No person shall be convicted under this section if the Greenville Marshal Department Member failed to comply with the procedure outlined herein.

(d) Person's explanation deemed true at trial. No person shall be convicted under this section if it appears at trial that the explanation given by the person is true and, if believed by the Greenville Marshal Department Member, would:

- (1) Have dispelled the fear for human safety;
- (2) Have dispelled the concern for safety of property;
- (3) Have dispelled the fear of a breach of the peace;
- (4) Have provided a justifiable reason for obstructing vehicular or pedestrian traffic, subject to the discretion of the court.

(e) Probable cause to assume violation. If a person takes flight upon appearance of a Greenville Marshal Department Member who identifies himself as such, or refuses to identify himself, or attempts to conceal himself, such Greenville Marshal Department Member has probable cause to believe a violation of this section has occurred.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-008**

- (f) **Fines.** The first violation in any calendar year shall be subject to admission of violation and payment of a fine of \$50.00. All second and subsequent violations in the calendar year are subject to fines not less than \$100.00 or more than \$1000.00.

Possession of Paint or Marker with Intent to Deface Unlawful:

- (a) It shall be unlawful for any person to possess a spray paint container, liquid paint or any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater, etching equipment or etching materials, in any public building or upon any public facility. It shall be a defense to an action for violation of this subsection that the owner, manager or other person having control of the property, building or facility consented to the presence of the paint, marker or etching equipment or material.
- (b) It shall be unlawful for any person to possess a spray paint container, liquid paint or any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater, or any etching equipment or etching materials, on the public way with intent to use the same to deface any building, structure or property.
- (c) For purposes of this section, "etching equipment" and "etching materials" include any tool, device, equipment or substance that can be used to make permanent marks on metal, glass, plastic, concrete or stone.
- (d) Any person who violates any provision of this section shall be subject to a fine of not more than \$1000.00.

Graffiti Definition and Removal:

(a) Definition. The term "graffiti" for purposes of this section, shall mean any unauthorized inscription or representation, on a building, structure, wall, sign, fence, sidewalk, pavement, post, stone, tree or other object or structure, of any symbol, diagram, letter, word, numeral, emblem, picture, character or combination thereof by carving, application of paint or other substance other than as permitted by this code.

(b) Removal required. It shall be the duty of the owner or occupant of the building, structure, wall, dumpster, or other personal property upon which any graffiti has been placed to remove, cover or eradicate the graffiti. When graffiti is found to be on private property, the Greenville Marshal's Department shall notify the property owner, with a copy to the occupant if applicable, in writing of the graffiti and request its removal within fifteen (15) days. For good cause shown, the owner or occupant may be given additional time to meet the removal requirements without being charged with a violation of this section.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-008**

(c) Removal by town authorized. In addition to any fine which may be imposed, if the owner or occupant fails to remove, cover or otherwise eradicate the graffiti within fifteen (15) days from the issuance of the notice, or such later date as the owner or occupant may be allowed, the town or its authorized agent may enter upon the property and remove such graffiti by any means necessary, and the cost of removal shall be collected from the owner or occupant of the property.

(d) Lien for costs of removal incurred by town. Within 10 days, following the removal by the town of any graffiti from private property, the town shall send the property owner a Notice of Intent To Assess Costs detailing the cost remaining unpaid by the property owner, and within thirty (30) days of the date of the removal of the graffiti, said cost shall become a lien upon the real estate affected, unless modified in the Appeals Process provided in section (e). A town representative or agent shall report the costs to the Town Clerk, who shall certify the costs to the County Auditor. The Auditor shall place the same on the tax duplicate as a charge against the owner of the real estate, to be collected by the County Treasurer with the state, county and municipal taxes assessed against the owner's real estate at the regular time for paying the taxes in accordance with I.C. 36-1-6-2.

(e) Appeal Rights. The owner or occupant of the property may seek relief from the cost of the removal and abatement of the graffiti as provided in sections (c) and (d) by making a written request to the Marshal, or his designee if the Marshal is unavailable, providing all reasons and explanations justifying any modification or waiver of those costs. Each written request must be made within 10 days after receiving the Notice of Intent to Assess Cost. The Marshal shall within 5 days of the receipt of an appeal; either waive, modify or reaffirm those costs and provide a written statement of said determination to the property owner with a copy to the Greenville Town Clerk. The property owner may request a hearing and review of the Marshal's decision by filing a written request with the Greenville Town Board on or before 10 days after receiving the Marshal's determination. The Greenville Town Board shall at their next scheduled meeting make a final determination of the assessment of cost and placement of lien.

(f) Recovery of cost from person responsible for placing graffiti. The town's exercise of the remedies provided in this Ordinance shall not prevent the owner or occupant from recovery, through civil suit or otherwise, the cost of removal or other reparation from the person responsible for placing the graffiti on his property.

(g) Penalty. Whoever violates any provision of this chapter may, in addition to payment of the costs incurred by the town to remove the graffiti, be fined not more than fifty dollars (\$50.00). A separate offence shall be deemed committed on each day that a violation occurs or continues.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-008**

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 4th
DAY OF MAY, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA



TALBOTTE RICHARDSON,



JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOINES

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.

(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.

IC 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

(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.L.98-2000, SEC.12; P.L.98-2004, SEC.123; P.L.176-2005, SEC.24; P.L.200-2005,*

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-M-014**

**ORDINANCE CONCERNING THE USE OF FORCE BY THE
GREENVILLE MARSHAL'S DEPARTMENT IN THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the Marshal's Department for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town adopt an Ordinance which defines the use of force by the Greenville Marshal's Department within the corporate limits of the Town of Greenville;

NOW, THEREFORE, BE IT ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, THE USE OF FORCE POLICY AS FOLLOWS:

PURPOSE:

To provide Greenville Marshal Department Members of the Greenville Marshal's Department with guidelines in the use of force, in the reporting of force, and the post-incident support in trauma situations.

DEFINITIONS:

Active Aggressive Resistance: Active aggression includes physical actions or assaults taken by a subject against the Greenville Marshal Department Member or another person with less than deadly force {i.e. advancing in a physically threatening manner, punching, kicking, grabbing, wrestling, etc.}.

Bodily Injury: Physical pain, illness, or any impairment of physical or mental condition.

Critical Incident: Any traumatic or devastating situation or event involving Greenville Marshal Department Members, or the community.

Deadly Physical Force: Force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

Defensive Resistance: Any action by a subject that attempts to prevent a Greenville Marshal Department Member from gaining control of the subject. {i.e. pushing or pulling away, resistance to handcuffing, holding on to a steering wheel}.

Firearm: A pistol, revolver, shotgun, rifle, or other weapons of any description, loading or unloading, from which any shot or bullet can be discharged.

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Less Lethal Force: Any force, action, or weapon which produces a result that is necessary to control the actions of another and does not involve the use of deadly force.

Serious Bodily Injury: Bodily injury which involves a substantial risk of death, substantial risk of serious permanent disfigurement, or sustainable risk of protracted loss or impairment of the function of any part or organ of the body.

Electro-Muscular Disruption Device {EMD}: A weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction of a subject.

Passive Resistance: Any type of resistance where the subject does not attempt to defeat the Greenville Marshal Department Member, attempt to touch or control, but will not voluntarily comply with verbal and physical attempts to control.

Probable Cause: Probable cause exists where the facts and circumstances within the Greenville Marshal Department Member knowledge, of which he or she has reasonable caution in the reasonable belief that an offense is about to be committed or has been committed.

Reasonable Suspicion: A Greenville Marshal Department Member has reasonable suspicion if he/she can point to specific facts and circumstances for the Greenville Marshal Department Member to reasonably conclude that criminal activity is afoot. The level of suspicion need not rise to that belief that is supported by probable cause. A reasonable suspicion is more than a hunch.

Verbal Non-Compliance: Any Verbal response indicating the subject's unwillingness to obey commands of detainment, arrest, or to stop unlawful or dangerous behaviour.

POLICY:

Greenville Marshal Department Members of the Greenville Marshal's Department are authorized to use the necessary physical force and deadly physical force only when justified and legally appropriate. When physical force is used, Greenville Marshal Department Members are required to report the use of such force. Post-Incident support shall be provided for Greenville Marshal Department Members by the Greenville Marshal's Department.

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PROCEDURE:

{A} Use of force:

{1} Use of force by Greenville Marshal Department Members in addition to statutory justification of the use of force extended citizens, Greenville Marshal Department Members may use “reasonable and appropriate physical force” to;

- a) Maintain order and discipline in a detention or correctional institution.
- b) To effect an arrest or prevent an escape of an arrested person, unless member knows;
- c) To defend the member or a third person from what is reasonably believed to be the use or imminent use of physical force while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.
- d) In taking a person into protective custody for mental health or intoxicated conditions.

{2} The use of physical force includes;

- a) Use of chemical agents
- b) Use of an Electro-Muscular Disruption Device {EMD}
- c) Use of the baton
- d) The intentional or accident discharge of firearms, {except training and recreational shooting}.
- e) Use of canine, when that use results in an injury.
- f) Use of water hoses.
- g) Any force that results in bodily injury.
- h) Vehicle pursuits.
- i) Use of stop sticks.
- j) Pepper Ball Launcher.
- k) Special munitions.

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- {3} Use of deadly physical force in accordance with the statutory justifications, a member is justified in using deadly force in the following;
- a) To defend a member or a third person from what is reasonably believed to be the use or imminent use of deadly physical force.
 - b) To effect an arrest or to prevent the escape from custody of a person whom the member reasonably believes;
 - 1) Has committed or attempted to commit a felony involving the use of a deadly weapon, and is attempting to escape by the use of a deadly weapon, or;
 - 2) Otherwise indicates, except through a motor vehicle violation, that the suspect presents an imminent danger to human life or threat of serious bodily injury to another, unless apprehended without delay, or;
 - c) Greenville Marshal Department Members are strictly prohibited from discharging a firearm as a “warning shot”.
 - d) Greenville Marshal Department Members may use deadly physical force on any animal that presents an imminent danger to the Greenville Marshal Department Members or others
 - e) Greenville Marshal Department Members may use deadly physical force to destroy any animal that appears to be suffering from an apparent fatal wound or sickness. The following must apply:
 - 1) If the animal is domesticated, a reasonable attempt to locate the owner must be made prior to destroying the animal, or;
 - 2) If the animal is classified as wildlife, the animal may be destroyed at the Greenville Marshal Department Member’s discretion.
 - f) Greenville Marshal Department Members are strongly discouraged from ever surrendering their firearm to anyone who may be holding a hostage or is a suspect of a criminal activity. The ultimate decision must be made by each sworn member involved, based upon the circumstances that surround the incident.

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- {4} Use of less lethal force; The Greenville Marshal Department authorizes Greenville Marshal Department Members who are trained and certified in the use of Batons, Oleoresin Capsicum Spray, {OC} OC Pepper Balls and EMD devices to use such force. Whenever feasible, a less lethal weapon will only be used after a warning is given to the subject. Less lethal force may be used in the following situations;
- a) When a suspect exhibits violent or potentially violent behaviour that threatens the safety of others and attempts to subdue the subject by conventional means of persuasion, escort control, self-defence techniques and/or pain compliance measures have not been or reasonably appear unlikely to be effective.
 - b) When a subject is armed with a less lethal weapon and attacks or threatens to attack an Greenville Marshal Department Member; the Greenville Marshal Department Member may defend him/herself to avoid becoming incapacitated and risk the possibility that the subject could gain control of the Greenville Marshal Department Member's firearm.
 - c) When the subject is actively resisting or exhibiting active aggression and it is unsafe for an Greenville Marshal Department Member to approach and the suspect is within contact range, or;
 - d) When higher use of force options may be justified, but an opportunity exists for the use of a less lethal weapon before these other options are employed, or;
 - e) To defend one's self or another from aggressive and/or attacking animal, or;
 - f) A less lethal weapon may be used to disperse unruly or rioting crowds threatening unlawful property damage or physical force, or;
 - g) Inside the Detention Area, a less lethal weapon may be used after ample verbal warning if an subject refuses to comply with a lawful order, and the subject takes aggressive posture {i.e. clenched fists, fight stance, etc.} or makes aggressive movements towards Greenville Marshal Department Members, or;
 - h) When OC spray is used, the Greenville Marshal Department Member will attempt to spray the subject in the area of the forehead and eyes from a distance of at least {3} feet.
 - i) Although classified as a less lethal device, the potential exists for pepper ball projectiles to inflict injury when they strike the face, eyes, neck and groin. Therefore, personnel deploying the Pepper Ball system shall avoid intentionally striking those body areas unless a life-threatening situation exists.
 - j) Only qualified, trained personnel shall be allowed to deploy and use the Pepper Ball System.
 - k) OC Spray with alcohol base aerosol spray shall not be used in conjunction with an EMD device.

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ELECTRO-MUSCULAR DISRUPTION DEVICE {EMD}

- 1} The EMD is an additional police tool and is not intended to replace verbal problem solving skills, self-defense techniques, or firearms. The EMD shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous or violent subject.
- 2} Prior to the use of an EMD a warning should be given prior to activating, unless to do so would place any other person at risk.
- 3} EMDs equipped with probes, should be the primary use, with “drive stun mode” generally used as a secondary option.
- 4} Only one Greenville Marshal Department Member should activate an EMD against a person at a time.
- 5} When intending to use an EMD, the Greenville Marshal Department Member should point the EMD at the subject; and the laser sight should be activated as a deterrent prior to shooting at the subject.
- 6} Target areas for the EMD should be center mass of the subject and from the rear when possible. Greenville Marshal Department Members shall not intentionally aim for the head, neck or genital areas.
- 7} Greenville Marshal Department Members should be aware there is a potential for higher risk of sudden death on people under the influence of drugs and/ or symptoms associated with excited delirium.
- 8} The EMD may be used in the following situations;
 - a) Against aggressive animals such as dogs, recognizing the effect may not be as debilitating as on a human.
 - b) Prior to an arrest in an effort to break aggressive resistance, where probable cause exist to make an arrest.
 - c) To stop a physical fight.
 - d) To prevent active aggressive resistance on the part of the suspect during an arrest process.
 - e) To prevent imminent bodily injury to an Greenville Marshal Department Member or a civilian.

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- f) To prevent self-inflicted injury or attempted suicide.
 - g) To apprehend fleeing subjects when the Greenville Marshal Department Member reasonably believes the subject, if not immediately apprehended, creates a serious threat of bodily injury to the Greenville Marshal Department Member, the subject{s} and/or third party.
- 9) The device shall not be used in the following situations;
- a) To threaten or attempt to gain information from a suspect.
 - b) To wake up an unconscious or suspect intoxicated individual.
 - c) As a “prod”.
 - d) On any individual in a passive resistant.
 - e) On fleeing suspects, unless there is reasonable suspicion to believe the suspect{s} committed or is committing a violent crime.
 - f) On individuals who fail to comply with an Greenville Marshal Department Members order when the Greenville Marshal Department Member attempts to stop the individual{s} on mere suspicion {not based on reasonable suspicion or probable cause}.
 - g) No Greenville Marshal Department Member shall playfully, maliciously or punitively use the unit against another individual. Unnecessary or displays of power, playful use, thrusting motions and or carelessness are strictly forbidden. Violation{s} of any of the above will result in disciplinary action.
 - h) To control a restrained subject unless the subject is actively resisting and other levels of force are not appropriate or have failed.
 - i) When the Greenville Marshal Department Member knows a subject has come in contact with flammable liquids or is in a flammable environment.
 - j) After an unknown type or alcohol based OC has been deployed onto the intended subject.
 - k) On subjects who are visibly pregnant or elderly persons, young children and visibly frail persons unless exigent circumstances exist.
 - l) The use of EMDs shall not be used on any subject who has been known to have seizures, has had a seizure or is currently having a seizure.

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- 10} An EMD should not be used in the following circumstances {unless there are compelling reasons to do so which can be clearly articulated}:
a} On a handcuffed person unless they are actively resisting or exhibiting active aggression.
b} When a subject is in a location where a fall may cause substantial injury or death.
c} When the subject is operating a motor vehicle, bicycle or scooter; or riding a horse.
d} When the subject is holding a firearm.
e} In a situation where deadly force is clearly justified unless another Greenville Marshal Department Member is present and capable of providing deadly force to protect the Greenville Marshal Department Members and or civilians as necessary.
- 11} The length of each application is not to exceed the preset cycle. If compliance is attained and, when possible, the Greenville Marshal Department Member will interrupt the charge cycle. If subsequent cycles are necessary, they shall be limited to 3 charge cycle. If subsequent cycles are necessary, they shall be limited to 3 cycles of preset duration. After 3 cycles, another type of force may need to be used.
- 12} When the device is used in bodily contact, a detailed description to be included in the report indicating what precipitated the use of the device, the extent it was used and what results were derived from the use.
- 13} A member shall report verbally to the member's immediate supervisor, any incident involving an on-or off-duty Greenville Marshal Department Member intentionally pointing or aiming an EMD at another person. This includes the activation the laser aiming device, or displaying the device in a "test arc" and the other person or a third person {citizen} is aware of it.
- {5} Any lost lethal or less lethal equipment will be reported to an on duty supervisor immediately. The Greenville Marshal Department Member who lost the equipment shall generate a report of the events surrounding the loss and contact the Marshal immediately.
- {6} Following the use of less lethal force, Greenville Marshal Department Members should use a restraint technique that does not impair respiration.

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{7} Any Greenville Marshal Department Member whose actions or use of force results in death or serious bodily injury shall be placed on administrative leave with pay, pending a review of the incident.

{B} Rendering Medical Aid :

Greenville Marshal Department Members will render appropriate medical aid after the use of lethal or less-than-lethal force.

- 1) When force has been used and medical attention is required, the Greenville Marshal Department Member shall;
 - a) Secure the scene.
 - b) Summon medical assistance.
 - c) Render first aid and maintain close observation of the subject.
- 2) Only fire/rescue, medical care, or hospital emergency room personnel should remove the projectile probes from sensitive areas.
- 3) Even after medical care, all persons who have been exposed to EMD activation should be monitored regularly during their initial custody.

{C} Reporting the use of force, death, injuries, or force used on another person that is other than non-resistant hand cuffing or use of body belts for transporting of subjects;

- 1) Greenville Marshal Department Members will immediately generate a report which includes all circumstances involving the use of force as defined in this section. The written report shall be submitted to the report system and the Marshal no later than the conclusion of the Greenville Marshal Department Member's tour of duty.
- 2) Greenville Marshal Department Members will immediately report to the Greenville Marshal, the Greenville Town Council President or his Designee , both verbally and later in writing, any discharge of a weapon for other than training, testing or recreational shooting.
- 3) Greenville Marshal Department Members will immediately report the Greenville Marshal, the Greenville Town Council President or his Designee, both verbally and later in writing, any use of force that results in death or serious bodily injury, or force used on another person that is other than non-combative handcuffing or use of body belts for transporting of a subject.

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- 4) Any Greenville Marshal Department Member who in the pursuance of law enforcement duties, witnesses another Greenville Marshal Department Member in the pursuance of law enforcement duties, use physical force which exceeds the degree of physical force necessary to effect an arrest, must immediately report this use of force to the Greenville Marshal, the Greenville Town Council President and his Designee. This report shall be accomplished by inter-office memorandum and shall include any and all copies of other relevant reports. Failure to report such use of force by another Greenville Marshal Department Member may result in subsequent criminal or administrative charges. Any Greenville Marshal Department Member who knowingly makes a materially false statement, which the Greenville Marshal Department Member believes not to be true in reporting the use of physical force, may be subjected to criminal charges as well as administrative charges.
- 5) In the event a Greenville Marshal Department Member discharges a firearm accidentally or in the line of duty, the Greenville Marshal shall obtain the firearm from the Greenville Marshal Department Member for testing or evaluation purposes. Unless suspended, the Greenville Marshal Department Member shall have a replacement firearm until the Greenville Marshal Department Member's firearm is returned.
- 6) Any incident, with the appropriateness of the use of a firearm {not discharged} is questioned, shall be reported to the Marshal, Greenville Town Council President Designee and the Town Council President.
- 7) Any incidents shall immediately be reported when use of force involves death and/or injuries to the Marshal, Town Board President Designee, and the Town Board President.
- 8) Excessive physical force shall be presumed when a Greenville Marshal Department Member continues to apply physical force, in excess of the force permitted to affect arrest, to a person who has been rendered incapable of resisting arrest. The use of such excessive physical force shall be reported.
- 9) All reported incidents involving the use of force involving death and or injuries, or force used on another person that is other than non-combative handcuffing, or use of body belts for transporting a subject, or allegations of excessive force, will be reviewed by the Marshal, Town Board President Designee, and the Town Board President. Any incident involving the discharge of a firearm shall also be subject to review.
- 10) All reported incidents involving EMD's shall include:
 - a) Completion of a report, including a description of the events leading to and after the use of the EMD.

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- b} Photographs of the subject and Greenville Marshal Department Member injuries to include application points.
- c} Collection of the cartridges and confetti tags.
- d} Proper biohazard disposal of the probes.
- e} Copies of the device data download.
- f} Copies of the device video download, where it applies.

{D} Critical Incident Support;

Greenville Marshal Department Members may become involved in critical incidents that are traumatic to the Greenville Marshal Department Member. The following should apply;

- 1} Greenville Marshal Department Members, who respond to a critical incident scene, should express genuine concern for the Greenville Marshal Department Member's emotional and physical well being. They should avoid discussing the specific incident with the Greenville Marshal Department Member and should not verbalize their opinions concerning justifications of actions, nor discuss the incident with any unauthorized person.
- 2} The Greenville Marshal Department Member{s} involved shall be removed from the scene to the Marshal Office as soon as possible by another Greenville Marshal Department Member and or personal friend. The companion should remain with the Greenville Marshal Department Member unless the Greenville Marshal Department Member desires to be left alone. The Greenville Marshal Department Member shall not be subjected to questioning during this time, except as absolutely necessary to the on-scene investigation.
- 3} The involved Greenville Marshal Department Member should not be offered stimulants such as coffee, cigarettes, because stimulants may further stress an already stressed person.
- 4} An involved Greenville Marshal Department Member shall be kept informed of the status of the investigation by the immediate supervisor or the assigned investigator.
- 5} If a Greenville Marshal Department Member has a handgun taken for investigative reasons, it shall be replaced by a similar or like weapon as soon as possible, unless the Greenville Marshal Department Member is extremely stressed, injured or has been suspended.
- 6} A reasonable recovery time {normally 1 hour} will be allowed a Greenville Marshal Department Member before questioning, when possible.
- 7} The Marshal, Greenville Town Council President or his Designee shall appoint a Member to assist the Greenville Marshal Department Member and his/her family through the crisis period.

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- 8) The agency representative will coordinate with the Greenville Marshal Department Member, to contact the Greenville Marshal Department Member's family, to advise them of the incident and of the procedures that will follow. The Member will establish an open line of communication with the family to answer questions, dispel rumors and see to the immediate needs of the family. If the Greenville Marshal Department Member is hospitalized, arrangements shall be made to transport the family to the hospital.
- 9) After initial recovery time, the Greenville Marshal Department Member may be formally interviewed, unless the Greenville Marshal Department Member is suspected of criminal wrongdoing, the Miranda warning should not be given.
- 10) The Marshal, Greenville Town Council President or his designee, shall arrange for a debriefing involving all members with a mental health specialist within 48 hours of the incident.
- 11) The mental health specialist will provide critical incident support for only those Greenville Marshal Department Members involved in the incident.
- 12) Administrative leave of absence with pay may be appropriate in matters of incident trauma, at the discretion of the Marshal, Greenville Town Council President or his designee a temporary duty assignment may be authorized.
- 13) Each critical incident shall be debriefed as soon as practical. The debriefing shall include:
 - a) A review of Greenville Marshal Department Members and community actions during the incidents.
 - b) A review of the incident's impact on Greenville Marshal Department Members and the community.
 - c) A review of corrective actions taken and other actions that may still be needed.
 - d) Plans for improvement to avoid another incident.

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ORDINANCE NO. 2009-M-014**

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON
THE 4th DAY OF MAY, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA



TALBOTTE RICHARDSON



JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
GREENVILLE MARSHAL DEPARTMENT
AND RANDAL JOHNES