

TOWN OF GREENVILLE  
ORDINANCE NO. 2011-TO-035

**ORDINANCE CONCERNING THE MOWING OF GRASS AND WEEDS ON VACANT  
OR OCCUPIED REAL ESTATE WITHIN THE CORPORATE LIMITS  
TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town develop an Ordinance for standards of maintenance of grass and weeds on real property lot{s}, lot{s} with occupied house{s}, lot{s} with vacant house{s}, vacant lot{s} with or without house{s} in repossession foreclosure within the Corporate limits of the Town of Greenville;

**Whereas;** the Town of Greenville Ordinance 2010-T-046 page 2, item 2 establishes a not to exceed height for grass and weeds and;

**Whereas;** because of the difficulty of having real property owners maintain their property in accordance with Town of Greenville Ordinance 2010-T-046 page 2, item 2

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

1. After complaint is received or it is determined by a Greenville Town Council Member that real estate is in violation of this Ordinance the Greenville Marshal or Marshal Department Member under the direction of the Marshal shall issue a citation requiring said real estate to be brought into compliance with Ordinance 2010-T-046 page 2, item 2 within 10 days.
2. Citation from the Greenville Marshal Department shall be the only notice given to the real property owner. Citation issued shall be written to real property location or address in care of person or persons if known receiving citation and all parties with ownership interest in the real property if known. If ownership of real property cannot be determined the address of the real property shall be sent this Ordinance by certified mail and the citation and this Ordinance shall be posted on the real property. In the situation of a vacant lot if ownership cannot be determined the citation and Ordinance shall be posted on the door of the Greenville Town Hall.
3. After 10 days if real property has not been brought into compliance with Ordinance 2010-T-046 page 2, item 2, the Greenville Town Council Committee Chair of Property Clean-up under the direction of the Greenville Town Council President or his/her designee shall cause real property to be brought into compliance.

## TOWN OF GREENVILLE ORDINANCE NO. 2011-TO-035

### ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to 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. When it is determined by the Greenville Town Council President that a real property requires the Town of Greenville to contract a Lawn Maintenance Company or hire an individual to bring a real property into compliance with Ordinance 2010-T-046, a fine of \$500.00 per each mowing plus the cost of mowing shall be levied, plus attorney fees and court cost. All fines shall be placed in the General Fund Marshal Reserve Pay Account No. 101001116. All mowing fees shall be placed in the Local Roads and Streets Maintenance ROW Account No. 201001361. All Attorney Fees and Court Cost shall be placed in the General Fund Legal Account No. 101001315. All unused fines and fees received under penalties and fines of this Ordinance placed in these accounts shall carry over into these accounts for the next year's budget every year.
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 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.
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 from written citation to correct the condition and bring the property into compliance. Such citation shall 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. For any person or entity in violation of this Ordinance after the ten {10} day period set forth in item four {4} above, said person shall be fined Five Hundred dollars {\$500.00} per mowing plus the cost of mowing, Attorney fees and Court Cost for the Town of Greenville to bring real property into compliance. This fine supersedes fines stated under fines and penalties item 2 page 2 Ordinance 2010-T-046 as established by Town of Greenville Ordinance 2010-T-046 page 2, item 2 for a not to exceed height for grass and weeds.

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Chapter 6. Enforcement of Ordinances

**IC 36-1-6-1 Application of chapter**

Sec. 1. This chapter applies to all municipal corporations having the power to adopt ordinances. *As added by Acts 1980, P.L.211, SEC.1.*

**IC 36-1-6-2**

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

Sec. 2. (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. Continuous enforcement orders (as defined in IC 36-7-9-2) can be enforced and liens may be assessed without the need for additional notice. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

(1) ten thousand dollars (\$10,000) for real property that:

(A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or

(B) is unimproved; or

(2) twenty thousand dollars (\$20,000) for all other real property not described in subdivision (1).

(b) The municipal corporation may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.

(c) A bill issued under subsection (b) is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.

(d) Whenever a municipal corporation determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare:

(1) a list of delinquent fees and penalties that are enforceable under this section, including:

(A) the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;

(B) a description of the premises, as shown on the records of the county auditor; and

(C) the amount of the delinquent fees and the penalty; or (2) an instalment for each lot or parcel of real property on which the fees are delinquent.

(e) The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.

(f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.

(g) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180)

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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.*

**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.

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6. Furthermore, if fines, mowing cost and penalties levied on said real estate has not been paid within thirty {30} days, the Town may cause to be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer to be forwarded to the Town of Greenville 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 2010-T-062 dated August 31st, 2010. Ordinance 2010-T-062 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.
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

13<sup>th</sup> DAY OF JUNE, 2011.

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
TALBOTTE RICHARDSON,

  
JACK TRAVILLIAN,  
CLERK/TREASURER

PREPARED BY: RANDAL JOHNES

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

**IC 34-28-6-1**

**Prosecution in name of state or municipality; rules; limitations; burden of proof; deferral programs; agreement for community restitution or service**

Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in 1C 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(c) Actions under this chapter (or 1C 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(d) The plaintiff in an action under this chapter must prove the commission of an infraction or defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and (B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection. *As added by P.L 1-1998, SEC.24. Amended by P.L98-2000, SEC.12; P.L98-2004, SEC. 123; P.L 176-2005, SEC.24; P.L200-2005, SEC.1*

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#1 SUMMONS - SERVICE BY PUBLICATION IN THE CLARK SUPERIOR COURT FOR CLARK COUNTY ...

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#2 SUMMONS - SERVICE BY PUBLICATION IN THE CLARK SUPERIOR COURT FOR CLARK COUNTY ...

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#3 TOWN OF GREENVILLE ORDINANCE NO. 2011-TO-035 ORDINANCE CONCERNING THE MOWING

**TOWN OF GREENVILLE  
ORDINANCE NO. 2011-TO-035  
ORDINANCE CONCERNING THE MOWING OF GRASS AND WEEDS ON VACANT OR OCCUPIED REAL  
ESTATE WITHIN THE CORPORATE LIMITS  
TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town develop an Ordinance for standards of maintenance of grass and weeds on real property lot{s}, lot{s} with occupied house{s}, lot{s} with vacant house{s}, vacant lot{s} with or without house{s} in repossession foreclosure within the Corporate limits of the Town of Greenville;

Whereas; the Town of Greenville Ordinance 2010-T-046 page 2, item 2 establishes a not to exceed height for grass and weeds and;

Whereas; because of the difficulty of having real property owners maintain their property in accordance with Town of Greenville Ordinance 2010-T-046 page 2, item 2

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

1. After complaint is received or it is determined by a Greenville Town Council Member that real estate is in violation of this Ordinance the Greenville Marshal or Marshal Department Member under the direction of the Marshal shall issue a citation requiring said real estate to be brought into compliance with Ordinance 2010-T-046 page 2, item 2 within 10 days.
2. Citation from the Greenville Marshal Department shall be the only notice given to the real property owner. Citation issued shall be written to real property location or address in care of person or persons if known receiving citation and all parties with ownership interest in the real property if known. If ownership of real property cannot be determined the address of the real property shall be sent this Ordinance by certified mail and the citation and this Ordinance shall be posted on the real property. In the situation of a vacant lot if ownership cannot be determined the citation and Ordinance shall be posted on the door of the Greenville Town Hall.
3. After 10 days if real property has not been brought into compliance with Ordinance 2010-T-046 page 2, item 2, the Greenville Town Council Committee Chair of Property Clean-up under the direction of the Greenville Town Council President or his/her designee shall cause real property to be brought into compliance.

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to 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. When it is determined by the Greenville Town Council President that a real property requires the Town of Greenville to contract a Lawn Maintenance Company or hire an individual to bring a real property into compliance with Ordinance 2010-T-046, a fine of \$500.00 per each mowing plus the cost of mowing shall be levied, plus attorney fees and court cost. All fines shall be placed in the General Fund Marshal Reserve Pay Account No. 101001116. All mowing fees shall be placed in the Local Roads and Streets Maintenance ROW Account No. 201001361. All Attorney Fees and Court Cost shall be placed in the General Fund Legal Account No. 101001315. All unused fines and fees received under penalties and fines of this Ordinance placed in these accounts shall carry over into these accounts for the next year's budget every year.
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 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.
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 from written citation to correct the condition and bring the property into compliance. Such citation shall 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. For any person or entity in violation of this Ordinance after the ten {10} day period set forth in item four {4} above, said person shall be fined Five Hundred dollars {\$500.00} per mowing plus the cost of mowing, Attorney fees and Court Cost for the Town of Greenville to bring real property into compliance. This fine supersedes fines stated under fines and penalties item 2 page 2 Ordinance 2010-T-046 as established by Town of Greenville Ordinance 2010-T-046 page 2, item 2 for a not to exceed height for grass and weeds.
6. Furthermore, if fines, mowing cost and penalties levied on said real estate has not been paid within thirty {30} days, the Town may cause to be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer to be forwarded to the Town of Greenville 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 2010-T-062 dated August 31st, 2010. Ordinance 2010-T-062 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.
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 JUNE, 2011.  
 PRESIDENT OF THE TOWN COUNCIL OF GREENVILLE, INDIANA TALBOTTE RICHARDSON, JACK  
 TRAVILLIAN, CLERK/TREASURER PREPARED BY: RANDAL JOHNES

#3 Published: June 15th, 2011 4:00pm

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- #4 **TOWN OF GREENVILLE ORDINANCE NO. 2011-TO-031 ORDINANCE CONCERNING THE TRANSFER**
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- #5 **PUBLIC NOTICE The Jeffersonville Plan Commission will meet on Tuesday, June ...**
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- #6 **PUBLIC NOTICE The Jeffersonville Board Of Zoning Appeals will meet on Tuesday, ...**
- 
- #7 **NOTICE TO BIDDERS Notice is hereby given that The Trustees of Indiana ...**
- 
- #8 **IN THE CLARK CIRCUIT COURT STATE OF INDIANA CASENO: 10C01-1106-DR-329 IN RE THE ...**
- 
- #9 **NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me ...**
- 
- #10 **STATE OF INDIANA COUNTY OF FLOYD IN THE FLOYD CIRCUIT COURT CAUSE NO. ...**
- 
- #11 **NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me ...**
- 
- #12 **NOTICE OF INTENT TO SELL BONDS \$1,880,000 GENERAL OBLIGATION BONDS OF 2011 ...**
- 
- #13 **CIRCUIT COURT OF INDIANA FOR FLOYD COUNTY NO. 22C01-1105-MI-000748 IN RE: THE ...**
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- #14 **SUMMONS - SERVICE BY PUBLICATION STATE OF INDIANACOUNTY OF FLOYD IN THE FLOYD ...**
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- #15 **NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me ...**
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- #16 **NOTICE OF INTENT The Clark County Commissioners (along with the Henryville ...**
- 
- #17 **SUMMONS - SERVICE BY PUBLICATION STATE OF INDIANACOUNTY OF FLOYD IN THE FLOYD ...**
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- #18 **NOTICE OF SHERIFF'S SALE By virtue of a certified copy of a decree to me ...**
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- #19 **SUMMONS - SERVICE BY PUBLICATION STATE OF INDIANACOUNTY OF FLOYD IN THE FLOYD ...**
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- #20 **FLOYD COUNTY SHERIFF'S OFFICE TO THE OWNERS OF THE WITHIN DESCRIBED REAL ...**
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- #21 **STATE OF INDIANA IN THE FLOYD COUNTY CIRCUIT COURT IN THE MATTER OF THE ...**
- 
- #22 **ADVERTISEMENT FOR BIDDERS Notice is hereby given that sealed bids will be ...**

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