

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-006**

**ORDINANCE CONCERNING THE REGULATING THE BLOCKING OF
STREETS, ROADWAYS, AND ALLEYWAYS AND POSTING A MAXIMUM
SPEED LIMIT ON ALLEYWAYS WITHIN THE CORPORATE LIMITS OF
THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of traffic flow, has deemed it necessary that the Town develop an Ordinance which forbids the placing of objects or parking vehicles in streets, roadways, and alleyways within the corporate limits of the Town of Greenville that impedes traffic flow; unless placed there by the Greenville Marshal Department for public safety.

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

BLOCKING STREETS, ROADWAYS, AND ALLEYWAYS:

- Blocking any streets, roadways, and alleyways within the corporate limits of the Town of Greenville that impedes the flow of traffic is strictly prohibited.
- This includes any items such as vehicles, trash cans, building materials, etc. Any item that would cause an obstruction so that a moving vehicle can not pass safely.

EXCEPTIONS:

- A reasonable amount of time will be allowed for loading and unloading from vehicles.
- This ordinance does not apply to emergency or utility vehicles, to include the delivery of fuel oil or bottle gas, etc.
- In case of a vehicle breakdown, the Greenville Town Marshal is to be notified of the breakdown and vehicle location. A reasonable amount of time per the discretion of the Greenville Town Marshal will be given for the removal of such vehicle. Normally 24 hours.

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**THE POSTED SPEED LIMITS FOR ALL ALLEYWAYS AND
RIGHT-OF-WAY RULES:**

- The maximum posted speed limit for all alleyways is to be 10 Miles per Hour.
- All alleyways are to yield the right-of-way to traffic on main streets and US 150 within the corporate limits of the Town of Greenville.

FINES, LEVIES AND PENALTIES:

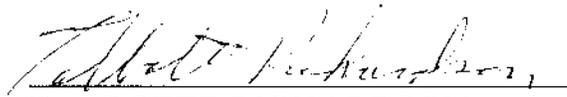
- In the case of a vehicle blocking a street, roadway, or alleyway a parking citation shall be issued by the Greenville Marshal's Department.
- In the case of a first offense a warning ticket only is to be issued. After the first offense, a parking ticket will be issued from the Greenville Marshal Department. This fee will be a minimum of seventy-five dollars {\$75.00} to a maximum not to exceed one-hundred-fifty dollars {\$150.00} plus court cost. These fines apply to vehicles only.
- In the case that a vehicle must be removed by the Greenville Marshal Department, the owner of such vehicles will be responsible for any towing and storage fees as well as any parking fines imposed plus court cost.
- In the case of other types of materials blocking the streets or alleyways the Greenville Town Marshal is instructed to;
 - 1} Issue a warning citation.
 - 2} After first offense a fine of twenty-five dollars {\$25.00} per day until such violation has been corrected.
 - 3} In the case that the Town of Greenville must correct the violation for safety of motorists the violating offender will be charged for those costs. If these charges are not paid in a reasonable period of time {30 days} the Town of Greenville can place a lien on the violators personal property {residence in accordance with I.C. 36-1-6-2}.
- In case of a moving violation the Greenville Town Marshal's Department is to issue a warning citation. After first violation a standard moving violation is to be issued as covered under State of Indiana Law I.C. 34-28-5.

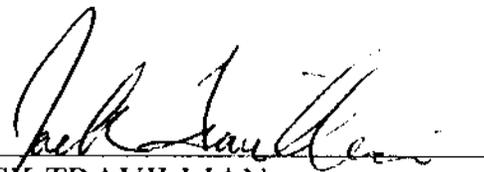
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THE GREENVILLE TOWN CLERK IS SO INSTRUCTED:

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 27th
DAY OF APRIL, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

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

ordinance violation by a preponderance of the evidence.

(e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(f) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars (\$70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1)

(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(g) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-41-1-4.6) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

(A) defendant; and

(B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

(A) include the amount of the judgment the municipal corporation requests that the

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.L176-2005, SEC.24; P.L.200-2005, SEC.I.*