

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-T-009 SECOND READING WITH ADMENDMENTS
2009-T-011 SECOND READING
2009-T-012 SECOND READING
2009-T-017 FIRST READING
2009-M-014 FIRST READING
2009-T-010 FIRST READING
2009-T-006 FIRST READING
2009-T-007 FIRST READING
2009-T-008 FIRST READING
2009-T-015 FIRST READING
2009-R-016 FIRST READING
2009-T-005 FIRST READING**

DATE: 04-27-2009

TIME: 7:00 P.M.

NOTICE POSTED BY THE GREENVILLE TOWN BOARD 04-15-2009


**RANDAL JOHNES
VICE-PRESIDENT**

**Minutes of Greenville Town Council
Special Meeting – April 27, 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 and President Talbotte Richardson, along with Clerk Jack Travillian and town attorney Rick Fox.

Ordinance 2009-T-009 ORDINANCE CONCERNING THE REGULATING OF ANIMALS AND ANIMAL CONTROL WITHIN THE TOWN OF GREENVILLE, INDIANA - The Ordinance was read and discussion was held. After second reading motion was made by T. Richardson and seconded by R. Johnes to accept the ordinance with amendments. Motion passed 4-0. Third reading T. Richardson made motion to accept the ordinance and R. Johnes seconded. Motion passed 4-0.

Ordinance 2009-T-011 ORDINANCE CONCERNING THE REGULATING OF LOCKS AND SEALS ON ICE BOXES AND REFRIGERATORS WITHIN THE TOWN OF GREENVILLE, INDIANA Second reading. T. Richardson made motion to accept the ordinance and R. Johnes seconded. Motion passed 4-0. Third reading was completed motion was made by T. Richardson, seconded by P. Hayes. Motion passed 4-0.

Ordinance 2009-T-012 ORDINANCE CONCERNING THE ESTABLISHMENT OF CURFEW FOR MINORS WITHIN THE TOWN OF GREENVILLE, INDIANA, IN FLOYD COUNTY, INDIANA. The Ordinance was read and discussion was held. Second reading R. Johnes made motion to accept the ordinance and T. Richardson seconded. Motion passed 4-0. Third reading was completed motion was made by P. Hayes, seconded by R. Johnes. Motion passed 4-0.

Ordinance 2009-T-017 ORDINANCE CONCERNING THE PROCEDURES AND AUTHORITY FOR THE OPERATION OF THE GREENVILLE MARSHAL'S DEPARTMENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF GREENVILLE, INDIANA Ordinance was read and discussion was held. After first reading motion was made by R. Johnes and seconded by B. Wright to accept the ordinance with amendments. The council unanimously voted to consider the ordinance. Second reading T. Richardson made motion to accept the ordinance and P. Hayes seconded. Motion passed 4-0. Third reading was completed motion was made by T. Richardson, seconded by R. Johnes. Motion passed 4-0.

Ordinance 2009-T-015 ORDINANCE CONCERNING THE REGULATING UNLICENCED CHILD CARE WITHIN THE TOWN OF GREENVILLE, INDIANA An Ordinance written by the Floyd County Health Department. The Ordinance was read and discussion was held. After first reading motion was made by T. Richardson and

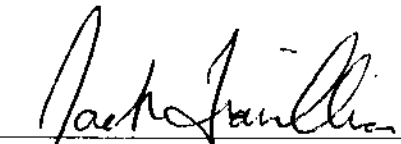
seconded by B. Wright to accept the ordinance as written. The council unanimously voted to consider the ordinance. Second reading R. Johnes made motion to accept the ordinance and B. Wright seconded. Motion passed 4-0. Third reading was completed motion was made by P. Hayes, seconded by B. Wright. Motion passed 4-0.

Ordinance 2009-T-010 ORDINANCE CONCERNING THE REGULATING DISCHARGE OF FIREARMS, THROWING OBJECTS, DISCHARGE OF CONSUMER FIREWORKS 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 4-0. Third reading was completed motion was made by T. Richardson, seconded by R. Johnes. Motion passed 4-0.

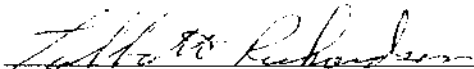
Ordinance 2009-T-006 ORDINANCE CONCERNING THE REGULATING THE BLOCKING OF STREETS, ROADWAYS, AND ALLEYWAYS AND POSTING A MAXIMUM SPEED LIMIT ON ALLEYWAYS WITHIN THE CORPORATE LIMITS OF THE TOWN OF GREENVILLE, INDIANA Ordinance was read and discussion was held. After first reading motion was made by T. 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 B. Wright seconded. Motion passed 4-0. Third reading was completed motion was made by B. Wright, seconded by R. Johnes. Motion passed 4-0.

No further business coming before the Council the meeting was adjourned

ATTEST:



Clerk of the Council



Presiding Officer

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-012**

**ORDINANCE CONCERNING THE ESTABLISHMENT OF CURFEW FOR
MINORS WITHIN THE 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 which establishes a curfew for minors 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:

CURFEW FOR MINORS:

UNDER 18 YEARS OF AGE:

{A}. It is unlawful for any person under the following ages to remain in or on any of the public streets, alleys or public places in the Town of Greenville during the following times of day:

{1} For any person under the age of eighteen (18) years, the following curfew applies:

- 11 p.m. to five a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday or Sunday;

UNDER 16 YEARS OF AGE:

{2} For any person under the age of sixteen (16) years, the following curfew applies:

- 10 p.m. to five a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday or Sunday;

ANY CHILD UNDER 18 YEARS OF AGE:

{B}. Any child under eighteen (18) years of age who is found violating subsection {A} of this section by any police officer or the Greenville Town Marshal or his Deputies shall be taken before the juvenile court of the county or the judge thereof, to be charged, tried and punished for the violation of subsection {A} of this section, as now or hereafter provided by laws of the state for the punishment of juvenile offenders. The police officer or the Greenville Town Marshal or his Deputies may also have the option of issuing the same said child a written citation for this violation to pay a fine.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-012**

THIS ORDINANCE DOES NOT APPLY TO A CHILD WHO IS:

- Accompanied by the child's parent, guardian or custodian;
- Accompanied by an adult specified by the child's parent, guardian or custodian;
- Participating in, going to, or returning from:
 - {1} Lawful employment;
 - {2} A school-sanctioned activity;
 - {3} A religious event;
 - {4} A necessary errand or duty directed by the child's parent, guardian, or custodian;
- Exercising First Amendment rights protected by the United States Constitution;
- In a vehicle involved in interstate travel;
- Involved in an emergency.

{C} It is unlawful for any parent, guardian, or other person having the legal custody of any child to allow, suffer, or permit such child to violate the provisions of subsection {A) of this section after having been warned in writing that such child has previously been found violating such section. Conviction of the child is not required to be proven in any prosecution for a violation of this section.

DEFINITIONS:

"Emergency" means unforeseen circumstances, or the status or condition resulting there from, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

PENALTY:

Whoever violates any provision of this title for which no other penalty is otherwise specifically provided shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-012**

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

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-015**

**ORDINANCE CONCERNING THE SUPPRESSION OF DISEASE IN
UNLICENSED CHILD CARE FACILITIES IN THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public health, safety, welfare and in consideration of a request by the Floyd County Health Department adopt the following regulation for unlicensed child care facilities 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:

WHEREAS, Floyd County, Indiana has established a local health department board pursuant to I.C. 16-20-2-2, namely the Floyd County Health Department; and

WHEREAS, the Floyd County Health department is charged with the responsibility of disease prevention, control and suppression; and

WHEREAS, the Indiana Department of Health and Human Services is charged with the responsibility of monitoring conditions in licensed child care facilities; and

WHEREAS, an individual may operate a residential child care home for less than six (6) children without a license pursuant to I.C. 12-17.2-2-8; and

WHEREAS, the Floyd County Health Department has the authority to enter upon and inspect private property in regard to the possible presence, source and cause of disease pursuant to I.C. 16-20-1-23; and

WHEREAS, under I.C. 16-20-1-23 the Floyd County Health Department may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable ways protect the public health; and

1. If it has reason to believe that a contagious and/or communicable disease and/or illness is present in an unlicensed child care home, the Floyd County Health Department may require any individual operating an unlicensed child care home to cease all operations until the unlicensed child care home has been properly cleaned, sanitized and disinfected to eliminate the possibility of spreading the disease.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-015**

2. The Floyd County Health Department may require any individual operating an unlicensed child care home to hire professionals, who are properly trained in the eradication of contagious and/or communicable diseases, to clean, sanitize and disinfect the entire premises of the child care home if any child for whom care is provided at the home is found to have any contagious and/or communicable disease or illness.

3. The Floyd County Health Department may require any individual operating an unlicensed child care home to provide proof of immunizations for each child for whom care is provided.

4. In the event that any individual and/or unlicensed child care home fails to comply with an order of the Floyd County Health Department and/or the provisions of this Ordinance, the Floyd County Health Department may issue an order requiring the unlicensed child care home to immediately cease all operations until the individual and/or unlicensed child care home comes into compliance.

5. Nothing in this Ordinance shall be construed to limit, in any way, the authority and powers granted to the Floyd County Health Department in I.C. 16-20-1-1 et. seq.

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 AND REED STRIEGEL
{GREENVILLE} {FLOYD COUNTY HEALTH DEPARTMENT}

ORDINANCE NO. 2009-_____
AN ORDINANCE CONCERNING THE SUPPRESSION OF DISEASE
IN UNLICENSED CHILD CARE FACILITIES

WHEREAS, Floyd County, Indiana has established a local health department board pursuant to I.C. 16-20-2-2, namely the Floyd County Health Department; and

WHEREAS, the Floyd County Health department is charged with the responsibility of disease prevention, control and suppression; and

WHEREAS, the Indiana Department of Health and Human Services is charged with the responsibility of monitoring conditions in licensed child care facilities; and

WHEREAS, an individual may operate a residential child care home for less than six (6) children without a license pursuant to I.C. 12-17.2-2-8; and

WHEREAS, the Floyd County Health Department has the authority to enter upon and inspect private property in regard to the possible presence, source and cause of disease pursuant to I.C. 16-20-1-23; and

WHEREAS, under I.C. 16-20-1-23 the Floyd County Health Department may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable ways protect the public health; and

NOW THEREFORE, BE IT ORDAINED, by the Greenville Town Council, Indiana as follows:

1. If it has reason to believe that a contagious and/or communicable disease and/or illness is present in an unlicensed child care home, the Floyd County Health Department may require any individual operating an unlicensed child care home to cease all operations until the unlicensed child care home has been properly cleaned, sanitized and disinfected to eliminate the possibility of spreading the disease.
2. The Floyd County Health Department may require any individual operating an unlicensed child care home to hire professionals, who are properly trained in the eradication of contagious and/or communicable diseases, to clean, sanitize and disinfect the entire premises of the child care home if any child for whom care is provided at the home is found to have any contagious and/or communicable disease or illness.
3. The Floyd County Health Department may require any individual operating an unlicensed child care home to provide proof of immunizations for each child for whom care is provided.
4. In the event that any individual and/or unlicensed child care home fails to comply with an order of the Floyd County Health Department and/or the provisions of this Ordinance, the Floyd County Health Department may issue an order requiring the unlicensed child care home to immediately cease all operations until the individual and/or unlicensed child care home comes into compliance.

5. Nothing in this Ordinance shall be construed to limit, in any way, the authority and powers granted to the Floyd County Health Department in I.C. 16-20-1-1 et. seq.

6. This Ordinance shall be effective upon its passage.

SO ORDAINED this _____ day of _____, 2009.

Greenville Town Council

Talbotte Richardson, Council President

ATTEST:

Jack Travillian, Clerk of the Council

This Ordinance prepared by Reed Striegel
Subscribed and sworn to before me this (_____ th) day of _____, 2009

Indiana Code 16-20-2

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

03/24/2009 03:36:19 PM EOT 1C 16-20-2

Chapter 2. Local Boards of Health

1C 16-20-2-1 Application of chapter

Sec. 1. This chapter does not apply to a county that is subject to 1C 16-22-8. As added by P.L.2-1993, SEC.3.

1C 16-20-2-2

Establishment and maintenance of local health department; adoption of health ordinances

Sec. 2. (a) Except as provided in 1C 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b)The executive of a county having a population of more than one hundred forty-eight thousand

(148,000) but less than one hundred seventy thousand (170,000) may only establish and maintain one

(1) local health department having countywide jurisdiction.

(c)The county executive in a county having a population of more than one hundred forty-eight

thousand (148,000) but less than one hundred seventy thousand (170,000) may adopt health ordinances

that apply to the entire county.

(d)A health ordinance adopted by a city legislative body after December 31, 1993, in a county having

a population of more than one hundred forty-eight thousand (148,000) but less

than one hundred seventy thousand (170,000) is void.

As added by P.L. 2-1993, SEC. 3. Amended by P.L. 2-1993, SEC. 127; P.L. S7-1994, SEC. 7; P.L. 95-1994, SEC. I; P.L. 170-2002, SEC. 98

1C 12-17.2-2-8 Licensure exemptions

Sec. 8. The division shall exempt from licensure the following programs:

- (1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.
- (2) A program for children who become at least three (3) years of age as of December 1 of a particular school year (as defined in 1C 20-18-2-17) that is operated by the department of education or a public or private school.
- (3) A nonresidential program for a child that provides child care for less than four (4) hours a day.
- (4) A recreation program for children that operates for not more than ninety (90) days in a calendar year.
- (5) A program whose primary purpose is to provide social, recreational, or religious activities for school age children, such as scouting, boys club, girls club, sports, or the arts.
- (6) A program operated to serve migrant children that:

- (A) provides services for children from migrant worker families; and
- (B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

(7) A child care ministry registered under 1C 12-17.2-6.

(8) A child care home if the provider:

- (A) does not receive regular compensation;
 - (B) cares only for children who are related to the provider;
 - (C) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or
 - (D) operates to serve migrant children.
- (9) A child care program operated by a public or private secondary school that:
- (A) provides day care on the school premises for children of a student or an employee of the school;
 - (B) complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter; and
 - (C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing

child

care centers approved by the division under section 10 of this chapter.

(10) A school age child care program (commonly referred to as a latch key program)

established under 1C 20-26-5-2 that is operated by:

(A) the department of education;

(B) a public or private school; or

(C) a public or private organization under a written contract with:

(i) the department of education; or

(ii) a public or private school.

As added by P.L.1-1993, SEC.141. Amended by P.L.61-1993, SEC.8; P.L.136-1993, SEC.6; P.L.2-1995, SEC.50; P.L.50-2001, SEC.1; P.L.1-2005, SEC.136.

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

03/24/2009 03:58:00 PM EOT 1C 16-20 ARTICLE 20. LOCAL HEALTH

DEPARTMENTS

1C 16-20-1

Chapter 1. Powers and Duties of Local Health Departments

1C 16-20-1-1 Application; limited area

Sec. 1. (a) Powers and duties described in this chapter and 1C 16-20-8 apply to all local health officers and local health boards. However, this article does not apply to a county that is subject to 1C 16-22-8.

(b) The powers and jurisdiction of a local health officer or local board are limited to the area in which the officer or board serves. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-2

Operation as local government agency

Sec. 2. A local health department shall operate as an agency of local government administratively responsible to the appropriate county or city executive. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-3 Procedural rules

Sec. 3. The board of each local health department may adopt procedural rules for the board's guidance and to establish administrative and personnel policies of the local health department that are consistent with the administrative operating policy of the appointing authority. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-4

Board organization and officers

Sec. 4. The board of each local health department shall, immediately after appointment, meet and organize. The board shall elect a chairman, vice chairman, and other officers the board considers necessary. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-5 Annual budget

Sec. 5. The board of each local health department shall submit an annual budget to the county executive, county fiscal body, and city fiscal body concerned with approval of the budget at the regular time for consideration of annual budgets. *As added by P.L.2-1993, SEC.3.*

<http://www.in.gov/legislative/ic/code/title16/ar20/ch1.html> 3/24/2009

1C 16-20-1-6

Offices and equipment

Sec. 6. The board of each local health department shall provide, equip, and maintain suitable offices, facilities, and appliances for the health department. *As added by P.L. 2-1993, SEC. 3.*

1C 16-20-1-7 Annual report

Sec. 7. The board of each local health department shall publish in pamphlet form, within ninety (90) days after January 1, for free distribution, an annual report for the previous year showing the following:

- (1) The amount of money received from all sources.
- (2) The name of any donor.
- (3) How all money has been expended and for what purpose.
- (4) Other statistics and information concerning the work of the health department that the board considers to be of general interest.

As added by P.L. 2-1993, SEC. 3.

1C 16-20-1-8

Health and planning services contracts

Sec. 8. (a) The board of each local health department may enter into contract with the state department, other local boards of health, other units of government, a private individual, or a corporation for the provision of health services within the board's jurisdiction. The private contracts are subject to approval of the county executive or city executive.

(b) A local board of health, a county executive, or a city fiscal body may contract with or purchase from any individual, organization, limited liability company, partnership, or corporation planning services considered essential to the development of an effective community health program. *As added by P.L. 2-1993, SEC. 3. Amended by P.L. 8-1993, SEC. 250.*

1C 16-20-1-9

Duties of officers and employees

Sec. 9. The board of each local health department shall prescribe the duties of all officers and employees. *As added by P.L. 2-1993, SEC. 3.*

1C 16-20-1-10 Records; minutes

Sec. 10. The local health officer shall keep full and permanent records of the public health work of the local health department and minutes of all meetings of the board of the local health department. *As added by P.L. 2-1993, SEC. 3.*

1C 16-20-1-11

Monthly reports; approval; permanent records

Sec. 11. The local health officer shall make a monthly report of the work done by the local health department to the board of the local health department. After the report is approved by the board, the local health officer shall make the report a permanent record. *As added by PL. 2-1993, SEC. 3.*

[http://www.in.gov/legislative/ic/code/title 16/ar20/ch1 .html](http://www.in.gov/legislative/ic/code/title_16/ar20/ch1.html) 3/24/2009

1C 16-20-1-12

Activities reports to state department

Sec. 12. Reports of local health department activities shall be made to the state department, as required by the rules of the state department. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-13

Local health officer or representative; consultative meetings with state department; expenses

Sec. 13. (a) The local health officer or a representative of all county or city boards of health shall attend meetings of the state department, when requested by the state department, for consultation concerning any matter concerning public health.

(b) The expenses of the local health officer or representative must be paid out of the health fund of the county or the city where the board of health is established, in an amount determined by the local board of health. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-14

Personnel; delegation of duties on the basis of agent-principal relation; water well inspections

Sec. 14. (a) Local health officers may appoint and employ public health nurses, environmental health specialists, computer programmers, clerks, other personnel, and an administrator of public health, subject to the confirmation of the local board of health, as is necessary and reasonable to carry out and perform the duties of the local health department.

(b) Except as provided in subsection (d), the employees of local health departments shall perform any of the duties of the health officer delegated by the health officer, with the approval of the local board of health, on the basis of an agent-principal relation.

(c) The public health personnel of local health departments:

(1) must meet the minimum qualification requirements of the local board of health;

(2) by local ordinance, become part of the county classification system for the respective public health personnel positions; and

(3) shall perform additional duties prescribed by the rules of the state department and local board of health under the general supervision of the local health officer.

(d) If an appointee or employee of a local health officer is not a licensed water well driller under

1C 25-39-3, the appointee or employee may not inspect the drilling of a water well.

As added by P.L.2-1993, SEC.3. Amended by P.L.105-1999, SEC.1; P.L.121-2007, SEC.1; P.L.134-2008, SEC.9.

**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.

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

**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.

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

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.L.176-2005, SEC.24; P.L.200-2005, SEC.I.*

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-010**

**ORDINANCE CONCERNING THE REGULATING DISCHARGE OF
FIREARMS, THROWING OBJECTS, DISCHARGE OF CONSUMER
FIREWORKS WITHIN THE 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 which forbids the discharge of firearms, throwing of objects and regulates the discharge of consumer fireworks 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:

DISCHARGE OF FIREARMS PROHIBITED:

- (A) It is unlawful for any person to shoot, fire, or discharge any firearms of any description, guns, air guns, air pistols, or other mechanical devices which shoot or throw shot, bullets, stones, or other missiles within the Town of Greenville, except that this section shall not prohibit any police of the law from discharging a firearm in performance of such officer's official duty, nor apply to any citizen when lawfully defending such citizen's person or property from physical injury, or a firing range that has been inspected the Town Marshal and approved by the Greenville Town Council.
- (B) It is unlawful for any person, except those persons above excluded, by any means to explode, set off, or discharge any firearm shell, shot, or cartridge within the Town of Greenville.
- (C) Whoever violates any provision of this ordinance section shall be fined a penalty not to exceed one thousand dollars (\$1000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

**USE OR DISCHARGE OF CONSUMER FIREWORKS PROHIBITED EXCEPT ON
CERTAIN DATES AND TIMES**

- (A) Firework. The term "firework" shall be defined as provided in IC 22-11-14-1, as amended.
- (B) Consumer Firework. The term "consumer firework" shall be defined as provided in IC 22-11-14-1, as amended.
- (C) Use or Discharge of Consumer Fireworks Prohibited Except on Certain Dates and Times. Consumer fireworks may only be used or discharged within the Town of Greenville, Indiana on the following dates and times, as provided in IC 22-11-14-10.5:

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-010**

(1) Between the hours of five p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9;

(2) Between the hours of ten am. and twelve midnight on July 4; and

(3) Between the hours of ten a.m. on December 31 and one a.m. on January 1.

(D)Enforcement. The Greenville Town Marshal, or his or her designee, is responsible for the interpretation and civil enforcement of this chapter.

(E)Seizure and Forfeiture of Consumer Fireworks from the Greenville Town Marshal Department may seize and dispose of consumer fireworks that are used in violation of this chapter.

(F) Penalty. In addition to the seizure and disposition of consumer fireworks that are used in violation of this chapter, whoever violates any provision of this chapter shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

THROWING OBJECTS:

Throwing Missiles:

It is unlawful for any person to throw or cast any stone, ball, hunting arrow, or other missile within the Town of Greenville whereby life or property may be endangered.

Sling Shots:

It is unlawful to throw, propel or shoot any stone, material, or missile of any kind or description by means of aid of what is commonly known as a sling shot.

Penalty:

Whoever violates any provision of this title for which no other penalty is otherwise specifically provided shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-010**

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

TOWN OF GREENVILLE

ORDINANCE NO. 2009-T-010

IC 22-11-14-1 Definitions

Sec. 1. As used in this chapter

"Auto burglar alarm" means a tube that contains pyrotechnic composition that produces a loud whistle or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may also be used to produce a small report. A squib is used to ignite the device.

"Booby trap" means a small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

"Chaser" means a device, containing fifty (50) milligrams or less of explosive composition, that consists of a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect is often produced, and a small noise may be produced.

"Cigarette load" means a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one (1) of the pegs, a small report is produced.

"Consumer firework" means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. Consumer fireworks:

(1) include:

(A) aerial devices, which include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines, and shells;

(B) ground audible devices, which include firecrackers, salutes, and chasers; and

(C) firework devices containing combinations of the effects described in clauses (A) and (B);
and

(2) do not include the items referenced in section 8(a) of this chapter.

"Cone fountain" means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain.

"Cylindrical fountain" means a cylindrical tube not exceeding three-quarters (3/4) inch in inside diameter and containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand held (handle fountain).

"Dipped stick" or "wire sparkler" means a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers that contain no magnesium and that contain less than one hundred (100) grams of composition per item are not included in the category of consumer fireworks.

"Distributor" means a person who sells fireworks to wholesalers and retailers for resale.

"Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-010

"Firecracker" or "salute" is a device that consists of a small paper wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, items referenced in section 8(a) of this chapter, and special fireworks. The following items are excluded from the definition of fireworks:

- (1) Model rockets.
- (2) Toy pistol caps.
- (3) Emergency signal flares.
- (4) Matches.
- (5) Fixed ammunition for firearms.
- (6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.
- (7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.
- (8) Indoor pyrotechnics special effects material.
- (9) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device that is similar to wheels in design and effect when placed on the ground and ignited, and that produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

- (1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;
- (2) to which some type of propeller or blade device is attached; and
- (3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

- (1) contains up to one hundred (100) grams of pyrotechnic composition;
- (2) produces, upon ignition, a colored fire; and
- (3) is either a spike, base, or handle type device.

"Importer" means:

- (1) a person who imports fireworks from a foreign country; or
- (2) a person who brings or causes fireworks to be brought within this state for subsequent sale.

"Indoor pyrotechnics special effects material" means a chemical material that is clearly labeled by the manufacturer as suitable for indoor use (as provided in National Fire Protection Association Standard 1126(2001 edition)).

"Interstate wholesaler" means a person who is engaged in interstate commerce selling fireworks.

"Manufacturer" means a person engaged in the manufacture of fireworks.

"Mine" or "shell" means a device that:

- (1) consists of a heavy cardboard or paper tube up to two and one-half (2 1/2) inches in inside diameter, to which a wooden or plastic base is attached;
- (2) contains up to forty (40) grams of pyrotechnic composition; and
- (3) propels, upon ignition, stars (pellets of pressed pyrotechnic composition that burn with bright color), whistles, parachutes, or combinations thereof, with the tube remaining on the ground.

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-010

"Missile-type rocket" means a device that is similar to a sky rocket in size, composition, and effect, and that uses fins rather than a stick for guidance and stability.

"Municipality" has the meaning set forth in 1C 36-1-2-11.

"Party popper" means a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

"Person" means an individual, an association, an organization, a limited liability company, or a corporation.

"Pyrotechnic composition" means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic compositions will not explode upon ignition unless severely confined.

"Responding fire department" means the paid fire department or volunteer fire department that renders fire protection services to a political subdivision.

"Retail sales stand" means a temporary business site or location where goods are to be sold.

"Retailer" means a person who purchases fireworks for resale to consumers.

"Roman candle" means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

"Sky rocket" means a device that:

- (1) consists of a tube that contains pyrotechnic composition;
- (2) contains a stick for guidance and stability; and
- (3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper wrapped item containing a minute quantity of explosive composition coated on small bits of sand. *When* dropped, the device explodes, producing a small report.

"Special discharge location" means a location designated for the discharge of consumer fireworks by individuals in accordance with rules adopted under section 3.5 of this chapter.

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as consumer fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

- (1) is attached to a post or tree by means of a nail or string;
 - (2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and
 - (3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.
- (4) "Wholesaler" means a person who purchases fireworks for resale to retailers.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-010**

IC 22-11-14-10.5

"Use" defined; adoption of ordinance by county or municipality concerning use of consumer fireworks

Sec. 10.5. (a) As used in this section, the term "use" means the ability of a county or municipality to regulate the days and hours when consumer fireworks may be used, ignited, or discharged.

(b) Notwithstanding any other provision of this chapter:

(1) a county may adopt an ordinance concerning the use of consumer fireworks hi the unincorporated areas of the county; and

(2) a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality.

(c) An ordinance adopted under this section:

(1) may limit the use of consumer fireworks hi the county or municipality;

(2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and

(3) may not limit the use of consumer fireworks:

(A) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(B) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-017**

**ORDINANCE CONCERNING THE PROCEDURES AND AUTHORITY
FOR THE OPERATION OF THE GREENVILLE MARSHAL'S
DEPARTMENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of clarity deems it necessary to adopt an ordinance for the procedures, operation and authority to govern the Greenville Marshal's Department in accordance to State of Indiana law within the corporate limits of the Town of Greenville;

WHEREAS, the town council for the Town of Greenville, Indiana, has established the Greenville Marshal's Department in accordance with State of Indiana Codes: I.C. Codes 5-2-1-1 {d}, 5-2-1-2 {b}, 5-2-1-9, 36-5-7-2 through 6. State of Indiana Administrative Codes 250 IAC 2-1-7 through 2-1-14, 2-2-1 through 2-2-3, 2-2-10, 2-4-1, 2-4-2, 2-6-1, 2-6-2, 2-7-1, 2-8-5, 2-9-1, 2-9-2.

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

[1] The Greenville Town Board President is the Executive Officer of the Greenville Marshal Department. The Town Board President is authorized to designate a council committee chair to be the liaison between the Marshals's Department and the Greenville Town Board President and the Greenville Town Council. Designee will be responsible for the operation of the Marshal's Department, propose to the council for a vote of all equipment necessary for the proper operation of the Marshal's Department. Designee will be responsible to report to the Town Board President any complaints received against the Marshal, Deputy Marshals and Reserve Officers. Designee will be appointed by the Town Board President in January of each year.

[2] The Greenville Town Council President or his designee will not possess any arrest powers. Their position is an administrative position only.

[3] The Greenville Town Marshal position is to be a hired position by a vote of the Greenville Town Council. The Greenville Town Board by vote may remove the Marshal from his position given just cause.

[4] The Greenville Town Council will set compensation for the Marshal Position and Deputy Marshal Positions.

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-017

[5] The Greenville Town Council and the Greenville Town Marshal shall develop Ordinances and Standard Operating Procedures for the Greenville Marshal Department. All Ordinances and Standard Operating Procedures to be approved by the Greenville Town Council by a vote. A copy of all Ordinances and Standard Operating Procedures to be kept on an electronic file on the Town of Greenville CPU. A printed copy of all Ordinances and Standard Operating Procedures to be kept in a loose leaf binder in the Town of Greenville Clerk's Office.

[6] The Greenville Town Council shall provide the Greenville Marshal's Department, contained within a loose leaf binder, all enforceable Ordinances, all Standard Operating Procedures approved by the Greenville Town Council.

[7] The Greenville Town Marshal is authorized under Town of Greenville Ordinance 2009-T-004 to hire up to two [2] Deputy Marshals and as many Reserve Officers necessary to operate the Marshal's Department efficiently {as funds for liability insurance will allow}.

[8] The Greenville Town Marshal shall keep all records of current and past Deputy Marshals and Reserve Officers on file at the Greenville Marshal Department Office. These records are to include all training received that authorizes the Marshal, Deputy Marshals and Reserve Officers to exercise their arrest powers.

[9] The Greenville Town Marshal is to report to the Greenville Town Board President or his Designee all written reports concerning hours work and incident records as requested by Greenville Town Board President or his Designee.

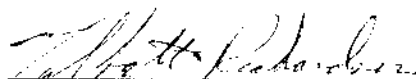
[10] The Greenville Town Marshal shall submit a written report to the Greenville Town Council in the monthly meeting all activities of the Marshal's Department since the previous Greenville Town Council monthly meeting.

[11] The Greenville Town Marshal, Deputy Marshal and Reserve Officers can request the presence of the Town Board President or designee as an observer only at any incident involving the Greenville Marshal's Department within the corporate limits of Greenville if he/she deems it necessary.

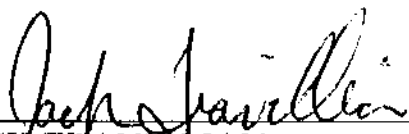
**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-017**

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

ARTICLE 2. LAW ENFORCEMENT**1C 5-2-1**

Chapter 1. Mandatory Training for Law Enforcement Officers

1C 5-2-1-1**Establishment;****purposes**

Sec. 1. (a) In order to ensure the public safety and general welfare of the people of the state of Indiana and to promote equity for all segments of society, a program of mandatory training for law enforcement officers is established.

(b) This chapter shall be interpreted to achieve said purposes through the establishment of minimum standards in law enforcement training.

(c) It is the intent of this chapter to encourage all law enforcement officers, departments, and agencies within this state to adopt standards which are higher than the minimum standards implemented under this chapter and such minimum standards shall in no way be deemed sufficient or adequate in those cases where higher standards have been adopted or proposed.

(d) The chief executive officer of a law enforcement department or agency in Indiana shall use all reasonable means to ensure that the law enforcement officers within the department or agency comply with this chapter. The chief executive officer shall submit to the executive director of the board, not later than March 31 of each year, a written report detailing the basic and in-service training status of each law enforcement officer on the payroll of the department or agency. The report must also include similarly detailed information pertaining to the training status of each police reserve officer.

1C 5-2-**1-2****Definit****ions**

Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

(1) "Law enforcement officer" means an appointed officer or employee hired by and on the payroll of the state, any of the state's political subdivisions, or a public or private postsecondary educational institution whose board of trustees has established a police department under 1C 21-17-5-2 or 1C 21-39-4-2 who is granted lawful authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, the following are expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

(A) A constable.

(B) A special officer whose powers and duties are described in 1C 36-8-3-7 or a special deputy whose powers and duties are described in 1C 36-8-10-10.6.

(C) A county police reserve officer who receives compensation for lake patrol duties under 1C 36-8-3-20(f)(4).

(C) A conservation reserve officer who receives compensation for lake patrol duties under 1C 14-9-8-27.

(E) An employee of the gaming commission whose powers and duties are described in 1C 4-32.2-9.

(2) "Board" means the law enforcement training board created by this chapter.

(3) "Advisory council" means the law enforcement advisory council created by this chapter.

(4) "Executive training program" means the police chief executive training program developed by the board under section 9 of this chapter.

(5) "Law enforcement training council" means one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.

(6) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

(A) overcoming unlawful resistance; or

(B) countering other action that threatens the safety of the public or a law enforcement officer.

(7) "Hiring or appointing authority" means:

(A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

(B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

1C 5-2-1-9

Rules; basic training; pre-basic training; in-service training; town marshal and executive training programs; fire investigators; handgun safety; refresher course; gaming agents; securities enforcement

Sec. 9. (a) The board shall adopt in accordance with 1C 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other

than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for in-service training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (1C 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form 1-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) Except as provided in subsection (1), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person

fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (1), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;
unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to: a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(1) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under 1C 23-2-1-15(i). Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under 1C 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in 1C 36-8-3-20); and

(3) conservation reserve officers (as described in 1C 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course

material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under 1C 4-22-2 to establish a mandatory in-service training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-

time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory in-service training requirements established by rules adopted by the board. In-service training

must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family

and social services and the board, and training concerning human and sexual trafficking. The board may

approve courses offered by other public or private training entities, including postsecondary educational

institutions, as necessary in order to ensure the availability of an adequate number of in-service training

programs. The board may waive an officer's in-service training requirements if the board determines that

the officer's reason for lacking the required amount of in-service training hours is due to either of the following:

(1) An emergency situation.

(2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (1C 36-5-7) and having not more than

one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under 1C 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.

(5) Department policy making.

(6) Lawful use of force.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief refers to:

(1) the police chief of any city;

(2) the police chief of any town having a metropolitan police department; and

(3) the chief of a consolidated law enforcement department established under 1C 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(1) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under 1C 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by 1C 11-13-1-3.5(3).

(n) The board shall adopt rules under 1C 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

and

(3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under 1C 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection [i] shall be applied toward the refresher course credit hour requirements. [p] Subject to subsection [n] or [o] not later than six [6] months after the officers date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

(1) the agent successfully completes the pre-basic course established in subsection (f); and

(2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

(1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and

(2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members

but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the

next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members,

the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

1C 36-5-7

Chapter 7. Town Marshal

1C 36-5-7-1

Application of chapter

Sec. 1. This chapter applies to all towns that have not abolished the office of town marshal. *As added by Acts 1980, P.L.212, SEC.4.*

1C 36-5-7-2

Appointment; compensation

Sec. 2. The town legislative body shall appoint a town marshal and fix his compensation. *As added by Acts 1980, P.L. 212, SEC. 4.*

1C 36-5-7-3

Tenure; termination or suspension; procedures

Sec. 3. The marshal serves at the pleasure of the town legislative body. However, before terminating or suspending a marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under 1C 5-2-1-9, the legislative body must conduct the disciplinary removal and appeals procedure prescribed by 1C 36-8 for city fire and police departments. *As added by Acts 1980, P. L 212, SEC. 4.*

1C 36-5-7-4

Chief police officer; powers and duties

Sec. 4. The marshal is the chief police officer of the town and has the powers of other law enforcement officers in executing the orders of the legislative body and enforcing laws. The marshal or his deputy:

(1) shall serve all process directed to him by the town court or legislative body;

(2) shall arrest without process all persons who commit an offense within his view, take them

before a court having jurisdiction, and detain them hi custody until the cause of the arrest has been investigated;

(3) shall suppress breaches of the peace;

(4) may, if necessary, call the power of the town to his aid;

(5) may execute search warrants and arrest warrants; and

(6) may pursue and jail persons who commit an offense.

As added by Acts 1980, P.L.212, SEC.4.

1C 36-5-7-5

Service as street commissioner, chief of fire department, or both

Sec. 5. The town legislative body may require the marshal to serve as street commissioner, chief of the fire department, or both.

1C 36-5-7-6

Deputy marshals; appointment; powers and liabilities; bond, compensation, and term; dismissal; procedure

Sec. 6. (a) The town legislative body shall by ordinance fix the number of deputy marshals. The town legislative body may by ordinance authorize the marshal to appoint deputy marshals. Deputy marshals have the powers and liabilities of the marshal in executing the orders of the legislative body or enforcing laws.

(b) One (1) deputy marshal may be designated as the town humane officer. He has the duties prescribed by 1C 36-8 for city humane officers.

(c) The legislative body shall fix the amount of bond, compensation, and term of service of deputy marshals. The marshal may dismiss a deputy marshal at any time. However, a deputy marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under 1C 5-2-1-9 may be dismissed only if the procedure prescribed by section 3 of this chapter is followed.

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.51-1999, SEC.1.

ARTICLE 2. GENERAL

PROVISIONS Rule 1.

Definitions GENERAL PROVISIONS

250 IAC 2-1-7 "Duty status" defined

Authority: 1C

5-2-1-9

Affected: 1C 5-

2-1-11

Sec. 7. "Duty status" means that an individual is on the department or agency payroll and that any injury or illness that occurs to the individual while at the academy will be covered by the employing department or agency under worker's compensation. The term also applies to any unpaid reserve police officer, special deputy, or special police officer assigned by a department to attend training presented by the board; it shall be the responsibility of the officer's department, not the board, to pay for expenses that result from any injury or illness incurred by a reserve police officer, special deputy, or special police officer during assigned training. (*Law Enforcement Training Board; 2501 AC 2-1-7; filed Dec 23, 2003, 3:00 p.m.: 271R 1552*)

250 IAC 2-1-8 "Inservice training" defined

Authority:

1C 5-2-1-9 Affected: 1C 5-2-

1-11

Sec. 8. "Inservice training" means training received by a law enforcement officer or reserve police officer after the calendar year in which the officer successfully completes the basic training mandated for that officer. (*Law Enforcement Training Board; 250 IAC 2-1-8; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1552*)

250IAC 2-1-9 "Instructor" defined

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-12

Sec. 9. "Instructor" means any person certified or approved by the board to provide prebasic, basic, or inservice instruction to Indiana law enforcement officers and support personnel. (*Law Enforcement Training Board; 250 IAC 2-1-9; filed Dec 23, 2003, 3:00p.m.: 27IR 1553*)

250 IAC 2-1-10 "Law enforcement officer" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-2; 1C 5-2-1-11

Sec. 10. "Law enforcement officer" means any person hired by and on the payroll of the state or one (1) of its political subdivisions, whether part-time or full-time, to enforce all or some of the penal laws of the state and who has the power to effect arrests of persons who violate those laws. (*Law Enforcement Training Board; 250 IAC 2-1-10; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

250IAC 2-1-11 "Learning objective" defined

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 11. "Learning objective" means a precise statement that describes what the learner must know and be able to do following successful completion of a training program. (*Law Enforcement Training Board; 250 IAC 2-1-11; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

250IAC 2-1-12 "Prebasic course" defined

Authority: 1C 5-2-
1-9 Affected: 1C
36-8-3-20

Sec. 12. "Prebasic course" means any course developed or certified by the board under 1C 5-2-1-9(f). (*Law Enforcement Training Board; 250 IAC 2-1-12; filed Dec 23, 2003, 3:00p.m.: 27 IR 1553*)

250IAC 2-1-13 "Reserve police officer" defined

Authority: 1C 5-2-1-9
Affected: 1C 36-8-3-7; 1C 36-8-3-20; 1C 36-8-10-6; 1C 36-8-10-10.6

Sec. 13. "Reserve police officer" means any member of a police reserve unit created under 1C 36-8-3-20, whether called reserve police officer, reserve officer, or by another name. Not included in this definition are the following:

- (1) Additional deputies or assistants appointed by a sheriff in an emergency under 1C 36-8-10-6.
- (2) Special deputies or legal deputies appointed by a sheriff under 1C 36-8-10-10.6.
- (3) Special police officers, who are not regular police officers, who are appointed by a municipal safety board under 1C 36-8-3-7 to do special duty within the city.

250 IAC 2-1-14 "Safety hazard" defined

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 14. "Safety hazard" means a risk of injury or death that is greater than the risk of injury or death that an experienced instructor might expect during a routine training exercise. *(Law Enforcement Training Board; 250 IAC 2-1-14; filed Dec 23, 2003, 3:00p.m.: 27IR 1553)*

Rule 2. Basic Training Mandated for Law Enforcement Officers Appointed on or after July 6,1972

250 IAC 2-2-1 Mandatory basic training; waiver

Authority. 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 1. All law enforcement officers appointed by the state or any of its political subdivisions on or after July 6,1972, whether the appointment is on a probationary, permanent, or other than probationary or permanent basis, shall, within one (1) year of the date of the officer's first or original appointment, whether on a full-time or part-time basis, successfully complete the appropriate minimum basic training course prescribed by the board and described in 250IAC 2-4. Provided, however, that any such officer who has had previous law enforcement experience, including basic law enforcement training meeting or exceeding the standards enumerated in 250IAC 2-4, may, upon proof of such previous experience and training and upon recommendation by the executive director and approval by the board, obtain a waiver of the training mandated herein or be allowed to test out on any or all phases of the basic course; however, this waiver provision is not applicable to persons certified by the board solely upon successful completion of the town marshal basic training program prescribed in 250IAC 2-4. *(Law Enforcement Training Board; 250 IAC 2-2-1; filed Dec 23, 2003, 3:00p.m.: 27 IR 1553)*

250 IAC 2-2-2 Location of training course

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 2. The minimum basic training course shall be taken at the Indiana law enforcement academy operated by the board at Plainfield or at any board-approved school or academy utilizing board-approved instructors, curriculum, attendance requirements, equipment, and facilities. Attendance at schools other than the Indiana law enforcement academy shall, except in exceptional cases recognized by the board, be limited to officers and recruits of the agency conducting the school. *(Law Enforcement Training Board; 250 IAC 2-2-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553)*

250IAC 2-2-3 Failure to timely complete course

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 3. Any law enforcement officer described in section 1 of this rule who fails to successfully complete the required basic training course within one (1) year after the officer's first or original appointment (on or after July 6,1972) shall not be empowered or authorized to enforce the laws or ordinances of the state or any political subdivision thereof as part of the duties of a law enforcement officer. (*Law Enforcement Training Board; 250IAC 2-2-3; filed Dec 23, 2003, 3:00 p. m.: 27IR 1554*)

250IAC 2-3-10 Trainees not yet hired by a law enforcement agency

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-12; 1C 5-2-1-15

Sec. 10. Preservice tuition trainees who have been investigated and recommended for enrollment in a board-approved basic training course, but have not yet been hired by any law enforcement agency, must meet all of the requirements in this rule before being accepted for law enforcement basic training. In addition, each preservice tuition trainee must do the following:

(1) Obtain a permit from the state that authorizes the trainee to carry a handgun back and forth between home and the Indiana law enforcement academy. The permit must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(2) Provide proof of full coverage automobile insurance and health and accident insurance, the proof to be accompanied by endorsements stating no exclusions are present that would prohibit payment because the insured is participating in law enforcement basic training. All such insurance must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(*Law Enforcement Training Board; 250IAC 2-3-10; filed Dec 23, 2003, 3:00p.m.: 27 IR 1555*)

Rule 4. Minimum Curriculum, Attendance, Equipment, and Facility Requirements

250 IAC 2-4-1 Minimum basic training course; town marshal basic training program

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 1. Requirements for the minimum basic training course necessary to satisfy the mandate contained in 250 IAC 2-2 shall be as follows:

(1) For all jurisdictions except towns having no more than one (1) town marshal and two (2) deputies, whether employed on a part-time or full-time basis, shall consist of not less than four hundred eighty (480) hours of classroom and practical training, and the subject matter covered shall be approved by the board prior to the beginning date of each basic training course.

(2) The town marshal basic training program shall consist of not less than three hundred twenty (320) hours in residence at the Indiana law enforcement academy to which may be added home study assignments. The subject matter covered shall be approved by the board prior to the beginning date of each town marshal basic training program.

(3) Persons successfully completing the town marshal program are eligible for employment as a law enforcement officer only in towns employing the town marshal system and having no more than one (1) marshal and

two (2) deputies.

(4) Town marshal program graduates who are subsequently hired by a department that is not authorized to enroll officers in the town marshal basic training program shall, within one (1) year of their new appointment date, successfully complete the four hundred eighty (480) hour minimum basic training course described in this section. Town marshal program graduates who fail to successfully complete the minimum basic training course within one (1) year of their new appointment date shall not perform any of the duties of a law enforcement officer or exercise the power of arrest until they have successfully completed the basic training program described in this section.

(5) The minimum hours and subject matter prescribed in subdivisions (1) and (2) may be increased by the board.

250 IAC 2-4-2 Approval of learning objectives, lecture outlines, examinations, and other instructional material

Authority: 1C

5-2-1-9

Affected: 1C

5-2-1-11

Sec. 2. Copies of learning objectives, lecture outlines, examinations, and other course material used to satisfy the basic training requirements in section 1 of this rule shall, upon written request by the executive director, be provided to the board prior to the

Rule 6. Prebasic Training Course

250 IAC 2-6-1 Prebasic training course

Authority: 1C

5-2-1-9

Affected: 1C

5-2-1-15

Sec. 1. (a) Every law enforcement officer and every reserve police officer appointed after June 30, 1993, who has not successfully completed basic training as prescribed in 250 IAC 2-3 must successfully complete the prebasic training course prescribed in this section before that officer can make an arrest, conduct a search or seizure of persons or property, or carry a firearm as part of the duties of a law enforcement officer or reserve police officer.

(b) The prebasic course:

(1) shall consist of forty (40) hours of instruction;

(2) must include the subjects of arrest, search and seizure, use of force, and firearms qualification; and

(3) must be offered periodically at regional sites throughout the state.

(c) Course materials, instructors, and sites for the prebasic course are to be provided by the board.

(d) In addition, the board may certify prebasic courses that may be conducted by other public or private entities, including colleges and universities. (*Law Enforcement Training Board; 2 50 IAC 2-6-1; filed Dec 23, 2003, 3:00 p.m.: 27IR 1557*)

250 IAC 2-6-2 Successful completion permits temporary exercise of police powers

Authority: 1C 5-

2-1-9 Affected:

1C 5-2-1-9

Sec. 2. Successful completion of the prebasic course authorizes a law enforcement officer to:

(1) make arrests;

(2) conduct searches and seizures of persons and property; and

(3) carry a firearm;
for one (1) year after the date the law enforcement officer is appointed. (*Law Enforcement Training Board; 250 IAC 2-6-2; filed Dec 23, 2003, 3:00p.m.: 27IR 1557*)

Rule 7. Inservice Training

250 IAC 2-7-1 Mandatory inservice training

Authority: 1C
5-2-1-9 Affected:
1C 5-2-1-9

Sec. 1. Any person who has successfully completed basic training and has been appointed to a law enforcement department or agency as a law enforcement officer, whether on a part-time or full-time basis, is not eligible for continued employment unless the officer successfully completes the minimum required inservice training each year. Subject matter for this training must meet the following requirements:

- (1) The subject must be included within the minimum basic training curriculum approved by the board or must be approved by the board based upon a need expressed by the law enforcement agency or department employing the officer.
- (2) The subject must be presented under one (1) of the following conditions:

(A) By a law enforcement training board-certified instructor.

(B) At a law enforcement training board-certified school or academy.

(C) At a school or academy in another state that has been certified by that state's equivalent to the board, at the federal level, or at an accredited college, university, or vocational school when the subject is determined by the board to be law enforcement related.

(D) By an agency or entity, public or private, that has received written approval by the board, through its executive director, to provide inservice training for Indiana law enforcement officers and has agreed to comply and does comply with the board's rules and guidelines for presenting, evaluating, and reporting the training.

(*Law Enforcement Training Board; 250 IAC 2-7-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557*)

250 IAC 2-8-5 Cover letter and opinion required if inservice training not completed

Authority: 1C
5-2-1-9 Affected:
1C 5-2-1-1

Sec. 5. When a law enforcement officer or reserve police officer fails to comply with a training mandate, the chief executive officer of the department or agency shall call the deficiency to the attention of the executive director through a cover letter attached to the department's annual training status report. The chief executive officer shall also state his opinion as to the reason the officer failed to complete the required training. (*Law Enforcement Training Board; 250 IAC 2-8-5; filed Dec 23, 2003, 3:00 p. m.: 27IR 1559*)

Rule 9. Reserve Police Officers

250 IAC 2-9-1 Reserve police officer training

Authority: 1C
5-2-1-9
Affected: 1C
36-8-3-20

Sec. 1. (a) All reserve police officers defined in 1C 36-8-3-20 appointed after June 30,1993, whether called reserve police officers or by another title, shall successfully complete the prebasic training course prescribed by the board before the reserve police officer may:

- (1) exercise any power of arrest;
- (2) conduct any search or seizure of a person or property; or
- (3) carry a firearm.

(b) The chief executive officer of a department may not adopt the prescribed prebasic training course as the only curriculum for satisfying the department training requirement prescribed in 1C 36-8-3-20.

(c) In addition to the department training program required by 1C 36-8-3-20, each reserve police officer is encouraged to do the following:

(1) Complete a board-approved reserve police officer academy program within one (1) year of the date of appointment as a reserve police officer.

(2) Complete, each year thereafter, the same amount of inservice training that paid law enforcement officers are mandated to complete.

(d) Reserve police officers who voluntarily and successfully complete a reserve police officer academy program certified by the board shall be eligible for consideration for a waiver of basic training by the board should the reserve police officer academy program graduate subsequently accept employment with a department that participates in the town marshal basic training program. However, as a condition of the waiver, the board may require the reserve police officer academy program graduate, hired by a small town department, to test out on all or any part of the town marshal basic training program. Further, persons who are granted a waiver of training through this process are limited to service in a department having no more than one (1) marshal and two (2) deputy marshals. (*Law Enforcement Training Board; 250 IAC 2-9-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1559*)

250 IAC 2-9-2 Reserve police officer academy certification

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 2. (a) A department acting alone, or two (2) or more departments acting together, may develop a reserve police officer academy and apply to the board for certification of the academy. An academy certified by the board as a reserve police officer academy must use board-certified instructors and a board-approved curriculum.

(b) Equipment and training facilities, including classrooms used by towns, cities, counties, or agencies or departments of the state to conduct a reserve police officer academy, shall be subject to inspection and approval by the board through its executive director or a designee.

(c) The minimum curriculum, attendance requirements, learning objectives, lecture outlines, examinations, and other instructional materials used for reserve police officer training in the reserve police officer academy are subject to inspection and

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-011**

**ORDINANCE CONCERNING THE REGULATING OF LOCKS AND SEALS
ON ICE BOXES AND REFRIGERATORS WITHIN THE 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 which forbids the placing or disposal of Ice Boxes and Refrigerators with Locks and Seals 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:

LOCKS ON ICE BOXES AND REFRIGERATORS:


Removal of locks on ice boxes and refrigerators:

It is unlawful for any person to store, place, or permit any discarded, abandoned, or unused icebox, refrigerator, or similar container of an airtight character in any place where the same is accessible to children, without first removing and rendering completely inoperable all catches or locks and seals on the exterior of all doors thereof, so as to prevent any person or child from becoming imprisoned therein. This section shall not apply to the delivery, transfer, or removal of any such icebox, refrigerator, or container from one location to another while in transit.

Penalty:

Whoever violates any provision of this title for which no other penalty is otherwise specifically provided shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

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



JACK TRAVILLIAN,
CLERK/TREASURER

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA

PREPARED BY:
RANDAL JOHNES



TALBOTTE RICHARDSON

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-009**

**ORDINANCE CONCERNING THE REGULATING OF ANIMALS AND
ANIMAL CONTROL WITHIN THE 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 which regulates animals and animal control 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:

ENFORCEMENT AUTHORITY:

DEPARTMENT OF ANIMAL CONTROL:

(A) The Greenville Town Marshal shall head the Department of Animal Control and be the Quarantining Authority for the Town of Greenville. The Town of Greenville's Marshal, Deputy Marshals and Reserve Officers shall be Animal Control Officers under the direction of the Greenville Town Marshal. The Department of Animal Control shall enforce the animal control ordinance and shall investigate any complaints regarding ordinance violations. The duties and powers of the Department of Animal Control are as follows:

(1) To cause to be enforced all Town of Greenville ordinances and/or state laws regarding animal care and control.

(2) To cause to be picked up by the New Albany and Floyd County Animal Control and Shelter all animals illegally at large, all sick, diseased, injured, lost, strayed, stolen or abandoned animals in accordance with Article 5 of Inter-local agreement and amendments entered into with the New Albany Floyd County Animal Control and Shelter dated May 21st, 1999, January 12th, 2005, January 20th, 2005 and services to be provided dated January 20th, 2005.

(3) To proceed upon public and private property within the Town of Greenville in pursuit of animals believed to be in violation of this ordinance. However, this authority does not extend to a privately owned structure without the consent of the owner, lessee or other occupant in control of the premises or without other legal process or authority. Any animal pursued under this section may be confiscated and held by the New Albany and Floyd County Animal Control and Shelter according to its rules and regulations. If an animal is confiscated without the knowledge or consent of the owner or occupant of the premises, a notice shall promptly be affixed to said premises in an obvious location, directing the occupant to contact the New Albany and Floyd County Animal Control and Shelter providing the address and telephone number of same on said notice.

(4) To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the Town of Greenville.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-009**

(5) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the Town of Greenville. To cause to be impounded all animals found in conditions adverse to their health and safety.

(6) The Animal Control Officers shall receive appropriate and relevant training for the capture and treatment of animals.

(7) It shall be the duty of the Animal Control Officers to enforce all provisions of this ordinance and other ordinances in relation to animals.

(8) Such the Animal Control Officers are authorized to enforce all provisions of this ordinance, including the right to proceed upon public and private property in the Town of Greenville in pursuit of animals in violation of this ordinance.

INTERFERENCE WITH ENFORCEMENT AUTHORITY:

It shall be unlawful for a person to interfere with an Animal Control Officer in the performance of the officer's duties.

CERTAIN ANIMALS PROHIBITED:

LIVESTOCK PROHIBITED:

It shall be unlawful for a person to own, keep, or breed a horse, pig, pony, mule, donkey, jackass, goat, chicken, peacock, turkey, cow, llama or other livestock in the town corporate limits. However, the provisions of this section shall not apply to zoological parks, or bona fide circuses or carnivals, or an area designated as a farm used for the purpose of raising such animals.

WILD OR DANGEROUS ANIMALS PROHIBITED:

(A) It shall be unlawful for a person to own a wild or dangerous animal in the town corporate limits; however, the provisions of this section shall not apply to zoological parks, or bona fide circuses or carnivals.

(B) Any wild and/or dangerous animal shall be impounded or may be destroyed if such destruction is necessary to preserve the public health, safety and welfare of the community.

(C) Costs. The owner of any animal that is impounded and/or euthanized shall be held responsible for payment of any expenses so incurred by the Town of Greenville. Failure to pay such fee within fifteen (15) days after destruction of such animal shall constitute a violation and may subject the owner to a court judgment in the amount of the costs incurred for impounding and/or euthanasia in addition to court costs, as well as reasonable attorney fees. In addition, if another animal or person is injured as a result of the animal's actions, the fine imposed shall not be less than \$250.00.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-009**

(D) Determination and appeals procedure. Whenever an animal is declared dangerous by the Animal Control Officer, in his or her discretion, determines that the return of the animal to its owner would be likely to result in further violations of this ordinance, the animal's owner or custodian, if known, shall be notified of the intent to euthanize the animal unless the determination is timely appealed hereunder. Notice shall be served either in person or by certified mail, or by posting at the owner's residence. The animal, if not already held in quarantine at the New Albany and Floyd County Animal Control and Shelter, shall be surrendered to the New Albany and Floyd County Animal Control and Shelter.

(E) Any decision under these provisions may be appealed to the Department of Animal Control and Quarantining Authority. The appeal of the owner shall be in writing and shall be filed with the Department of Animal Control / Quarantining Authority and the New Albany and Floyd County Animal Control and Shelter within 5 days after receipt of notification that said animal has been found to be dangerous. The disposition of any animal shall be stayed during such an appeal. The animal shall remain impounded during the appeal process. If no appeal has been filed, the animal may be euthanized on the 6th day after notice was sent to the animal's owner if known.

(F) Upon receipt of a written appeal, the Department of Animal Control shall provide notice and conduct an adjudicative hearing. Thereafter, the Department of Animal Control shall render a decision that said animal is dangerous and must be euthanized, or it is not dangerous and should be returned to the owner. The decision of the Department of Animal Control / Quarantining Authority is final and binding upon the applicant, subject to any appeal rights.

(G) Regardless of the provisions of this section, whenever an Animal Control Officer finds any dangerous dog, cat, or other animals in packs, or running at large in such condition as to be too dangerous to attempt to capture the animal, then the Animal Control Officer is authorized to dispose of the animal, where it may be found, by shooting it.

LIMIT ON OWNERSHIP OF DOGS AND CATS:

It is unlawful to keep or harbor more than five dogs and five cats beyond the age of weaning in any dwelling unit, structure or property. A person who violates this section shall be punishable under penalties section of this ordinance unless noted otherwise.

ANIMAL BREEDING;

Breeding of recognized dogs and cats will be allowed by private owners for resale for no more than one male and one female of a specific breed. What is known as puppy mill breeding with multiple male and female dogs and cats are prohibited within the town's corporate limits.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-009**

**NUISANCE ANIMALS AND OTHER REGULATIONS REGARDING
ANIMALS:**

NUISANCE ANIMALS:

(A) If an animal, other than an animal that causes excessive noise, as provided in (B), or that damages property, as provided in (C), is found in violation of this ordinance, an official warning shall be given by the Department of Animal Control to the owner of the offending animal. If a second verified complaint is made after official warning has been given of a violation of this ordinance, the Department of Animal Control may impound the animal and issue a fine to the owner of at least \$100.00, but not more than \$250.00 for a second violation, depending upon the severity of the offence. This fine shall be reduced to \$50.00 and the animal returned to the animal's owner, if within 4 days of receiving notification of said violation, the owner details and verifies the steps that are being taken to correct the violation, and the animal has been altered or the owner agrees to alter said animal. For a third violation, the fine imposed shall be not less than \$250.00 nor more than \$500.00, and the animal may be impounded. The animal, if claimed, shall be returned to its owner, provided that all fines have been paid.

(B) Upon a verified complaint made to the Department of Animal Control of an animal that barks, whines, howls or makes other sounds common to its species in an annoying, excessive and continuous manner, an official warning shall be given, at the discretion of the Department of Animal Control, to the owner of the offending animal. If a second verified complaint is made after official warning has been given, the owner shall pay a fine of \$50.00, unless the owner details and verifies in writing within three days of receiving notice the steps that are being taken to correct the problem. Upon a third verified complaint, the offending animal may be impounded. The animal, if claimed, shall be returned to its owner, provided that all fines have been paid.

(C) Upon a verified complaint made to the Department of Animal Control of an animal that damages private or public property, notification shall be given to the owner, the animal may be impounded and the owner shall pay a fine of at least \$100.00, but not more than \$500.00. The animal, if claimed, shall be returned to its owner, provided that all fines have been paid.

ANIMAL WASTE DISPOSAL REQUIREMENTS:

(A) No person shall allow a dog or cat which is kept by that person to defecate on a public street, byway, municipally owned or public land or building, or upon private property in the Town of Greenville without promptly removing any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities, and shall not allow waste to accumulate to offensive nuisance levels.

(B) No person shall allow their dog or cat to repeatedly urinate on municipally owned or public land or building, or upon private property in the Town of Greenville (including shrubs, trees, plants, specific areas of grass or private items) that would result in the destruction or damage of said item or area.

TOWN OF GREENVILLE ORDINANCE NO. 2009-T-009

(C) Notwithstanding the provisions of subsection (A) of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

CONFINEMENT OF FEMALE ANIMALS IN HEAT:

The owner or keeper of any female animal in heat kept in the Town of Greenville shall confine the animal within a secure enclosure.

DISPOSITION OF DEAD ANIMALS:

The owner of an animal is responsible for picking up dead animal bodies and body parts when on privately owned property and the lawful disposition of them. When the animal is on public property within the Town of Greenville Corporate limits the Department of Animal Control is to be contacted. The Animal Control Officer shall contact the New Albany and Floyd County Animal Control and Shelter to pick up dead animals.

RABIES CONTROL:

ANTI-RABIES VACCINATIONS REQUIRED FOR ALL DOGS AND CATS NOT CONFINED TO OWNER'S PROPERTY:

It shall be unlawful to keep a dog or cat over the age of three (3) months in the Town of Greenville unless such cat or dog is immunized against rabies by a vaccination performed by a veterinarian and the period of immunization specified by the veterinarian performing the vaccination has not expired.

RECORD OF ANTI-RABIES VACCINATION; TAG REQUIRED IF NOT ON OWNER'S PROPERTY:

(A) A veterinarian who administers an anti-rabies vaccination, at the time a dog or cat is vaccinated, issues to the animal's owner a durable anti-rabies vaccination identification tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and identification number of the vaccination.

(B) For the purpose of identification, each owner of a dog or cat which is kept in the Town of Greenville shall cause the anti-rabies vaccination identification tag to be affixed to the animal's collar, and to be worn by the animal at all times when not on owner's property.

PRECAUTIONARY MEASURES AND INDIVIDUAL ANIMAL QUARANTINE:

A captured animal known to have bitten or otherwise exposed a person to the possibility of contracting rabies through non-bite exposure in the Town of Greenville shall be humanely quarantined for a period of not less than ten (10) days. In the sole discretion of the Department of Animal Control/Quarantining Authority, the quarantine may be on the premises of the owner, or at the owner's expense in a kennel or veterinary hospital.

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SURRENDER OF SUSPECTED ANIMAL BY OWNER:

Whenever the quarantining authority has reasonable cause to suspect that an animal in the Town of Greenville has been exposed to rabies, or bitten or exposed through non-bite exposure a person to rabies, such animal shall be surrendered by its owner for quarantine and observation, at the owner's expense, promptly upon demand by the quarantining authority. Such quarantine and observation shall be at the owner of the animal's expense.

FINDING OF RABIES; GENERAL QUARANTINE:

(A) When an animal quarantined by the Department of Animal Control has been found to be rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, and the diagnosis made of, the animal.

(B) When a rabies report is made under subsection (A) of this section, the Quarantining Authority shall institute a general quarantine for a period of thirty (30) days. Upon invocation of the general quarantine by the Quarantining Authority, any animal found at large in the city may be destroyed without being impounded. During the quarantine period, every animal bitten or exposed through non-bite exposure by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the state board of animal health.

(C) During a general quarantine declared by the Quarantining Authority under this section, an animal's owner or keeper who resists the quarantining authority acting under this ordinance, or who permits an animal owned or kept by that person to be at large in the Town of Greenville, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded at the owner's expense.

DISPOSITION OF RABID ANIMALS:

The Quarantining Authority shall dispose of any animal reasonably suspected by it of being infected with rabies in the Town of Greenville in accordance with the rules and regulations of the state board of animal health.

**CARE, TREATMENT, AND PROHIBITIONS REGARDING ABUSE OF
ANIMALS:**

GENERAL REQUIREMENTS FOR ANIMAL CARE AND TREATMENT:

Every owner or keeper of an animal kept in the Town of Greenville shall see that such animal:

(1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;

**TOWN OF GREENVILLE
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- (2) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
- (3) Shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;
- (4) Shall not be tethered or confine an animal at a vacant uninhabited structure or premises for any purpose or time if not monitored by a competent adult who is present at the property for the duration of the tethering or confinement. Invisible fencing with collar control is allowed.
- (5) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;
- (6) Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and
- (7) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the Town of Greenville.
- (8) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the Town of Greenville.
- (9) In the discretion of the Department of Animal Control, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation, and the Department of Animal Control shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period shall constitute prima facie evidence of a violation of this section.

ABANDONMENT OF ANIMAL:

It shall be unlawful for a person to abandon any animal on public or private property in the Town of Greenville.

ANIMALS IN VEHICLES:

(A) It shall be unlawful to leave an animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

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(B) It shall be unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, highways and/or rights-of-way unless the animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

REPORT OF VEHICULAR COLLISION WITH ANIMAL:

A person whose vehicle causes injury or death to an animal in the Town of Greenville shall stop at once, assess the extent of the injury to the extent that it is safe to do so, and immediately notify the animal's owner, if known, or the Department of Animal Control, with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck, along with the rabies tag number of the animal, if it can safely be ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner.

LOST OR STRAY ANIMALS:

(A) Persons finding a stray animal are to notify the Department of Animal Control within forty-eight (48) hours. At the discretion of the Department of Animal Control, the animal may be kept by the finder and a found report left with the Department of Animal Control to enable the finder an opportunity to return the animal to its rightful owner.

(B) Upon demand, by the Department of Animal Control, the New Albany and Floyd County Animal Control and Shelter will be notified of any found animal for pick up.

(C) Person(s) finding an animal is obligated to comply with all the rules and regulations of this ordinance pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

(D) With the exception of the Department of Animal Control, the finder will be considered the found animal's owner for purposes of this ordinance only after the animal is in the finder's custody for thirty (30) continuous days.

ATTEMPTS TO POISON ANY ANIMAL:

It shall be unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace or public place, or on any private premises, in the Town of Greenville for the purpose of destroying or injuring any animal.

UNLAWFUL TO SHOOT ANY ANIMAL:

It shall be unlawful for a person to shoot any dog, cat or other animal unless it is a dangerous animal.

ANIMAL FIGHTS:

(A) It shall be unlawful for a person to incite, train to fight (other than a crime prevention dog) or set any animal to fighting another animal or to incite combat between animals and humans in the Town of Greenville.

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(B) No person shall possess animal fighting paraphernalia AND a dog, cock, fowl, or bird bearing a scar, wound or injury consistent with animal fighting.

(C) No person shall attend an animal fighting contest.

(D) No person shall sell, purchase, own, harbor, give away, barter, breed, or possess any animal for animal fighting.

(E) No person shall permit anyone to use any building, shed, room, yard, ground, premises, vehicle or property, whether enclosed or not for the purpose of animal fighting.

(F) No person shall aid, abet, assist, act as judge or referee, bet or wager money or other valuable consideration on the outcome of, be at, attend, or in any way engage in the furtherance of an exhibition of animal fighting.

PROHIBITED ANIMAL EVENTS:

No person or group of persons or any for-profit organization, whether for pay or other compensation or for free promotional purpose, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner except those events reviewed and approved for public safety and the safety, well-being, and comfort of the animals involved by the Department of Animal Control.

ENTICEMENT OF ANOTHER PERSON'S ANIMAL:

(A) It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person in the Town of Greenville to capture, entice, or take any animal out of the enclosure or premises of the owner, or to seize an animal at any place while such animal is accompanied by its owner or keeper.

(B) Except as expressly authorized in this ordinance, it shall be unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the Town of Greenville, or to entice an animal from a street, alley or public place in the town with the intent to deprive the owner of the animal's possession.

(C) It shall be unlawful for a person to bring into the Town of Greenville an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this ordinance.

INTERFERENCE WITH ANOTHER PERSON'S ANIMAL:

It shall be unlawful for a person to feed, tease, tantalize, molest, or provoke any animal in the town without the express consent of the animal's owner, if any, while the animal is on the owner's property or under the owner's control.

UNLAWFUL USE OF A DOG:

It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the Town of Greenville.

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OFFENSIVE USE OF ANY ANIMAL:

(A) It shall be unlawful in the Town of Greenville for a person wilfully to deposit a live or dead animal upon public or private premises not owned by that person, or wilfully to throw a live or dead animal or insect against any other person, or aid or abet another person in doing so.

(B) No person shall engage or cause to allow any other person to engage in a sexual act with any animal.

ANIMALS NOT TO BE OFFERED AS NOVELTIES OR PRIZES:

(A) It shall be unlawful for a person to sell, offer for sale, trade, barter or give away in the Town of Greenville any live animal, bird or reptile as a novelty, prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade for business, other than establishments selling animals as their primary business.

(B) It shall be unlawful for a person to transport into the Town of Greenville any live animal, bird or reptile for any purposes prohibited by subsection (A) of this section.

(C) It shall be unlawful for a person to sell, offer for sale or otherwise dispose of any animal whose appearance has been artificially or chemically colored, sprayed or painted

IMPOUNDMENT AND DISPOSITION OF ANIMALS:

GROUNDS FOR IMPOUNDMENT:

Any dangerous animal, any animal causing a public nuisance in violation of this ordinance, or any animal that is not tagged may be captured and impounded.

NOTICE TO OWNER:

(A) Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.

(B) Such attempt shall include, but not necessarily be limited to, the following;

(1) Contact with the veterinarian facility listed on the animal's vaccination tag if attached to animal's collar.

REPORT OF IMPOUNDMENT:

A person who confines an animal found by that person to be at large in the town shall notify the Department of Animal Control within forty-eight (48) hours thereafter.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-009**

RETURN OF CAPTURED ANIMAL WITHOUT IMPOUNDMENT:

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if, in the opinion of the Department of Animal Control, the return would not present a danger to the public or otherwise result in a violation of this ordinance.

RETURN OF IMPOUNDED ANIMAL TO OWNER

(A) An animal impounded under this division, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of this article.

(B) The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions the New Albany and Floyd County Animal Control and Shelter may impose, including proof of ownership, the payment of the appropriate impoundment and kennel fees as regularly charged by the New Albany and Floyd County Animal Control and Shelter, and a \$25.00 animal control fee payable to the Department of Animal Control.

(C) Notwithstanding any other provision of this ordinance, an animal which has been impounded as a wild or dangerous animal, or which has been impounded on two or more prior occasions, or which has bitten or otherwise caused injury to person or property shall be returned to its owner only if the Department of Animal Control in its discretion determines that such return will not result in further ongoing violations of these ordinance.

(D) If such a determination cannot be made, or if the animal has been declared wild or dangerous, the Department of Animal Control then shall send notice to the owner of its intent to have the animal disposed of.

USE OF OWNER-SURRENDERED OR IMPOUNDED ANIMAL FOR RESEARCH PROHIBITED:

No animal surrendered by its owner or impounded under this article shall be used or disposed of for purposes of research or experimentation by use of the animal.

PENALTY:

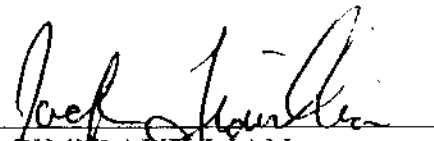
(A) Any person who violates any provision of this ordinance shall be issued a citation, which shall contain the name and address of the violator, the ordinance section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.

(B) Any person violating any of the provisions of this ordinance that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) or more than two hundred fifty dollars (\$250.00) and each day's violation shall constitute a separate offense

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-009**

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

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA



JACK TRAVILLIAN,
CLERK/TREASURER



TALBOTTE RICHARDSON,

PREPARED BY:
RANDAL JOHNES



215 W. Market
New Albany, IN 47150
948-5355 David Hall-Director

The following is to clarify the services that shall be provided to the Town of Greenville by the New Albany Floyd County Animal Shelter (NAFC) so the town understands how their constituents will be served.

Article 5 Services

(a) Capture, containment, removal and quarantine of dangerous and/or nuisance dogs and cats;

NAFC Animal Shelter, (shelter) will respond on our normal priority basis Monday-Friday 9am to 4:30pm to complaints made by residences of Greenville about such animals. After these hours the residents of Greenville should call the Town Marshal or Floyd Co. Sheriff Office. They will page the on duty Animal Control Officer (ACO) this ACO will determine if NAFC shelter, ACO is to respond.

dogs and cats running at large; and

NAFC Shelter, will respond on our normal priority basis Monday-Friday 9am to 4:30pm to complaints made by residences of Greenville about such animals. This is not a run that will be made by NAFC shelter, ACO's after hours.

Injured dogs and cats for which necessary treatment will be provided; and

NAFC Shelter, will respond on our normal priority basis Monday-Friday 9am to 4:30pm to complaints made by residences of Greenville about such animals. After these hours the residents of Greenville should call the Town Marshal or Floyd Co. Sheriff Office. They will page the on duty NAFC shelter, ACO and he/she will determine if NAFC shelter is to respond.

(b) Assistance with any emergency involving dogs and/or cats and;

NAFC Shelter, will respond on our normal priority basis Monday-Friday 9am to 4:30pm to complaints made by residences of Greenville about such animals. After these hours the residents of Greenville should call the Town Marshal or Floyd Co. Sheriff Office. They will page the on duty NAFC shelter, ACO and he/she will determine if NAFC shelter is to respond.

(c) Pickup, removal, and disposal of dead dogs, cats and/or deer.

Greenville residents can call NAFC Animal Shelter 24/7 to report (leave us a message on shelter voicemail for animal control) such a situation. NAFC Animal Shelter will respond on our normal priority basis Monday-Friday 9am to 4:30pm to these calls. Please note that dead animals must be on the public right of way or public areas, no dead animals will be picked up off of private property. Only feral dogs, cats, and/or deer will be addressed in this section, owned animals are to be disposed of by their owners and can be brought into NAFC Shelter 215 W. Market Monday-Friday 9am to 4:30pm.

FLOYD COUNTY RESOLUTION 2005-II

AN RESOLUTION APPROVING AN AMENDMENT TO AN
INTERLOCAL AGREEMENT BETWEEN FLOYD COUNTY AND THE
CIVIL CITY OF NEW PERTAINING TO ANIMAL CONTROL SERVICES

WHEREAS, by the provisions of IC 36-8-2-6, a unit of local government is expressly empowered to establish, maintain, and operate an animal shelter; and

WHEREAS, as of the 20th day of May, 1999, Floyd County, Indiana (County), and the civil city of New Albany, Indiana (City), concluded an Interlocal Agreement pursuant to the provisions of IC 36-1-7, et seq., pertaining to the construction, maintenance, and operation of an animal shelter to be located at 215 West Market Street, New Albany, Indiana, and the provision of certain animal control services (the Agreement); and

WHEREAS, by the terms and provisions of said Interlocal Agreement, the operation of the animal shelter and the performance of animal control functions within certain areas of Floyd County, Indiana, were vested in the Floyd County Animal Control Authority (Authority); and

WHEREAS, the Town of Greenville is desirous of causing the Authority to perform animal control services within the town; and

WHEREAS, the Floyd County Animal Control Authority has evidenced its willingness to perform animal control services in the Town of Greenville; and

WHEREAS, the Board of Commissioners of the County of Floyd, subject to the concurrence of the Floyd County Council and the Mayor and Common Council of the City, is desirous by this resolution of approving an amendment to Article 5 of the Agreement permitting the Authority to provide certain animal control services within the corporate limits of the Town of Greenville.

NOW THEREFORE:

AMENDMENT TO
INTERLOCAL COOPERATION AGREEMENT

THIS AGREEMENT, made and entered as of this 1st day of January, 2005, by and between **Floyd County, Indiana** (hereinafter "County"), and the **Civil City of New Albany, Indiana** (hereinafter "City"), pursuant to the provisions of IC 36-1-7, *et seq.*

WITNESSETH:

WHEREAS, on the 20th day of May, 1999, the County and City concluded an interlocal cooperation agreement (Agreement) pertaining to the provision of animal control services within said city and the unincorporated areas of said county; and

WHEREAS, the Town of Greenville, Indiana (hereinafter "Town"), has requested that the Agreement be modified and amended so as to permit the Floyd County Animal Control Authority, as created pursuant to the Agreement, to provide animal control services within the corporate limits of the Town.

NOW THEREFORE, it is agreed that the Agreement be, and the same hereby is, modified and amended by the addition to Article 5 of the following language:

Any provision of this agreement to the contrary, notwithstanding, the Authority will provide the following services within the corporate limits of the Town of Greenville:

- (a) Capture, containment, removal, and quarantine of dangerous and/or nuisance dogs and cats; dogs and cats running at large; and, injured dogs and cats for which necessary treatment will be provided; and
- (b) Assistance with any emergency involving dogs and cats; and
- (c) Pickup, removal, and disposal of dead dogs, cats, and deer.

REQUEST FOR ASSISTANCE: As evidenced by the execution hereof, the president of the town council of the Town of Greenville, being the executive of said town pursuant to IC 36-5-5-2, acknowledges and affirms that the town council (Council) of said town has adopted a resolution, which remains in full force and effect, (1) permitting the officers, agents, and employees of the Authority to enter the public streets, alleys, ways, parks, and other public lands owned by or under the authority of the Council for the purpose of performing and rendering those animal control services specified by this amendment, and (2) directing the town marshal to assist the Authority in the performance of its duties and responsibilities within the corporate limits of the Town.

FILING AND RECORDING: The Floyd County Auditor is directed to cause a copy of this Amendment to be duly recorded with the Floyd County Recorder immediately upon execution hereof by all parties, and to be filed with the state board of accounts within sixty (60) days thereof.

IN WITNESS WHEREOF, the executives of the County and City have executed this Amendment, respectively on the 11th day of January, 2005, and the 12th day of January, 2005.

CIVIL CITY OF NEW ALBANY,
INDIANA

James Garner
James Garner, Mayor

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John C. Rouse
Member

ATTEST:
Marcy J. Wisman
New Albany City Clerk

Charles A. Freiburger
Member

Keith A. Snel
Member

FISCAL APPROVAL

The foregoing Interlocal Agreement was Approved by resolution duly adopted by the Floyd County Council on the 11th day of January, 2005, and by the Common Council of the Civil City of New Albany on the 28th day of January, 2005.

FLOYD COUNTY COUNCIL

COMMON COUNCIL OF THE CIVIL
CITY OF NEW ALBANY, INDIANA

By: J. Heavin
President

By: [Signature]
President

ATTEST:
Teresa A. Plaiss
Floyd County Auditor

ATTEST:
Marcy J. Wisman
New Albany City Clerk

EXECUTION BY THE TOWN OF GREENVILLE

The Town of Greenville joins in the execution of this agreement for the purposes hereinbefore set forth, on this 14 day of FEBRUARY, 2005.

David L. Mott
President, Greenville Town Council

ACKNOWLEDGMENTS

STATE OF INDIANA)
)ss
COUNTY OF FLOYD)

Before me, the undersigned Notary Public, personally appeared the Mayor and Clerk of the City of New Albany, Indiana, who acknowledged the execution of the foregoing agreement, this 12th day of January, 2005.

My Commission Expires: 3-11-2011
County of Residence: Floyd

Charlotte L Gaswein
Notary Public
Charlotte L Gaswein
Printed

STATE OF INDIANA)
)ss
COUNTY OF FLOYD)

Before me, the undersigned Notary Public, personally appeared the president of the Common Council and clerk of the City of New Albany, Indiana, who acknowledged the execution of the foregoing agreement, this 28 day of JAN, 2005.

My Commission Expires: 12-31-06
County of Residence: Floyd

Eugene Freiburger
Notary Public
Eugene Freiburger
Printed

STATE OF INDIANA)
)ss
COUNTY OF FLOYD)

Before me, the undersigned Notary Public, personally appeared the members of the Board of Commissioners of the County of Floyd and Auditor of Floyd County, Indiana, who acknowledged the execution of the foregoing agreement, this 24th day of January, 2005.

My Commission Expires: 1/29/08
County of Residence: HARRISON

Max C. Mason, Jr.
Notary Public
MAX C. MASON, JR.
Printed

STATE OF INDIANA)
)ss
COUNTY OF FLOYD)

Before me, the undersigned Notary Public, personally appeared the president of the Floyd County Council and the Auditor of Floyd County, who acknowledged the execution of the foregoing agreement, this 12th day of January, 2005.

My Commission Expires:

5/22/09

County of Residence:

Debbie A. Davis
Notary Public

Debbie A. Davis
Printed

STATE OF INDIANA)
)ss
COUNTY OF FLOYD)

Before me, the undersigned Notary Public, personally appeared the president of the Greenville Town Council, who acknowledged the execution of the foregoing agreement, this 14 day of Feb., 2005.

My Commission Expires:

12/07

County of Residence:

Jack Travillian
Notary Public

JACK TRAVILLIAN
Printed

PREPARED BY:

MAX C. MASON, JR.
FLOYD COUNTY ATTORNEY
411 West First Street
New Albany, In 47150

BE IT RESOLVED, that the recitals set forth above be incorporated herein and made a part of this resolution.

BE IT FURTHER RESOLVED, that the proposed amendment to the Agreement concluded by and between the City and County, the same pertaining to the provision of animal control services in the Town of Greenville, be, and the same hereby is approved subject to the concurrence therein by the Floyd County Council and the Mayor and Common council of the City.

SO RESOLVED this AHL day of January, 2005.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John C. Stewart
MEMBER

Charles A. Francis
MEMBER

Keith A. Bell
MEMBER

ATTEST:

Teresa A. Plais
FLOYD COUNTY AUDITOR

RESOLUTION R-05-01

A RESOLUTION APPROVING AN AMENDMENT TO AN
INTERLOCAL AGREEMENT BETWEEN FLOYD COUNTY
AND THE CIVIL CITY OF NEW ALBANY PERTAINING
TO ANIMAL CONTROL SERVICES

WHEREAS, by the provisions of IC 36-8-2-6, a unit of local government is expressly empowered to establish, maintain, and operate an animal shelter, and

WHEREAS, as of the 20th day of May, 1999, Floyd County, Indiana (County), and the Civil City of New Albany, Indiana (City), concluded an Interlocal Agreement pursuant to the provisions of 36-1-7, et seq., pertaining to the construction, maintenance, and operation of an animal shelter to be located at 215 West Market Street, New Albany, Indiana, and the provision of certain animal control services (the Agreement); and

WHEREAS, by the terms and provisions of said Interlocal Agreement, the operation of the animal shelter and the performance of animal control functions within certain areas of Floyd County, Indiana, were vested in the Floyd County Animal Control Authority (authority); and

WHEREAS, the Town of Greenville is desirous of causing the Authority to perform animal control services within the town; and

WHEREAS, the Floyd County Animal Control Authority has evidenced its willingness to perform animal control services in the Town of Greenville, and

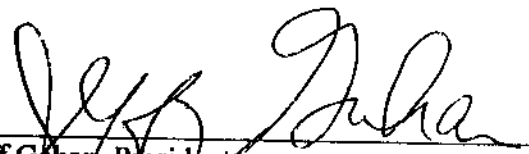
WHEREAS, the Common Council of the Civil City of New Albany, Indiana, subject to the concurrence of the Board of Commissioners of the County of Floyd, the Floyd County Council and the Mayor of the City, is desirous by this resolution of approving an amendment to Article 5 of the Agreement permitting the Authority to provide certain animal control services within the corporation limits of the Town of Greenville.

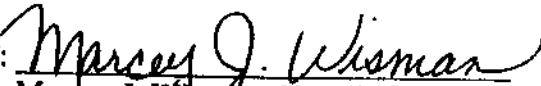
NOW THEREFORE:

BE IT RESOLVED, that the recitals set forth above be incorporated herein and made a part of this resolution.

BE IT THEREFORE RESOLVED, that the proposed amendment to the agreement concluded by and between the City and County, the same pertaining to the provision of animal control services in the Town of Greenville, be, and the hereby is approved subject to the concurrence therein by the Board of Commissioners of the County of Floyd, the Floyd County Council and the Mayor of the City.

SO RESOLVED this 20 day of January, 2005


Jeff Gahan, President
Common Council, City of New Albany

ATTEST: 
Marcey J. Wisman, City Clerk

INTER-LOCAL COOPERATION AGREEMENT

THIS INTERLOCAL AGREEMENT made and entered into as of the 20 day of MAY, 1999, by and between the City of New Albany, Indiana (hereinafter referred to as the "City"), and Floyd County, Indiana (hereinafter referred to as the "County"), political subdivisions of the State of Indiana, under the terms, covenants, conditions, commitments and agreements following, and all pursuant to the provisions of IC 36-1-7, et seq.

WITNESSETH:

PART I ANIMAL SHELTER CONSTRUCTION

Articles 1 through 4 of this agreement shall apply to the construction phase of the joint undertaking of the City and County:

ARTICLE 1. PURPOSE--PART I

The purpose of Part I of this agreement is to provide for the method or methods of funding the construction of an Animal Shelter to be located in Floyd County, Indiana, and to create an administrative authority vested with the duty and responsibility for the construction of the facility upon the premises commonly known as 215 West Market Street, New Albany, Indiana.

ARTICLE 2. FINANCING AND BUDGET

It is contemplated by the parties that most, if not all of the funding for the construction of the Animal Shelter shall be derived from the following sources:

(a). Direct payments toward the costs of construction of the Animal Shelter from unpledged CEDIT revenues presently received or to be received by the City and County pursuant to the provisions of IC 6-3.5-7, et seq.; and/or

(b). Contributions toward the construction of the Animal Shelter to be received from the Floyd County Animal Rescue League, Incorporated, an Indiana Corporation which is exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

It is further contemplated by this agreement that, except for funding received pursuant to (b), above, the City will pay or fund 50% of the costs of construction of the Animal Shelter, and the County shall pay or fund 50% of such costs. The City and County shall adopt, and thereafter re-adopt and/or amend, as necessary, their respective Capital Improvement Plans to effectuate the agreements set forth herein.

The Treasurer of Floyd County, Indiana, is hereby designated as the official with the duty to receive, disburse, and account for all monies of Phase I of the joint undertaking upon claims properly presented to and warrants issued by the Auditor of Floyd County.

ARTICLE 3. OWNERSHIP

The leasehold interest and ultimate ownership of the Animal Shelter shall be vested, jointly, in the City and the County.

ARTICLE 4. ADMINISTRATION

Administration of Phase I of this agreement shall be vested in a joint board composed of the Mayor of the City of New Albany, Indiana, and the president of the Board of Commissioners of the County of Floyd, which board shall have the power and authority to enter into contracts for the construction of the animal shelter, together with such associated and attendant powers as shall be necessary to accomplish the purposes set forth in Article 1 of this agreement.

PART II SHELTER OPERATION AND ANIMAL CONTROL IN FLOYD COUNTY

Articles 5 through 13 of this agreement pertain to the operation of the Animal Shelter, animal control, and related services and activities in Floyd County, Indiana, which undertakings shall be hereinafter referred to herein, collectively, as 'Animal Control Services'. As used herein, the term 'Floyd County' shall include the incorporated areas of the City of New Albany, but will exclude the incorporated areas of Georgetown and Greenville:

ARTICLE 5. PURPOSE--PART II

The purpose of Part II of this agreement is the establishment of an agency of the City and County expressly committed to: (1) the 'operation' of the Animal Shelter, (2) fostering through education the development, implementation and administration of animal protection and control programs and services in Floyd County, Indiana, and, (3) the adoption and enforcement of statutes, ordinances, rules, laws, and regulations pertaining to animal health, protection, and the humane control of animals within Floyd County, Indiana.

ARTICLE 6. THE AGENCY

The Floyd County Animal Control Authority (the 'Authority') shall operate as an agency of local government and shall be administratively responsible to the Board of Commissioners of the County of Floyd and the mayor of the City of New Albany, Indiana, hereinafter referred to herein, collectively, as the 'Executive'. The Authority shall be responsible for the operation, control, maintenance and repair of the Animal Shelter, as well as the implementation, administration, coordination, and enforcement of animal care and control programs and activities in Floyd County.

ARTICLE 7. THE BOARD

Except as provided by applicable law or the rules, regulations, directives, and enactments of the Executive, the management of the Authority shall be vested in its board of directors, the same to be composed of five (5) members of whom each shall be a resident of Floyd County, shall be knowledgeable of and/or have a keen interest in the matters of animal protection and control, and shall hold no other elective or appointive office. The members of the board of directors shall be appointed as follows:

(1) One member, to be appointed jointly by the Executive, shall be selected from a slate of not fewer than three (3) nominees submitted by the board of directors of the Floyd County Animal Rescue League, Inc., ("League") which member shall serve for an initial term of four years.

(2) Two members to be appointed by the Mayor of the City of New Albany, with the advice and consent of the Common Council of said city, who shall not be officers or directors of the League, with one member to serve an initial term of two years and one an initial term of three years.

(3) Two members to be appointed by the Board of Commissioners of the County of Floyd, with the advice and consent of the Floyd County Council, who shall not be officers or directors of the League, with one member to serve an initial term of two years and one an initial term of three years.

After the expiration of the initial term, each member of the board of directors shall be appointed for a term of four years, and each member shall be eligible for reappointment. The Mayor of the City of New Albany and the President of the Board of Commissioners of the County of Floyd shall be ex officio members of the board without vote. Ex officio members shall not be considered for quorum purposes.

ARTICLE 8. VACANCY AND REMOVAL

Members of the board or directors of the Authority shall serve until their successors are duly appointed and qualified. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve the remainder of the unexpired term of the departing member. If a member fails to continue to satisfy the conditions for membership, as defined in Article 7 of this agreement, for the full term of his membership, a vacancy shall occur in that office. A member of the board may be removed by the appointing authority for the following reasons:

1. The absence, without just cause, from three consecutive regular meetings of the board; or
2. The absence, without just cause, from four regular meetings of the board during a calendar year; or
3. The failure to perform the duties of the office of member of the board, as such duties are prescribed by this agreement, the Executive, or the rules and policies promulgated by the board of directors of the Authority.

For purposes of this Article, the interpretation and application of the phrase 'without just cause' and the phrase 'failure to perform the duties of the office' shall be determined in the sole discretion of the appointing authority.

ARTICLE 9. COMPENSATION OF BOARD

The members of the Board of Directors of the Authority shall be entitled to receive compensation for services rendered in such capacity only as expressly authorized by the

Common Council of the City of New Albany and the Floyd County Council.

ARTICLE 10. OFFICERS AND EMPLOYEES

The Board of Directors of the Authority shall, immediately after appointment, meet and organize. The board shall elect a chairman, vice chairman, and such other officers as the board deems necessary and appropriate, and shall enact rules and procedures for the conduct of its business. The board shall prescribe the duties of all officers and employees of the Authority, and shall establish personnel policies that are not inconsistent with those established by the Executive for its other officers and employees.

ARTICLE 11. MEETINGS

The Board of Directors of the Authority shall meet at least monthly for the conduct of its business. Special meetings of the board may be called by:

1. The chairman; or
2. Three members of the board; or
3. The Executive.

A majority of the appointed members of the board shall constitute a quorum for the transaction of business. Notice of meetings of the board shall be given as required by law.

ARTICLE 12. BUDGETS AND COMPENSATION

The Board of Directors of the Authority shall formulate and submit an annual budget to the fiscal body of Floyd County and the fiscal body of the city of New Albany in the regular manner and at the regular time for consideration of other annual budgets, and shall therein recommend the compensation for each of the employees of the Authority. If necessary and appropriate for the timely joint approval, amendment, modification, and/or supplement of the budget request of the Board of Directors of the Authority, to include the compensation of employees of the Authority, the respective fiscal bodies of the City and County shall meet in joint session for such purpose(s), pursuant to notice. Of the annual budgets jointly approved from year to year during the term of this agreement, the City shall contribute to the funding of such budgets a sum equal to the percentage by which the population of said City relates to the entire population of Floyd County, Indiana, and the County shall pay

and contribute the balance of such funding, all as determined by the most recent federal census, PROVIDED, however, until the official publication of the 2000 decennial census and the amendment of this Article as hereinafter provided, the City shall pay and contribute toward the approved annual budget of the Authority a sum equal to fifty-nine percent (59%) thereof, and the County shall pay and contribute a sum equal to forty-one percent (41%) thereof, AND PROVIDED, that the contribution of each party shall be adjusted as of the first day of the calendar year following the date of official publication of each decennial census, AND FURTHER PROVIDED, that upon such publication, this agreement shall be deemed amended to reflect the adjusted percentages payable by each entity, without further action of the parties.

ARTICLE 13. POWERS OF THE AUTHORITY

Pursuant to the provisions of IC 36-1-7-3(b), the following powers may be exercised by the Authority, subject, however, to the limitations set forth in Article 7, hereof, and required fiscal approval:

1. The power to sue and be sued.
2. The power to purchase or lease personal property and to contract with any person for supplies and/or services necessary or incidental to the provision of animal control services, PROVIDED, the term of any such agreement or contract shall not exceed five years without express written consent of the Executive. The Executive hereby designates the Authority, acting by and through its board of directors, as a purchasing agent to make Small Purchases of \$25,000.00 or less pursuant to the provisions of IC 5-22-8, et seq., and under this Article.
3. The power to accept gifts and grants of money or other property or services from any source, public or private, and to comply with the terms of the gift or grant PROVIDED, however, such compliance shall be subject any law, rule, statute, or regulation pertaining to the appropriation and expenditure of monies.
4. The power to hire and retain personnel necessary for the accomplishment of the purposes for which the Authority was created, and to contract for professional services attendant thereto.

5. The power to reimburse employees and board members for travel and related expenses at a rate determined by the board.

6. The power to conduct promotional and educational programs and activities, to include those giving awards and incentives, that further the animal protection and control objectives of the Authority.

7. All powers incidental to those expressly granted which are reasonable necessary for the accomplishment by the Authority of its express duties, obligations, and responsibilities hereunder.

The Executive expressly reserves the following enumerated powers; all others which may be preempted under Article 7, hereof; and all powers not reasonably necessary for the accomplishment by the Authority of its express duties, obligations, and responsibilities hereunder:

a. The power to impose fees and charges for services rendered in providing animal control services.

b. The power to levy a tax.

c. The power to sell, lease, or otherwise dispose of property of the Authority except in accordance with applicable law, statute, and with the prior approval of the Executive.

d. The power to borrow money.

e. The power to adopt resolutions, rules, or regulations having the force and effect of law.

f. The power to make grants or loans of money, property, or services without the prior approval and consent of the Executive, PROVIDED, this prohibition shall not limit or preclude the prerogatives of the Authority to permit the use of public areas within the Animal Shelter for educational, altruistic, and civic purposes or the assignment and designation of office space to the Floyd County Animal Rescue League, Inc., for its exclusive use.

ARTICLE 14. FISCAL OFFICER

The Controller of the City is hereby designated to receive, disburse, and account for all monies of the joint undertaking which is the subject of Part II of this agreement.

ARTICLE 15. THE EXECUTIVE

With respect to matters pertaining to the operation of the Animal shelter which remain within the prerogatives of the Executive, as herein provided, the Mayor of the City of New Albany, Indiana, shall cast one (1) vote, and the Board of Commissioners of the County of Floyd, shall cast one (1) vote.

PART III
MISCELLANEOUS PROVISIONS

ARTICLE 16. DURATION OF AGREEMENT

This agreement shall remain in full force and effect unless and until modified, amended, or terminated by written agreement of the parties.

ARTICLE 17. AMENDMENT

This agreement may be amended, from time to time, by mutual written agreement of the City and County.

ARTICLE 18. FILING AND RECORDATION

The Auditor of Floyd County is hereby directed to cause a copy of this agreement to be duly recorded in the office of the Recorder of Floyd County immediately upon the execution hereof by all signatories, and within sixty (60) days thereof to be filed with the State Board of Accounts, all as required by law.

APPROVED AND EXECUTED on behalf of Floyd County, Indiana, this 5 day of MAY, 1999, and on behalf of the Civil City of New Albany, Indiana, this ____ day of _____, 1999.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

Michael T. Schindler
MEMBER

John C. Yessick
MEMBER

Janet Miller
MEMBER

ATTEST:

Barbara Lillings
Floyd County Auditor

CIVIL CITY OF NEW ALBANY
INDIANA

By: Douglas B. England
Douglas B. England
Mayor

ATTEST:

Regina Owen
New Albany City Clerk

FISCAL APPROVAL

The foregoing Interlocal Agreement was Approved by resolution duly adopted by the Floyd County Council on the 11th day of May, 1999, and by the Common Council of the Civil City of New Albany on the 20 day of MAY, 1999.

FLOYD COUNTY COUNCIL.

COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA

By: Charles A. Kuebler
President

By: Larry E. Kosch
President

ATTEST:
Deborah Sillips
Floyd County Auditor

ATTEST:
Deborah Sillips
New Albany City Clerk

ACKNOWLEDGMENTS

STATE OF INDIANA)
)ss
COUNTY OF FLOYD)

Before me, the undersigned Notary Public, personally appeared the Mayor and Clerk of the City of New Albany, Indiana, who acknowledged the execution of the foregoing agreement, this 21st day of May, 1999.

My Commission Expires:

County of Residence:

Franklin M. Boody
Notary Public
FRANKLIN M. BOODY
NOTARY PUBLIC STATE OF INDIANA
FLOYD COUNTY
Printed MY COMMISSION EXP JUNE 27, 2001

STATE OF INDIANA)
)ss
COUNTY OF FLOYD)

Before me, the undersigned Notary Public, personally appeared the president of the Common Council and clerk of the City of New Albany, Indiana, who acknowledged the execution of the foregoing agreement, this 31st day of May, 1999.

My Commission Expires:

County of Residence:

Franklin M. Boody
Notary Public
FRANKLIN M. BOODY
NOTARY PUBLIC STATE OF INDIANA
FLOYD COUNTY
Printed MY COMMISSION EXP JUNE 27, 2001

1C 16-20-1-15 Compensation

Sec. 15. (a) The board of city health departments shall recommend and the city fiscal body shall fix the compensation of employees of the city health department.

(b) The county fiscal body shall fix the compensation of the employees of county health departments, in the manner provided by 1C 36-2-5 or 1C 36-3-6, after consideration of the recommendations of the local board of health. *As added by P.L.2-1993, SEC.3*

1C 16-20-1-16

Salaries and expenses; authorized payment

<http://www.in.gov/legislative/ic/code/title16/ar20/ch1.html> 3/24/2009 Indiana Code 16-20-1

Sec. 16. The board of each local health department shall authorize payment of salaries and all other department expenses from the proper fund. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-17

Vital statistics; birth and death records

Sec. 17. (a) The local health officer shall collect, record, and report to the state department the vital statistics for the local health officer's area of jurisdiction.

(b) The local health officer shall be the registrar of births and deaths. After making a birth or death record, the local health officer shall, by the fourth day of each month, forward the original record to the state department. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-18

Financial assistance; approval

Sec. 18. A health officer may, on behalf of the local board of health, receive financial assistance from an individual, an organization, or the state or federal government. The financial assistance must be approved by the county executive or city fiscal body and the local board of health. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-19 Enforcement

Sec. 19. Local health officers shall enforce the health laws, ordinances, orders, rules, and regulations of the officer's own and superior boards of health. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-20

Proposed rules and ordinances; fiscal impact statement

Sec. 20. A proposed rule of the state department or a local board of health mandating additional or revised local services must include a general fiscal impact statement of the rule or ordinance.

As added by P.L.2-1993, SEC.3.

1C 16-20-1-21

Communicable disease control; powers

Sec. 21. Each local health board has the responsibility and authority to take any action authorized by statute or rule of the state department to control communicable diseases. The board of each local health department or a designated representative may make sanitary and health inspections to carry out this chapter and 1C 16-20-8. *As added by P.L.2-1993, SEC.3.*

1C 16-20-1-22

Sanitary inspections and surveys of public buildings and institutions

Sec. 22. Local health officers may make sanitary inspections and surveys of all public buildings and institutions. *As added by P.L.2-1993, SEC.3.*

<http://www.in.gov/legislative/ic/code/title16/ar20/ch1.html> 3/24/2009

1C 16-20-1-23

Inspection of private property; property in which officer has interest

Sec. 23. (a) Except as provided in subsection (b), the local health officer or the officer's designee may enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.

(b) However, a local health officer, or a person acting under the local health officer, shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise. Any such inspection or any attempt to make such inspection is grounds for removal as provided for in this article.

(c) This section does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.

As added by P.L.2-1993, SEC.3.

Indiana Code 16-20-8

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Chapter 8. Food Service Inspections

1C 16-20-8-1 "Checklist" defined

Sec. 1. As used in this chapter, "checklist" refers to a food service establishment inspection report checklist form prepared by the state department. *As added by P.L.2-1993, SEC.3.*

1C 16-20-8-2

"Narrative report" defined

Sec. 2. As used in this chapter, "narrative report" refers to a food service establishment inspection report narrative form prepared by the state department. *As added by P.L.2-1993, SEC.3.*

1C 16-20-8-3

Checklist explaining narrative report

Sec. 3. Whenever an authorized representative of a local health department or the state department uses a checklist, the representative must complete a narrative report that explains the checklist. *As added by P.L.2-1993, SEC.3*

1C 16-20-8-4

Narrative report; time for completion

Sec. 4. The narrative report required under this chapter must be completed at the same time the checklist is completed. *As added by P.L.2-1993, SEC.3.*

1C 16-20-8-5

Inspection report review; written response

Sec. 5. Except as provided in section 8 of this chapter, a food service establishment that is the subject of inspection reports such as checklists or narrative reports must have an opportunity to review the reports and submit to the local health department a written response to the reports. If a written response is submitted to the local health department:

- (1) within the time stated for abatement of the alleged violations; or
- (2) within ten (10) calendar days after the completion of the inspection reports; whichever is earlier, the written response must be attached to and becomes part of the inspection reports. *As added by P.L.2-1993, SEC.3. Amended by P.L. 190-1995, SEC.2.*

1C 16-20-8-6

Inspection and copying of documents

Indiana Code 16-20-8

Sec. 6. After the checklist, the narrative report, and the written response are completed, the checklist, the narrative report, and the written response may be inspected and copied under 1C 5-14-3. *As added by P.L.2-1993, SEC.3.*

1C 16-20-8-7

Inspection and copying of checklist and narrative report in absence of written response

Sec. 7. If a written response is not submitted within the time described in section 5 of this chapter, the checklist and the narrative report may be inspected and copied under 1C 5-14-3 immediately after the expiration of that period of time. *As added by P.L.2-1993, SEC.3.*

1C 16-20-8-8

Immediate inspection and copying of checklist and narrative report; conditions

Sec. 8. Notwithstanding sections 6 and 7 of this chapter, the checklist, the narrative report, and the related public records may upon completion be inspected and copied under 1C 5-14-3 if a local health department takes any of the following actions with respect to a food service establishment that is the subject of the records:

- (1) Schedules a hearing by the local health department or a designee.
- (2) Orders closure.
- (3) Requests revocation of a permit.
- (4) Finds the existence of an imminent danger to public health or a gross deception of or fraud upon the consumer.

As added by P.L.2-1993, SEC.3. Amended by P.L. 190-1995, SEC.3.

1C 16-20-8-9 Forms

Sec. 9. The state department shall provide to local health departments the forms used under this chapter. *As added by P.L.2-1993, SEC.3*

<http://www.in.gov/legislative/irc/code/title6/ar20/ch8.html> 3/24/2009