

# *Greenville Town Board*

P. O. BOX 188  
GREENVILLE, INDIANA 47124  
812-923-5649

Robert Gibson, President of Board

Jack Sprigler, Clerk-Treasurer


September 20, 1979  
Town Hall

A special meeting of the Greenville Town Board was held for the purpose of additions of the General Fund.

The board approved the resolution (attached).

No one from the general public was present.

Jack Sprigler  
Secretary of the Appropriating Body

  
Robert E. Gibson  
President

O R D I N A N C E

AN ORDINANCE REGULATING STRUCTURES, MOBILE HOMES,  
GARBAGE RECEPTACLES, PARKING, BUILDING LINES  
WEEDS AND GRASS IN THE TOWN OF GREENVILLE

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF GREENVILLE, INDIANA, that from and after the taking effect of this Ordinance it shall be unlawful:

SECTION ONE

To operate or permit the operation of a Junk Yard within the corporate limits of the Town of Greenville. A Junk Yard shall be defined as any section of real estate upon which there is stored or permitted to be stored any unlicensed motor vehicles, used building material, rubbish, garbage, or any other material that is not fit for use for any purpose.

SECTION TWO

To keep or allow to be kept any live stock on any premises in the Town of Greenville in which the stalls or barns or enclosures are in any manner a menace to the public health. Any live stock kept within the Town of Greenville shall be done so in accordance with the rules and regulations of the County Health Authorities.

SECTION THREE

To allow any grass or weeds to grow in any part of the City to a height greater than twelve (12) inches above the ground. If any person violates this Section the Town Marshall shall cause such grass or weeds to be mowed and the cost thereof shall be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer in the following year together with a penalty of ten percent (10%).

SECTION FOUR

To allow or permit garbage or any other used material to be placed in any receptacle other than a metal or plastic container with a lid attached to such receptacle that fits air-tight and water-proof.

SECTION FIVE

To permit any garbage or trash to be strewn about any of the streets or alleys of Greenville.

SECTION SIX

a) To erect or cause to be erected any building of any type within the Town Limits of Greenville closer than twenty (20) feet from the property line.

b) To subdivide any real estate into lots having less than Fourteen Hundred (1400) square feet or to erect or construct any building on any lot having less than Fourteen Hundred (1400) square feet.

SECTION SEVEN

To construct or install any parking lot that is not properly drained and that is not covered with at least two (2) inches of underlay consisting of No. Sixty-three (63) or No. Six Hundred Ten (610) stone.

SECTION EIGHT

To develop any subdivision or trailer court without first having submitted plans and specifications and restrictions to the Town Board for approval or to advertise or promote any such subdivision until the same has been approved by the Town Board and a fee of Ten Dollars (\$10.00) has been paid into the building or Properties' Fund of the Town.

SECTION NINE

To peddle or solicit orders for any merchandise, records or other goods without first having obtained the written permission of the Town Board.

SECTION TEN

Any person violating the provisions of this Ordinance shall be guilty of a criminal offense and upon conviction shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One

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SECTION ELEVEN

a) To park, erect, place or move or permit the placing or parking or moving or erection of a trailer or mobile home on any real estate within the Town Limits of Greenville.

b) To continue the use of any mobile home within the Town limits of Greenville, Indiana, without causing the same to be placed on permanent under pinning with basement curtains.

The foregoing Ordinance was duly passed by the Board of Trustees of the Town of Greenville on the 13 day of ~~August~~, 1976.  
*Sept.*

*Robert Gibson*

\_\_\_\_\_  
President of the Board of Trustees  
of the Town Board of Greenville,  
Indiana

ATTEST:

*Otto Tucker*

\_\_\_\_\_  
Town Clerk

*Oct 4, 11, 18*

(b) The visiting personnel of a law enforcement agency whose assistance is requested shall be under the supervision of the law enforcement agency requesting assistance and the authority of these visiting personnel shall extend only for the period of time they are engaged in the activities authorized by the agency requesting assistance.

(c) Unless specifically provided in the arrangements between the law enforcement agency requesting aid and the law enforcement agency providing it, there shall be no transfer or shift of liability from the agency providing visiting personnel to the agency requesting assistance for any damage to personal property, for medical expenses, and for workmen's compensation. [IC 1971, 18-5-1.5-6, as added by Acts 1975, P.L. 186, § 1, p. 1024.]

18-5-1.5-7. Chapter supplemental. -- The provisions of this chapter [18-5-1.5-1 -- 18-5-1.5-7] shall be supplemental to IC 1971, 18-5-1 [18-5-1-1 -- 18-5-1-7] and to all laws on the subject of interlocal government cooperation. Local governmental units may use whichever law it deemed [deems] necessary to achieve their desired purpose. [IC 1971, 18-5-1.5-7, as added by Acts 1975, P.L. 186, § 2, p. 1024.]

Compiler's Notes. The bracketed word "deems" was inserted in the second sentence by the compiler.

CHAPTER 2

INTERGOVERNMENTAL COOPERATIVE PURCHASING ACT

18-5-2-1 [48-8039]. Contracts between units authorized.

Cross References. Joint municipal ownership and operation of electric utilities authorized, 8-1-21-2 -- 8-1-21-28.

CHAPTER 3.3

(LEASING PROPERTY)

SECTION	SECTION
18-5-3.1. Authorization -- Limitations -- "Building" defined -- Joint leases.	18-5-3.3-7. Hearing -- Notice -- Public inspection -- Petition to state board of tax commissioners -- Board action.
18-5-3.2. Leasing from corporations, partnerships, associations or individuals.	18-5-3.3-8. Sale of land to lessor.
18-5-3.3. Options -- Bond issue for purchase -- Disposition upon termination.	18-5-3.3-9. Sale and lease back.
18-5-3.4. Submission and approval of plans and specifications.	18-5-3.3-9. Tax levy to pay debt.
18-5-3.5. Tests -- Insurance -- Repairs.	18-5-3.3-10. Tax exemption.
18-5-3.6. Contracts prior to construction of building -- Bond of lessor.	18-5-3.3-11. Effect of other laws.
	18-5-3.3-12. Sale, assignment or transfer of lease by lessor.

**18-5-3.3-1 [53-1901]. Authorization -- Limitations -- "Building" defined -- Joint leases.** -- Any civil city, town, township, or county shall have the power to lease a building or buildings for the use of such civil city, town, township, or county. However, no such contract of lease shall be entered into for a period of more than fifty [50] years, nor unless there shall first be filed with the body or bodies vested with control of the civil city, town, township, or county a petition therefor signed by fifty [50] or more tax paying citizens of such civil city, town, township, or county and the city council, board of town trustees, township advisory board, or county commissioners shall have, after investigation, determined that a need exists for such building.

The term "building" as used in this chapter [18-5-3.3-1 -- 18-5-3.3-12] means any building used as a part of or in connection with the operation of civil cities, towns, townships, or counties, including an off-street parking facility as defined by IC 19-5-11-3, and may include the site therefor, the equipment thereof and appurtenances thereto such as heating facilities, water supply, sewage disposal, landscaping, walks, drives and playgrounds.

If two [2] or more civil cities, towns, townships, or counties propose to enter into such a lease contract jointly, then joint meetings of the civil city councils, boards of town trustees, township advisory boards, or county commissioners may be held but no action taken shall be binding on any such civil city, town, township, or county unless approved by a majority of the body representing such civil city, town, township, or county. Any lease contract executed by two [2] or more civil cities, towns, townships, or counties as joint lessees shall set out the amount of the aggregate lease rental to be paid by each, which may be as agreed upon, but there shall be no right of occupancy by any lessee unless the aggregate rental is paid as stipulated in the lease contract. All rights of joint lessees under the lease contract shall be in proportion of the amount of lease rental paid by each. [IC 18-5-3.3-1, as added by Acts 1974, P.L. 72, § 1, p. 296; 1977, P.L. 207, § 1, p. 915.]

Amendments. The 1977 amendment divided the first paragraph into two sentences by substituting "However" for "Provided, however, that" at the beginning of the second sentence and inserted "including an off-street parking facility as defined by IC 19-5-11-3, and" in the second paragraph.

**18-5-3.3-2 [53-1902]. Leasing from corporations, partnerships, associations or individuals.** -- Any civil city, town, township, or county may enter into a contract of lease under the provisions of this chapter [18-5-3.3-1 -- 18-5-3.3-12].

Any of the following may become a lessor under this chapter:

- (1) A profit or not-for-profit corporation organized under the laws of the state of Indiana or duly admitted to do business in the state of Indiana;
- (2) A firm;
- (3) A partnership;
- (4) An association; or

(5) An individual. [IC 18-5-3.3-2, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 2, p. 915.]

Amendments. The 1977 amendment deleted "with any profit or not for profit" and "organized under the laws of the state of Indiana or duly admitted to do business in the state of Indiana" following "this chapter" in the first paragraph and added the language beginning "Any of the following" including subdivisions (1) through (5).

18-5-3.3-3 [53-1903]. Options -- Bond issue for purchase --  
Disposition upon termination. -- All contracts of lease may provide that such civil city, town, township, or county shall have an option to renew said lease for a further term on like conditions and to purchase the property covered by the lease contract, the terms and conditions of said purchase to be specified in said lease, subject to the approval of the state board of tax commissioners.

In the event that such option to purchase the property covered by the lease is exercised, such civil city, town, township, or county, for the purpose of procuring funds to pay the purchase price thereof, shall have the power to issue and sell bonds under the provisions of the general statute governing the issue and sale of bonds of such civil city, town, township, or county. In the event the civil city, town, township, or county has not exercised an option to purchase the property covered by the lease contract at the expiration of the lease contract, and upon the full discharge and performance by the civil city, town, township, or county of its obligations under the lease contract, the property covered by the lease contract shall thereupon become the absolute property of the civil city, town, township, or county and the lessor shall execute proper instruments conveying to the civil city, town, township, or county title thereto. [IC 18-5-3.3-3, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 3, p. 915.]

Amendments. The 1977 amendment deleted "corporation" preceding "shall execute" near the end of the section.

18-5-3.3-4 [53-1904]. Submission and approval of plans and specifications. -- The lessor proposing to build such a building or buildings, including the necessary equipment and appurtenances thereof, shall submit to the lessee or lessees, prior to the execution of a contract of lease, plans, specifications and estimates for such building or buildings, and such plans and specifications shall be submitted to the administrative building council and to other agencies as may be designated by law to pass on plans and specifications for buildings, and such plans and specifications shall be approved by such agencies and the lessee or lessees in writing prior to the execution of such contract of lease. [IC 18-5-3.3-4, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 4, p. 915.]

Amendments. The 1977 amendment deleted "corporation" following "The" and "shall" near the end of the section.

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**18-5-3.3-5 [53-1905]. Taxes — Insurance — Repairs.** — Such contract of lease may provide that as a part of the lease rental for such building or buildings the lessee or lessees shall agree to pay all taxes and assessments levied against or on account of the leased property, to maintain insurance thereon for the benefit of the lessor and to assume all responsibilities for repair and alterations thereon or thereto during the term of such lease. [IC 18-5-3.3-5, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 5, p. 915.]

Amendments. The 1977 amendment deleted "corporation" following "lessor" near the end of the section.

**18-5-3.3-6 [53-1906]. Contracting prior to construction of building — Bond of lessor.** — Such civil city, town, township, or county may, in anticipation of the acquisition of a site and the construction and erection of such a building or buildings, including the necessary equipment and appurtenances thereof, make and enter into a contract of lease with such lessor subject to the approval of the state board of tax commissioners prior to the actual acquisition of such site and the construction and erection of such building or buildings, but such contract of lease so entered into shall not provide for the payment of any lease rental by the lessee or lessees until the completion of such building or buildings ready for occupancy, at which time the stipulated lease rental may begin.

As a condition of entering into a lease, a civil city, town, township, or county may require a lessor to furnish a bond in such amount as may be specified conditioned upon the completion of such building or buildings within such period of time as may be specified. [IC 18-5-3.3-6, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 6, p. 915.]

Amendments. The 1977 amendment deleted "corporation" following "lessor" near the middle of the first paragraph and near the beginning of the second paragraph.

**18-5-3.3-7 [53-1907]. Hearing — Notice — Public inspection — Petition to state board of tax commissioners — Board action.** — When the lessor and the civil city, town, township, or county have agreed upon the terms and conditions of any lease proposed to be entered into pursuant to the terms and conditions of this chapter [18-5-3.3-1 — 18-5-3.3-12] and before the final execution of such lease a notice shall be given by publication to all persons interested in a hearing to be held before the city council, board of town trustees, township advisory board, or county commissioners, or a joint meeting thereof, which hearing shall be on a day not earlier than ten (10) days after the publication of such notice. The notice of such hearing shall be published one (1) time in a newspaper of general circulation printed in the English language in the civil city, town, township, or county, or one (1) of the same if the proposed lease be a joint lease, or if no such paper be published therein, then in any newspaper of general circulation published in the county. Such notice shall name the day, place and hour of such



hearing and shall set forth a brief summary of the principal terms of the lease agreed upon, including the location, name of the proposed lessor and character of the building or buildings to be leased, the rental to be paid and the number of years the contract is to be in effect. The proposed lease, drawings, plans, specifications and estimates for such building or buildings shall be available for inspection by the public during said ten-day period and at said meeting. All persons interested shall have a right to be heard at the time fixed, upon the necessity for the execution of such lease and whether the rental provided for therein be paid to the lessor is a fair and reasonable rental for the proposed building. Such hearing may be adjourned to a later date or dates, and following such hearing the city council, board of town trustees, township advisory board, or county commissioners may either authorize the execution of such lease as originally agreed upon or may make such modifications therein as may be agreed upon with such lessor, but in no event shall the lease rentals as set out in the published notice be increased. The cost of the publication of the notice shall be borne by lessor.

In the event the execution of the lease as originally agreed upon, or as modified by agreement, is authorized by such city council, board of town trustees, township advisory board, or county commissioners, such board or governing body shall give notice of the execution of said contract by publication one [1] time in a newspaper of general circulation printed in the English language in the civil city, town, township, or county, or one [1] of the same if the proposed lease be a joint lease, or if no such newspaper be published therein, then in any newspaper of general circulation published in the county. Ten [10] or more taxpayers in the lessee civil city, lessee town, lessee township, or lessee county who will be affected by the proposed lease and who may be of the opinion that no necessity exists for the execution of such lease, or that the proposed rental provided for therein is not a fair and reasonable rental, may file a petition in the office of the county auditor of the lessee county or the county in which such lessee civil city, lessee town or lessee township is located, within thirty [30] days after publication of notice of the execution of such lease, setting forth their objections thereto and facts showing that the execution of the lease is unnecessary or unwise, or that the lease rental is not fair and reasonable as the case may be. Upon the filing of any such petition the county auditor shall immediately certify a copy thereof, together with such other data as may be necessary in order to present the questions involved, to the state board of tax commissioners, and upon the receipt of such certified petition and information, the state board of tax commissioners shall fix a time and place for the hearing of such matter which shall not be less than five [5] nor more than thirty [30] days thereafter, and said hearing shall be in such civil city, town, township, or county. Notice of the hearing shall be given by the state board of tax commissioners to the members of the city council of the lessee civil city, board of town trustees of the lessee town, township advisory board of the lessee township, or county commissioners of the lessee county, and to the first ten [10] taxpayer-petitioners upon such petition by a letter signed by one [1] member of the state board of tax commissioners, and enclosed with full prepaid postage addressed to such persons at their usual place of



residence at least five [5] days before the date of such hearing. The decision of the state board of tax commissioners on such appeal, upon the necessity for the execution of said lease and as to whether the rental is fair and reasonable, shall be final.

No action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease shall be instituted at any time later than thirty [30] days after publication of notice of the execution of the lease by the city council, board of town trustees, township advisory board, or county commissioners; or if an appeal has been taken to the state board of tax commissioners, then within thirty [30] days after the decision of said board. [IC 18-5-3.3-7, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 7, p. 915.]

Amendments. The 1977 amendment pieces in the sixth sentence in the first deleted "corporation" following "lessor" in paragraph the first, third and fifth sentences and in two

18-5-3.3-8 [53-1908]. Sale of land to lessor. -- The lessor shall acquire, own and hold in fee simple the land on which such building or buildings are to be erected. Any civil city, town, township, or county proposing to lease such building or buildings, either alone or jointly with another civil city, town, township, or county, and owning the land on which it desires that such building or buildings be erected may, and is hereby authorized to sell and transfer to the lessor such land in fee simple. Before such sale may take place, the governing body of the civil city, town, township, or county shall file a petition with the circuit court of the county in which the civil city, town, township, or county is located, requesting the appointment of three [3] disinterested freeholders of the civil city, town, township, or county as appraisers to determine the fair market value of such land. Upon their appointment, the three [3] appraisers shall proceed to fix the fair market value of such land and shall report the amount so fixed to the circuit court within two [2] weeks from the date of their appointment. The civil city, town, township, or county may then sell such land to the lessor for an amount not less than the amount so fixed as the fair market value by the three [3] appraisers, which amount shall be paid in cash upon delivery of the deed by the civil city, town, township, or county to the lessor. However, if such land was acquired by the civil city, town, township, or county within three [3] years immediately preceding the date of the filing of the petition with the circuit court, such land may not be sold for an amount less than the amount paid by the civil city, town, township, or county for such land. [IC 18-5-3.3-8, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 8, p. 915.]

Amendments. The 1977 amendment 5th and 6th sentences by substituting deleted "corporation" following "lessor" in "However" for "corporation; Provided, the first, second and fifth sentences and however, That" at the beginning of that divided the fifth sentence into the present sentence.

18-5-3.3-8.5. Sale and lease back. -- Any civil city, town, township, or county owning a building with respect to which its revenue bonds are

outstanding, may, for the purpose of effecting a refinancing of these outstanding revenue bonds, subject to the requirements of IC 18-5-3.3-8 but subject to the approval of the state board of tax commissioners, convey the building to the lessee in fee simple and lease it as lessee from the lessor in accordance with the provisions of this chapter [18-5-3.3-1 -- 18-5-3.3-12]. The purchase price shall be not less than the sum of:

- (1) The principal amount of the outstanding revenue bonds;
- (2) Interest thereon to the maturity date of bonds which are not subject to redemption prior to maturity, and to the first redemption date of bonds which are subject to redemption prior to maturity; and
- (3) The applicable redemption premiums on all bonds subject to redemption prior to maturity.

An amount not less than this sum shall be deposited in trust for the payment of the outstanding revenue bonds in a manner not inconsistent with the ordinance or trust agreement pursuant to which the outstanding revenue bonds were issued. The money so deposited in trust, and any investment income therefrom, not required for the payment of the outstanding revenue bonds, shall be applied to the payment of the obligations issued by the lessor for the acquisition of the building, and to a corresponding reduction of lease rentals by the lessee or lessees. Each contract of lease entered into pursuant to this paragraph shall include an option to purchase the building by the civil city, town, township, or county at a price not exceeding the amount required to retire all outstanding obligations issued by the lessor to acquire the property covered by the lease contract. The sale and lease of an offstreet parking facility under this section may not be construed to prohibit the lease of space and air rights as provided in IC 19-5-11-11.1. [IC 18-5-3.3-3.5, as added by Acts 1977, P.L. 207, § 9, p. 915.]

**18-5-3.3-9 [53-1909]. Tax levy to pay rent.** — Any civil city, town, township, or county which shall execute a lease contract under the provisions of this chapter [18-5-3.3-1 -- 18-5-3.3-12] shall annually appropriate and levy a tax at a rate to provide sufficient moneys to pay the lease rental stipulated to be paid by such civil city, town, township, or county in such lease contract. This appropriation and rate shall be reviewable by other bodies vested by law with such authority to ascertain that the levy is sufficient to raise the amount required to meet the rental of such lease contract. This appropriation and levy may be reduced in any year to the extent that building revenues or any reimbursement pursuant to IC 18-7-7-39.1 is then on hand and available for the payment of the lease rental. [IC 18-5-3.3-9, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 10, p. 915.]

**Amendments.** The 1977 amendment substituted "This appropriation" for "Such appropriation" at the beginning of the second sentence and added the last sentence.

**18-5-3.3-10 [53-1910]. Tax exemption.** — All buildings leased by a lessor so contracting with such civil city, town, township, or county under the provisions of this chapter [18-5-3.3-1 -- 18-5-3.3-12] shall be exempt from

all state, county and other taxes. However, the rental paid to a lessor under the terms of such a contract of lease shall be subject to all applicable taxes under the laws of this state. [IC 18-5-3.3-10, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 11, p. 915.]

Amendments. The 1977 amendment divided the section into two sentences, substituting "However" for "Provided, however. That" at the beginning of the second sentence, and deleted "corporation" following "lessor" in the first and second sentences.

18-5-3.3-11 [52-1911]. Effect of other laws. — This chapter [18-5-3.3-1 — 18-5-3.3-12] is intended to be and shall be construed as being supplemental to all existing laws covering the acquisition, use and maintenance of buildings by civil cities, towns, townships, or counties. However, as to buildings constructed or leased pursuant to the provisions of this chapter, it shall not be necessary to comply with the provisions of other laws concerning the acquisition, use and maintenance of buildings by civil cities, towns, townships, or counties except as herein specifically required. [IC 18-5-3.3-11, as added by Acts 1974, P.L. 72, § 1, p. 286; 1977, P.L. 207, § 12, p. 915.]

Amendments. The 1977 amendment substituted "However," for "Provided, That" at the beginning of the second sentence.

18-5-3.3-12. Sale, assignment or transfer of lease by lessor. — Any lessor may assign, transfer, or sell any lease entered into under this chapter [18-5-3.3-1 — 18-5-3.3-12] to any other firm, partnership, association, or individual. Any lessor may sell or convey the real estate, buildings, equipment, or appurtenances thereof to any corporation, firm, partnership, association, or individual. However, an assignment, transfer, sale, or conveyance under this section shall not affect the terms and conditions of the lease. [IC 18-5-3.3-12, as added by Acts 1977, P.L. 207, § 13, p. 915.]

Emergency. Section 14 of Acts 1977, P.L. 207 declared an emergency. Approved April 29, 1977.

## CHAPTER 3.5

### MASS GATHERING LICENSE LAW

#### SECTION

18-5-3.5-8 Injunction — Public nuisance or violation of license  
 abatement — Control of traffic condition — Penalty  
 — Failure to procure license

18-5-3.5-3 [42-2403]. Conditions for licensing — Bond.

Compiler's Note: in subdivision (b)(2) the second "and" should read "or."