

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 FOR CONSIDERATION OF PASSAGE FO THE
FOLLOWING ORDINANCES.**

WATER UTILITY; 2010-W-066, 2010-W-075 AND 2010-W-076, 2010-W-077

TOWN OF GREENVILLE; 2010-T-065, 2010-T-067, 2010-T-068 AND 2010-T-069

**NOT ALL OF THE LISTED ORDINANCES WILL BE REVIEWED IF TIME
ALLOWS.**

DATE: 10-25-2010

TIME: 7:00 P.M.

NOTICE POSTED BY THE GREENVILLE TOWN COUNCIL 10-20-2010


TALBOTTE RICHADSON
PRESIDENT GREENVILLE TOWN COUNCIL

Minutes of Greenville Special Meeting October 25th, 2010

Council President Talbotte Richardson called the special meeting to order. Other Councilpersons present were Patti Hayes, Jim Pearce, and Randal Johnes, along with Clerk Jack Travillian, town Attorney Rick Fox and assistant Water Superintendent Steven Schmidt. Councilman Wright did not attend this meeting; the meeting was opened by the Pledge of Allegiance.

Special Meeting;

Ordinance 2010-W-077 ORDINANCE CONCERNING THE CASHING CD FOR THE OPERATION OF THE TOWN OF GREENVILLE, INDIANA

First reading of the ordinance was completed and motion was made for unanimous consent by Councilman Johnes and seconded by President Richardson. Motion passed 4-0. Second reading was completed. President Richardson made a motion to accept the ordinance and seconded by Councilwoman Hayes. Motion passed 4-0. Third reading was completed. A motion was made by President Richardson and seconded by Councilman Johnes to accept the ordinance. Motion passed 4-0.

Ordinance 2010-W-066 ORDINANCE PROVIDING FOR THE CONSERVATION / RATIONING OF WATER FURNISHED BY THE GREENVILLE WATER UTILITY First reading of the ordinance was completed and motion was made for unanimous consent by President Richardson and seconded by Councilman Johnes to accept the ordinance. Motion passed 4-0. Second reading was completed. Councilman Johnes made a motion to accept the ordinance and seconded by President Richardson. Motion passed 4-0. Third reading was completed. A motion was made by President Richardson and seconded by Councilwoman Hayes to accept the ordinance. Motion passed 4-0.

Ordinance 2010-W-75 ORDINANCE CONCERNING PAYOFF OF LONG TERM DEBT: First reading of the ordinance was completed and motion was made for unanimous consent by Councilman Johnes and seconded by President Richardson to accept the ordinance as amended. Motion passed 4-0. Second reading was completed. Councilman Johnes made a motion to accept the ordinance and seconded by Councilwoman Hayes. Motion passed 4-0. Third reading was completed. A motion was made by President Richardson and seconded by Councilwoman Hayes to accept the ordinance. Motion passed 4-0.

Ordinance 2010-W-076 ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION OF FIRE HYDRANTS FOR THE GREENVILLE WATER UTILITY OF THE TOWN OF GREENVILLE: First reading of the ordinance was completed and motion was made for unanimous consent by Councilman Johnes and seconded by President Richardson to accept the ordinance as amended. Motion passed 4-0. Second reading was completed. Councilman Johnes made a motion to accept the ordinance and seconded by Councilwoman Hayes. Motion passed 4-0. Third reading was completed. A motion was made by President Richardson and seconded by Councilwoman Hayes to accept the ordinance. Motion passed 4-0.

Ordinance 2010-T-065 ORDINANCE REGULATING NUISANCES CREATED BY NOISE First reading of the ordinance was completed and motion was made for unanimous consent by President Richardson and seconded by Councilman Johnes to accept the ordinance. Motion passed 4-0. Second reading was completed. Councilman Johnes made a motion to accept the ordinance and seconded by Councilwoman Hayes. Motion passed 4-0. Third reading was

completed. A motion was made by President Richardson and seconded by Councilwoman Hayes to accept the ordinance. Motion passed 4-0.

Ordinance 2010-T-067 ORDINANCE CONCERNING THE ADOPTION OF THE STATE OF INDIANA BUILDING CODES FOR ENFORCEMENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF GREENVILLE, INDIANA First reading of the ordinance was completed and motion was made by Councilman Johnes and seconded by President Richardson to accept the ordinance as amended. Motion passed 3-1. Voting for the ordinance were President Richardson, Councilman Johnes, and Councilwoman Hayes. Voting against the ordinance was Councilman Pearce.

Ordinance 2010-T-068 ORDINANCE CONCERNING THE REGULATING OF OUTDOOR ADVERTISING WITHIN THE TOWN OF GREENVILLE, INDIANA First reading of the ordinance was completed and motion was made by President Richardson and seconded by Councilman Johnes to accept the ordinance. Motion passed 3-1. Voting for the ordinance were President Richardson, Councilman Johnes, and Councilwoman Hayes. Voting against the ordinance was Councilman Pearce.

Councilman Johnes read a letter addressed to Councilman Wright concerning what the council views as his inappropriate actions he had taken on behalf of Don Perkins. Mr Perkins is currently being sued by the Town of Greenville for violation of Town Ordinances and Councilman Wright allowed the vehicles in violation to be moved to his property to give the appearance of Mr. Perkin's trying to abide by the Ordinances he was cited to be in violation of. Councilman Wright allowed this move of vehicles to happen the day prior to a court appearance by Mr Perkins giving the false appearance of compliance. Councilman Johnes stated that this gave the appearance of collusion and conflict of interest on the part of the town. Councilman Johnes also stated that a statement was made on savegreenville.org that he was taking pictures of Chris Wright's wife and children playing in their back yard. Councilman Johnes stated that the only picture he had taken was of the illegal vehicles that Councilman Wright allowed to be move to his property. Councilman Johnes stated that none of the Wright's were present in their yard when he took the picture. The letter requested that Councilman Wright have the vehicles removed from his property immediately. Councilman Johnes stated that the purpose of the letter and picture was to give to the Town Attorney Mr Fox to protect the town in the case of a lawsuit. Councilman Johnes requested that all Council Members present sign the letter and it be sent to Councilman Wright by the Town Clerk by certified mail since he was not present at this meeting. Council President Richardson, Councilwoman Hayes and Councilman Johnes signed the letter, Councilman Pearce refused.

No further business coming before the Council the meeting was adjourned.

PRESIDING OFFICER
TOWN OF GREENVILLE, INDIANA


TALBOTTE RICHARSON


JACK TRAVILLIAN CLERK / TREASURER

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-065

ORDINANCE REGULATING NUISANCES CREATED BY NOISE

WHEREAS, the Greenville Town residents have expressed their concerns with noise issues in Greenville and;

WHEREAS, Greenville residents stated that their concerns relate to fast motorcycles and loud music and noise emitted from vehicles and homes and;

WHEREAS, the Greenville Town Marshall has no reasonable means to enforce noise issues in the Town;

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

(A) No person shall play, use or operate any machine or device for the producing or reproducing of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs and cassette players, nor any other machine or tool that produces sound, if such machine, tool or vehicle is located in or on any of the following:

{1} Any public property, including any public right-of-way, highway, building, sidewalk, public space, park or thoroughfare and the sound generated there from is audible 30 feet or more from its source; or

{2} Any private property and the sound generated there from is audible 30 feet or more outside of said property line.

(B) The following are exempted from the provisions of this ordinance:

(1) Sounds emitted from authorized emergency vehicles;

{2} Lawn mowers, weed blowers, garden tractor, construction and repair equipment, go-carts, power tools, when properly muffled, between the hours of 9:00 A.M. and 10:00 P.M. only;

{3} Burglar alarms and other warning devices when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time. Alarms attached to motor vehicles are not included in this exemption.

{4} Events authorized by the Greenville Town Council;

{5} Noise associated with athletic events;

{6} Sounds emitted for emergency purposes;

{7} Sounds associated with legal fireworks;

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{8} Sounds associated with the normal conduct of legally established non-transient businesses, organizations and governmental entities, when such sounds are customary, incidental and within the normal range appropriate for such use;

{9} Garbage collection between the hours of 6 a.m. and 9 p.m.

{10} Sounds associated with equipment or animals lawfully utilized by handicapped persons to accommodate their handicap;

{11} Sounds associated with the operation of aircraft or snow removal equipment;

{C} It shall be unlawful for any person to operate a motor vehicle with a gross vehicular weight less than 8000 lbs which causes excessive noise as a result of a defective or modified exhaust system or as a result of an unnecessary rapid acceleration, de-acceleration, engine revving or tire squealing.

{D} No person shall keep any animal, other than a service animal lawfully used by a handicapped person to accommodate his handicap, which, by causing frequent or long-continuing noise that is audible 30 feet or more from its source when the animal is on public property or 30 or more feet or more outside of a private property line when the animal is on private property, does disturb the comfort or repose of any other person.

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to I.C. 36-1-6-1, I.C. 36-1-6-2, I.C. 36-1-6-3 or I.C. 36-1-6-4, or a successor statute if said statute is repealed.

Fines and Penalties:

1. If levied fines are not paid within 30 days, a lien will be sought against person or person's responsible real estate with attorney fees and court cost in accordance with I.C. 36-1-6-2.

2. The Town of Greenville may pursue any and all penalties described in I.C. 36-1-6-3 in addition to the penalties described in I.C. 36-1-6-4, or a successor statute if said statute is repealed.

3. Any prohibited act under the Greenville Noise Ordinance, 2010-T-065, shall incur a fine in the amount of \$100.00 for a first violation, \$200.00 for a second violation and a penalty of \$500.00 for a third and each subsequent offence plus attorney fees and court cost.

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4. In addition to the fine prescribed above, in case the source of the noise violating the ordinance continues for a period of more than three (3) days, or is caused by repeated or habitual activity, the source of such noise may be considered a public nuisance. The Town may, after notice, bring an action to compel compliance with the Ordinance pursuant to IC 36-1 -6-2.

5. The Town may also seek injunctive relief against the operator of any such nuisance pursuant to IC 36-1 -6-4.

6. The Town may seek removal costs and associated expenses and fees, including reasonable attorney fees, against the owner of any real property upon which a noise nuisance is located pursuant to IC 36-1-6-2. If those costs are not paid the town may seek to impose a lien upon the real estate upon which such a nuisance is located.

7. No penalty shall be levied for violation of this Ordinance, nor shall any action be taken by the Town to bring the real property into compliance with this Ordinance, unless all persons holding a substantial interest in the property are given a reasonable opportunity to bring the property into compliance.

8. The Town shall give all persons holding a substantial interest in any real property, which is not in compliance with this Ordinance ten {10} days written notice to pay imposed fines. Such notice may be in person by any member of the Greenville Marshal Department, or by mailing it by registered or certified mail with return receipt requested.

9. Furthermore, if the imposed fines have not been paid within thirty {30} days after the aforesaid ten {10} day notice period, the Town may cause to 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 attorney fees and court cost in accordance with IC 36-1-6-2 or successor statute, if said statute is repealed.

10. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.

11. This Ordinance replaces Ordinance 2006-T-58 dated October 9th, 2006 and Ordinance 2006-T-58A dated January 8th, 2007. Ordinance 2006-T-58 and 2006-T-58A shall be moved to the voided Ordinance file after passage of this Ordinance.

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ORDINANCE NO. 2010-T-065

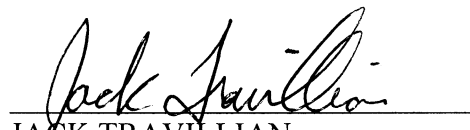
13. The Town of Greenville Clerk Treasurer shall attach a copy of the publication and related information to the original signed Ordinance and a PDF file shall be added to the electronic file copy of this Ordinance.

14. Any unlawful provision found in this ordinance shall not effect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
25th DAY OF OCTOBER, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-065

IC 36-1-6

Chapter 6. Enforcement of Ordinances

IC 36-1-6-1 Application of chapter

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

IC 36-1-6-2

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

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

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

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

(B) is unimproved; or

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

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

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

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

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

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

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

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

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

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

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(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.7; P.L.194-2007, SEC.8; P.L.88-2009, SEC. 5.

IC 36-1-6-3

Proceeding to enforce ordinance; law applicable

Sec. 3. (a) Certain ordinances may be enforced by a municipal corporation without proceeding in court through:

(1) an admission of violation before the violations clerk under IC 33-36; or

(2) administrative enforcement under section 9 of this chapter,

(b) Except as provided in subsection (a), a proceeding to enforce an ordinance must be brought in accordance with IC 34-28-5, section 4 of this chapter, or both.

(c) An ordinance defining a moving traffic violation may not be enforced under IC 33-36 and must be enforced in accordance with IC 34-28-5.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.108, SEC.39; P.L.177-1988, SEC.8; P.L.130-1991, SEC.35; P.L.1-1998, SEC.202; P.L.98-2004, SEC.159.

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IC 36-1-6-4

Civil action by municipal corporation; action by court

Sec. 4. (a) A municipal corporation may bring a civil action as provided in IC 34-28-5-1 if a person:

- (1) violates an ordinance regulating or prohibiting a condition or use of property; or
- (2) engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.

(b) A court may take any appropriate action in a proceeding under this section, including any of the following actions:

- (1) Issuing an injunction.
- (2) Entering a judgment.

- (3) Issuing a continuous enforcement order (as defined in IC 36-7-9-2).
- (4) Ordering the suspension or revocation of a license.
- (5) Ordering an inspection.
- (6) Ordering a property vacated.
- (7) Ordering a structure demolished.
- (8) Imposing a penalty not to exceed an amount set forth in IC36-1-3-8(a)(10).
- (9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.
- (10) Ordering a defendant to take appropriate action to bring a property into compliance with an ordinance within a specified time.
- (11) Ordering a municipal corporation to take appropriate action to bring a property into compliance with an ordinance in accordance with IC 36-1-6-2.

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

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-066

AN ORDINANCE PROVIDING FOR THE CONSERVATION / RATIONING
OF WATER FURNISHED BY THE GREENVILLE WATER UTILITY

WHEREAS, the Town of Greenville, Indiana, through its Town Council, owns and operates a municipal water utility, commonly known as the Greenville Water Utility which provides water to the residents of the Town of Greenville and certain areas of Floyd County, Indiana, near Greenville; and

WHEREAS, from time to time climatic and other conditions, both natural and man-made, may arise or occur which cause a temporary shortage of water; and

WHEREAS, such conditions may affect the Town's ability to provide an adequate supply of water or the Town may be unable to maintain adequate water pressure in the water system, and

WHEREAS, in such event it is to the well -being of the customers of the Utility that the use of water not essential to the health, welfare and safety of the Town and its customers be restricted:

NOW, THEREFORE, BE IT ORDAINED by the Town Council and Water Utility Council of the Town of Greenville:

SECTION I Definitions, For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number include the plural number, the word "shall" is always mandatory and not merely directory,

{A} "Town" is the Town of Greenville, Indiana

{B} "Council" is the Town Council of the Town of Greenville, Indiana.

{C} "Person" is any person, firm, partnership, association, corporation, company or organization of any kind,

{D} "Water" is water from the Greenville Water Utility System.

{C} "User" is the person, firm, partnership, association, corporation, company or organization in whose name the Greenville Water Utility maintains water service.

{E} "Municipal water system" is the Greenville Water Utility.

{F} "Superintendent" is the Utilities Superintendent in charge of the Utilities daily operations under the directions of the Greenville Water Utility and Town Council.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-066

SECTION 2: Application of Ordinance, The provisions of this Ordinance shall apply to persons now or hereafter connected to the Greenville Water Utility System.

SECTION 3: levels of Conservation.

- (A) Level 1 Voluntary Conservation
- (B) Level 2. Prohibited Use
- (C) Level 3, Rationing

SECTION 4: Declaration of need for water conservation: Upon determining that the Greenville Water Utility System is in imminent danger of a shortage of water or is experiencing a shortage of water, is unable to maintain adequate water pressure in the system, the water demands of the system exceed the ability to service those demands, major malfunctions or breakdown of equipment have occurred or other circumstances, have caused an actual or imminent danger to the water supply and the Superintendent so declares. No level of conservation shall remain in effect more than one hundred twenty (120) days without the consent of the Greenville Water Utility and Town Council,

SECTION 5: Notice: Notice of Level 1 shall be by publication in a newspaper of general circulation within the Town of Greenville and in Floyd County and may also be by such other means as the Superintendent may deem appropriate. Notice of Level 2 and Level 3 shall be by First Class United States Mail or other door to door distribution to the current address of users of the Greenville Water Utility Systems as then maintained by the Greenville Water Utility Notice of Level 1 shall be effective upon publication. Notice of Level 2 and Level 3 shall be deemed effective at noon of the third day after depositing same in the United States Mail or the conclusion of door-to-door distribution, whichever is sooner,

SECTION 6: Level 1: -Voluntary Conservation: Level 1 Voluntary Conservation shall be comprised of the following

{A} Requesting that the users engage in a conscious effort to reduce water consumption by practicing such voluntary water conservation techniques as will be helpful in managing of the then existing water shortage or crisis.

{B} Suggesting reasonable and meaningful actions that users can take which will be beneficial to the alleviation of the then existing water shortage or crisis,

{C} In the case of Voluntary Conservation, users of water may also be requested to voluntarily cease one or more of the following water uses:

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-066

- 1) Sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, garden, vegetables or any other vegetation,
- (2) Washing of vehicles of any type, trailers, trailer houses {mobile homes}, houses, railroad cars or any other type of mobile equipment.
- (3) Cleaning of outdoor surfaces such as sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
- (4) Washing and cleaning of any business equipment or
- (5) Operation or ornamental Fountains,
- (6) Adding water to or filling swimming pools and wading pools
- (7) Knowingly allowing leakage through defective plumbing.
- (8) Other nonessential uses of Water as determined by the Superintendent

SECTION 7: Level 2: Prohibited Use: Prohibited use shall be comprised of the following;

{A} Users of water shall be prohibited from the water uses listed in Section 6 (1) - (8).

{B} Any user found violating any prohibited use shall be served by the Superintendent with a written notice stating the nature of the violation and providing a reasonable time limit of not less than three (3) days for the satisfactory correction thereof. Offenders shall within the period of time stated in such notice permanently cease all violations.

{C} Any user who shall continue any violation beyond the time limit provided for shall be notified and the Greenville Water Utility will install a device in the meter which shall provide for a flow of 3 gallons per minute at 40 psi at the cost of the user. This device shall remain installed until such time as the Superintendent determines that the Facilities have the capability of sustaining the water demand required. Tampering with the device will subject the user to the discontinuance of water service.

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ORDINANCE NO. 2010-W-066

SECTION 8: Level 3: - Rationing: Rationing shall be comprised of the following:

{A} Each residential user's consumption shall be limited to not more than one hundred seventy-five (175) gallons of water per day.

{B} Apartment buildings or apartment of multifamily complexes with a single water meter shall be limited to a total consumption not to exceed one hundred seventy-Five (175) gallons of water per day per dwelling unit,

{C} Business, commercial and industrial users shall be limited to sixty-five percent (65%) of the volume of water used during the corresponding month of the water used during the corresponding month of the preceding year. Business, commercial or industrial users that were not in business and operating and connected to the municipal water system more than one year prior to the declaration of Level 3 - Rationing shall be restricted to sixty-five percent (65%) of the average monthly volume of water used during the number of months such business, commercial or industrial user was in business and operating and connected to the municipal water system.

{D} Water uses listed in Section 6 (1) - (8) shall be prohibited

{E} Water users who exceed the above volume limitations shall be subject to a fine of Five Hundred U.S. Dollars (\$500.00).

{F} In addition to the other penalties and provisions provided herein, users of water violating this section shall be subject to immediate termination of water service by the Greenville Water Utility.

SECTION 9: Exceptions: The following shall not be subject to the limitations imposed by Section 8:

{A} Health care providers,

{B} The Superintendent shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

{C} The provisions of Section 8 shall not apply to those businesses and industries declared by resolution of the Council to be necessary for the public health, safety and welfare,

TOWN OF GREENVILLE ORDINANCE NO. 2010-W-066

ENFORCEMENT:

{1} Every employee of the Greenville Water Utility shall, in connection with his or her duties, diligently report for enforcement the provisions of this Ordinance.

{2} The Superintendent shall have the authority to enforce the provisions of this ordinance by the discontinuance of water service to any user or users in the event of violation of the Ordinance. If disconnection of water service is necessary, Greenville Water Utility Employee shall be accompanied by a Greenville Marshal Department Member if within the Corporate Limits of the Town of Greenville. If service to be disconnected is located outside the Corporate Limits of the Town of Greenville the employee shall be accompanied by a member of the Floyd County Sheriff's Department.

{3} Upon declaring a water conservation emergency, the Superintendent, depending upon the circumstances then existing, may invoke standards and restrictions less stringent than those established by Sections 7 and 8 of the Ordinance.

{4} Enforcement of this Ordinance shall be pursuant to I.C. 36-1-6-1, I.C. 36-1-6-2, I.C. 36-1-6-3 or I.C. 36-1-6-4, or a successor statute if said statute is repealed.

Fines and Penalties;

1. If levied fines are not paid within 30 days, a lien will be sought against person or person's responsible real estate with attorney fees and court cost in accordance with I.C. 36-1-6-2.
2. The Town of Greenville and the Greenville Water Utility may pursue any and all penalties described in I.C. 36-1-6-3 in addition to the penalties described in I.C. 36-1-6-4, or a successor statute if said statute is repealed.
3. The Town of Greenville and the Greenville Water Utility shall give all persons holding a substantial interest in any Real property, which is not in compliance with this Ordinance ten {10} days written notice to pay levied fines. Such notice may be in person by any member of the Greenville Marshal Department, or by mailing it by registered or certified mail with return receipt requested.


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4. Furthermore, if the levied fines have not been paid within thirty {30} days after the aforesaid ten {10} day notice period, the Town of Greenville and the Greenville Water Utility may cause to 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 attorney fees and court cost in accordance with I.C. 36-1-6-2 or successor statute, if said statute is repealed.
5. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.
6. This Ordinance replaces Ordinance 1997-W-03 dated July 8th, 1997. Ordinance 1997-W-03 shall be moved to the voided Ordinance file after passage of this Ordinance.
7. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
8. The Town of Greenville Clerk Treasurer shall attach a copy of the publication and related information to the original signed Ordinance and a PDF file shall be added to the electronic file copy of this Ordinance.
9. Any unlawful provision found in this ordinance shall not effect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
25th DAY OF OCTOBER, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,



JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY: RANDAL JOHNES

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-066

IC 36-1-6

Chapter 6. Enforcement of Ordinances

IC 36-1-6-1 Application of chapter

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

IC 36-1-6-2

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

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

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

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

(B) is unimproved; or

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

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

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

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

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

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

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

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

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

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

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-066

(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.7; P.L.194-2007, SEC.8; P.L.88-2009, SEC. 5.

IC 36-1-6-3

Proceeding to enforce ordinance; law applicable

Sec. 3. (a) Certain ordinances may be enforced by a municipal corporation without proceeding in court through:

(1) an admission of violation before the violations clerk under IC 33-36; or

(2) administrative enforcement under section 9 of this chapter,

(b) Except as provided in subsection (a), a proceeding to enforce an ordinance must be brought in accordance with IC 34-28-5, section 4 of this chapter, or both.

(c) An ordinance defining a moving traffic violation may not be enforced under IC 33-36 and must be enforced in accordance with IC 34-28-5.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.108, SEC.39; P.L.177-1988, SEC.8; P.L.130-1991, SEC.35; P.L.1-1998, SEC.202; P.L.98-2004, SEC.159.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-066

IC 36-1-6-4

Civil action by municipal corporation; action by court

Sec. 4. (a) A municipal corporation may bring a civil action as provided in IC 34-28-5-1 if a person:

- (1) violates an ordinance regulating or prohibiting a condition or use of property; or
- (2) engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.

(b) A court may take any appropriate action in a proceeding under this section, including any of the following actions:

- (1) Issuing an injunction.
- (2) Entering a judgment.
- (3) Issuing a continuous enforcement order (as defined in IC 36-7-9-2).
- (4) Ordering the suspension or revocation of a license.
- (5) Ordering an inspection.
- (6) Ordering a property vacated.
- (7) Ordering a structure demolished.
- (8) Imposing a penalty not to exceed an amount set forth in IC36-1-3-8(a)(10).
- (9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.
- (10) Ordering a defendant to take appropriate action to bring a property into compliance with an ordinance within a specified time.
- (11) Ordering a municipal corporation to take appropriate action to bring a property into compliance with an ordinance in accordance with IC 36-1-6-2.

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

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-076

**ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION OF FIRE
HYDRANTS FOR THE GREENVILLE WATER UTILITY OF THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the Water Utility Council for the Town of Greenville, Indiana is the entity for approving expenditures of the Greenville Water Utility and:

WHEREAS, additional Fire Hydrants are necessary to improve Fire Protection for Water Utility Customers served by the Greenville Township Volunteer Fire Department

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

1. This ordinance authorizes the Greenville Water Utility Superintendent to purchase a total of {12} new Fire Hydrants and relative parts and installation.
2. Purchase and installation of these new Fire Hydrants not to exceed \$90,000.00 U.S. Dollars.
3. Funds for purchase and installation of these {12} Fire Hydrants to be credited against the Greenville Water Utility Special Project Account and the Fire Hydrant Rental Account.
4. Fire Hydrants to be installed at the following locations;
 - {1} 7700 Block of Voyles Road
 - {2} 7200 Block of Voyles Road
 - {3} 9800 Block of Clark Street
 - {4} 9600 Block of Clark Street
 - {5} 6300 Block of Borden Rd. {US Hwy. 150}
 - {6} US Hwy. 150 and Clover Creek Dr.
 - {7} 6600 Block US Hwy. 150 {Jacobi Gas & Food Mart}
 - {8} 6200 Block of US Hwy. 150 {Galena Lambs Park}
 - {9} 5700 Block of US Hwy. 150 {Billie Joes Gas & Food Mart}
 - {10} 5300 Block of Buck Creek Rd.
 - {11} 7000 Block of US Hwy. 150 {Greenville Fire Dept. Galena}
 - {12} To be determined

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-076

ADOPTED BY THE WATER UTILITY COUNCIL OF THE TOWN OF GREENVILLE,
INDIANA, ON THE 25TH DAY OF OCTOBER, 2010.

PRESIDENT OF THE GREENVILLE WATER
UTILITY COUNCIL AND GREENVILLE TOWN
COUNCIL, GREENVILLE, INDIANA

ATTEST: 
JACK TRAVILLIAN,
CLERK/TREASURER


TALBOTTE RICHARDSON

PREPARED BY: RANDAL JOHNES

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-075

**ORDINANCE AUTHORIZING THE PAY OFF OF LOAN NUMBER [REDACTED] WITH
THE BERKADIA COMMERCIAL MORTGAGE LLC FOR THE GREENVILLE
WATER UTILITY OF THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Water Utility Council for the Town of Greenville, Indiana is the entity for approving liquid asset expenditures of the Greenville Water Utility and:

WHEREAS, after receiving and reviewing the schedule of direct reduction loan from Berkadia Commercial LLC on 10-13-2010 and receiving a payoff document on 10-18-2010 and:

WHEREAS, by retiring this entire loan amount of \$166,960.00 dollars if by 11-30-2010 will save the Greenville Water Utility \$40,375.00 dollars in interest payments and not affect the agreement with 1st Harrison Bank on account balances to obtain 1 ½% interest on Water Utility and Town of Greenville Checking Accounts.

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

1. The Water Utility Clerk / Treasurer shall on 11-17-2010 cash out Greenville Water Utility CD [REDACTED] which matures on 11-16-2010 in the amount of \$100,000.00 U.S. Dollars plus any interest and deposit these funds into the Greenville Water Utility Special Projects Checking Accounts No. [REDACTED] the 1st Harrison Bank Greenville Indiana Branch.
2. The Water Utility Clerk / Treasurer shall issue full payment to retire entire Loan Account Number [REDACTED] with Berkadia Commercial Mortgage no later than November 17th, 2010. Payment shall be credited to Greenville Water Utility Special Projects Checking Accounts No. [REDACTED] at the 1st Harrison Bank Greenville Indiana Branch.
3. The Water Utility Clerk / Treasurer shall if retiring this loan by check. A check shall be a certified check sent by certified mail with return receipt requested. Copy of check and certified mail receipt shall be attached to the file copy of this signed Ordinance.

ADOPTED BY THE WATER UTILITY COUNCIL OF THE TOWN OF GREENVILLE, INDIANA,
ON THE 25TH DAY OF OCTOBER, 2010.

PRESIDENT OF THE GREENVILLE WATER
UTILITY COUNCIL AND GREENVILLE TOWN
COUNCIL, GREENVILLE, INDIANA

ATTEST: 
JACK TRAVILLIAN,
CLERK/TREASURER


TALBOTTE RICHARDSON

PREPARED BY: RANDAL JOHNES

TOWN OF GREENVILLE
ORDINANCE NO. 2010-W-077

**ORDINANCE CONCERNING THE CASHING OUT OF CD 54517 OWNED
BY THE GREENVILLE WATER UTILITY OF THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the Greenville Water Utility Council of the Town of Greenville, Indiana, in the interest of maximizing interest received on the Greenville Water Utility Cash Assets, the Greenville Water Utility Clerk was directed by an E-Mail sent on 10-18-2010 by Councilman Johnes, instructing the Greenville Water Utility Clerk to cash out Greenville Water Utility CD [REDACTED].

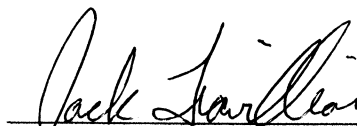
NOW, THEREFORE, BE IT ORDAINED BY THE GREENVILLE WATER UTILITY COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

1. The Greenville Water Utility Clerk shall before October 23th, 2010 cash out CD [REDACTED] which matures on October 13th, 2010 listed on the September 30st, 2010 First Harrison Bank Statement for the sum of Three Thousand U. S. Dollars and No Cents {\$3,000.00 U.S.D.} plus any interest.
2. The Greenville Water Utility Clerk shall deposit funds received from cashing out of CD [REDACTED] into the Greenville Water Utility Special Projects Checking Account No. [REDACTED] Harrison Bank Greenville Indiana Branch.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 25th DAY OF OCTOBER, 2010.

PRESIDENT OF THE GREENVILLE
WATER UTILITY COUNCIL OF THE
TOWN OF GREENVILLE, INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

**Town of Greenville
P.O. Box 188
Greenville, In. 47124**

October 25th, 2010

To: Councilman Bob Wright

From: The Members of the Greenville Town Council

Council Wright,

We are currently in a court case with Mr. Don Perkins a residence of the town of Greenville.

The Greenville Town Attorney and the Greenville Council Vice President Randal Johnes attended a court hearing in Judge Hancock's Court on October 19th, 2010.

The findings of the ruling by the Judge were to postpone a decision and a review of this case is scheduled for November 16th, 2010.

Mr. Perkins was instructed to clean up his property by the Judge. The Judge gave this extension to prevent the fines that would have financially destroyed Mr. Perkins and the town would own his property {these are not my words, they are the Judges}. I agree with the extension that the Judge stated. It is not the intent of this council to destroy Mr. Perkins; we just want him to bring his property into compliance.

I was surprised when I was informed that the vehicles that he had moved on October the 18th the day before the court hearing were relocated to your property.

After hearing this information I visited the church property next to yours and took pictures of these vehicles on your property. Moving these vehicles to your property has not changed the status of these vehicles. They are still in violation of town Ordinances; the only thing that has changed is they are located on your property.

I believe your actions undermined and weakened the case that had been built against Mr. Perkins by making it appear he had made a concerted effort to comply with the Ordinances by relocating the vehicles outside the corporate limits. However in reality they were just relocated to your property given the false appearance of compliance to the Ordinance.

The majority of this council does not know the motive you had to move these vehicles to your property knowing that they are in violation of town Ordinances.

The majority of this council do not approve of the action you have taken in having these vehicles moved to your property.

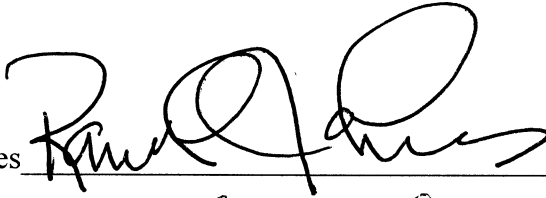
Having these vehicles on your property gives the appearance of conflict of interest and collusion and could possibility open this town to a law suit by Mr. Perkins.

The majority of this council believes that for whatever reason, even the noblest does not change that the majority of the council consider your actions inappropriate and respectfully requests that you have these vehicles removed outside the corporate limits of Greenville.

Town of Greenville
P.O. Box 188
Greenville, In. 47124

Sincerely,

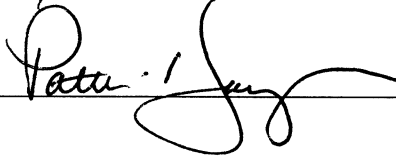
Council Vice President Randal Johnes



Council President Talbotte Richardson



Councilwoman Patti Hayes



Councilman James Pearce

Copy to Richard Fox Greenville Town Attorney

ResumeHOME

RESUME

PORTFOLIO

Save Greenville

[Click here to add text.](#)

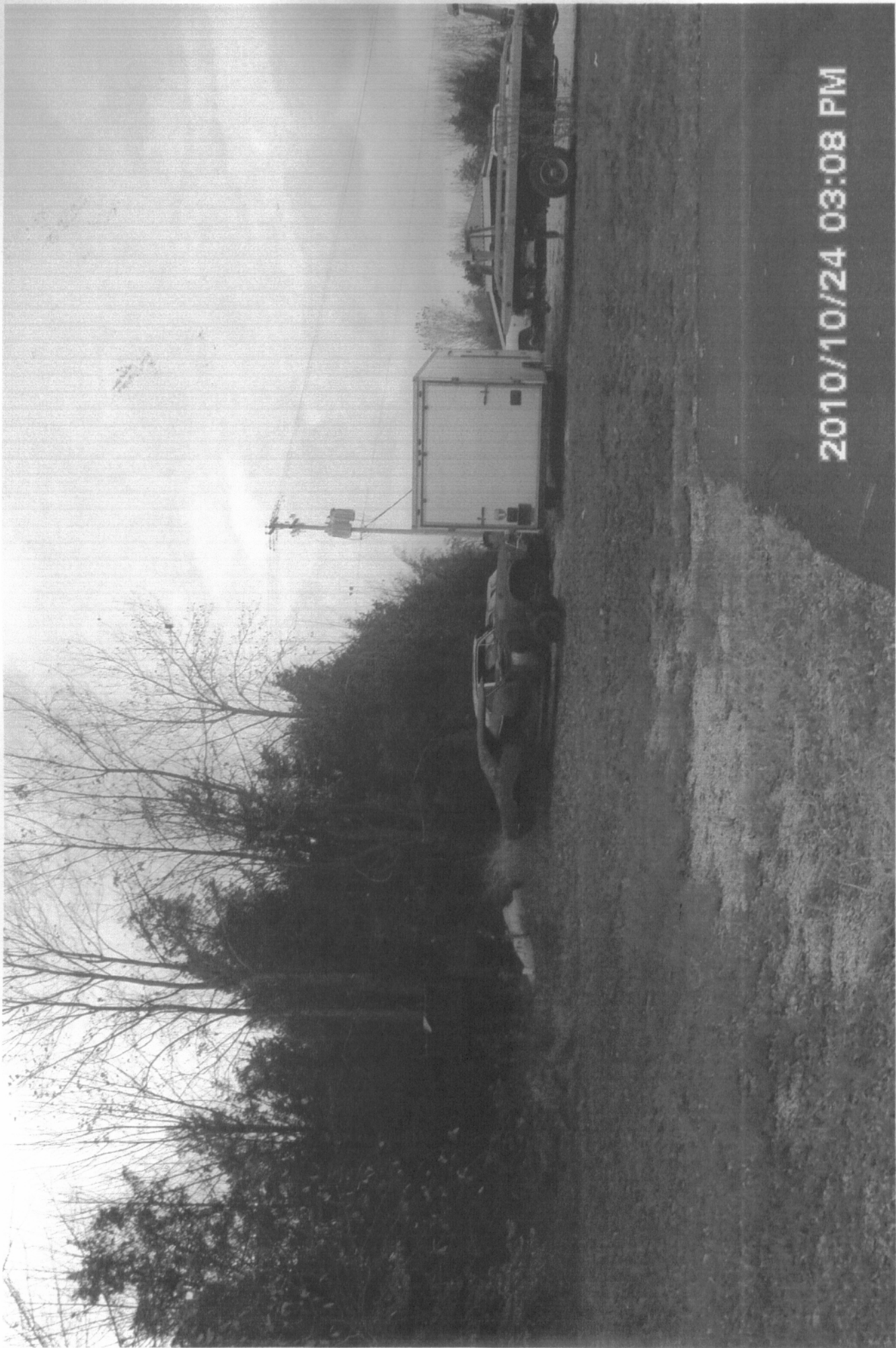
Hello and thank you for visiting my website. This will be my last entry until election time next Tuesday. It's a shameful thing to attack one's family for the sake of a small town board election. Sunday afternoon when I wasn't present for the day councilman Randall Johns was taking pictures of my wife and children playing in our yard. I'm not sure what this tactic is but no one should involve a person's children with anything having to do with my running for Town Board. I can overlook the threatening letter to resign my running for Town Board for the safety of my family. What type of person takes pictures of 2 year olds to try to get me to resign my running. PLEASE give me the next 4 years to prove to you that i can change the way the Town Board does business. I will be committed to inform the people on decisions that we as a Town Board will make to make our town a wonderful place to live. Greenville needs a fresh start of communication, working together and informing the people of what's going on. Planning and zoning that is trying to be adopted needs to be stopped. It will be a hinderence to everyone of the community. Sewers would be wonderful but not at the cost of the people. New water towers are needed but once again not at the cost of the people. The statistics that we provided at the public water tower meeting were not accurate and only a speculation. Bob Wright has done alot to help Greenville. He has spent his personal time to help people out and will continue to do so regardless if he is re-elected. YES we are conservative in our values. wnetner republican or democrat it just doesn't matter when you look at our Town Board. I thank you for taking the time to read this and i hope you come out and vote.

Regards,

Chris Wright

Paid for by Chris Wright

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2010/10/24 03:08 PM

REVENUE REPORT

TAX#	REVENUE NUMBER	TITLE	DEPT#	GL #	DATE	REVENUE MONTH-TO-DATE	REVENUE YEAR-TO-DATE
** FUND TOTAL		219					
3102.0	219640.000	UNSAF/CABLE TV FRANCHISE	0		//	0.00	0.00
5206.0	219920.000	UNSAFE INTERFUND TRANSFERS	0		//	0.00	0.00
** Subtotal **						0.00	0.00
** FUND TOTAL		601					
4611.0	601441.000	WATER DAILY RECEIPTS	0		09/30/2010	476778.04	476778.04
469.0	601442.000	WATER SURCHARGE	0		07/16/2010	2000.00	2000.00
474.0	601443.000	SALES TAX	0		09/30/2010	31877.69	31877.69
4611.0	601444.000	PENALTIES	0		09/30/2010	3830.96	3830.96
4616.0	601445.000	WATER INSTALL CHARGE	0		07/16/2010	1800.00	1800.00
474.0	601446.000	RECONNECT FEE	0		09/30/2010	3100.00	3100.00
2720.0	601447.000	HYDRANT RENTAL	0		09/30/2010	37567.50	37567.50
4100.0	601510.000	RETURN CHECK FEE OPERATING	0		08/06/2010	120.00	120.00
6100.0	601609.000	GENERAL INTEREST OPERATING	0		09/30/2010	10219.97	10219.97
6100.0	601610.000	INTEREST ON INVESTMENTS WATER	0		04/13/2010	1034.58	1034.58
2711.0	601914.000	TOWN STATE TAX REIMBURSEMENTS	0		07/13/2010	241.93	241.93
2811.0	601940.000	WATER/TEMPORARY LOANS	0		01/05/2010	998.00	998.00
5500.0	601950.000	SALE OF INVESTMENTS OPERATING	0		03/20/2010	30000.00	30000.00
6500.0	601990.000	MISC RECEIPTS	0		09/14/2010	3300.33	3300.33
** Subtotal **						602869.00	602869.00
*** Total ***						602869.00	602869.00

U.S. Postal Service™

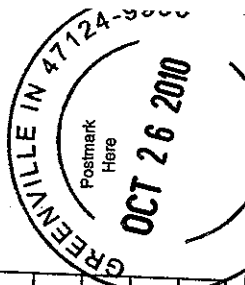
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 City, State, ZIP+4 GREENVILLE, TN 37124

PS Form 3800, August 2006

See Reverse for Instructions

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SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BOB WRIGHT
 9351 HWY. 150
 GREENVILLE, IN,
 47124

A. Signature
 X  Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 Chris Wright 10/26/10

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)