

**TOWN OF GREENVILLE  
ORDINANCE NO. 2009-T-007**

**ORDINANCE CONCERNING THE REGULATING OF YARD SALES,  
GARAGE SALES AND AUCTION SALES WITHIN THE CORPORATE  
LIMITS OF THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public safety, has deemed it necessary that the town develop an Ordinance to regulate yard sales, garage sales, moving sales and auction sales held within the corporate limits of the Town of Greenville.

**RULES OF COMPLIANCE FOR YARD SALES, MOVING SALES, AND  
GARAGE SALES:**

**Definition of a Moving Sale for the purpose of this Ordinance;**

A Moving Sale shall be a sale that is required by a resident because they are relocating to a different residence within or outside of the Greenville Corporate Limits. A Moving Sale shall be a sale that the person or persons conducting such sale do not have a retail merchant certificate displayed for that business and does not collect State of Indiana Sales Taxes at the location of the sale. Person or persons who do not have a retail merchant certificate displayed and do not collect State of Indiana Sales Taxes shall be in violation with this section of Ordinance 2009-T-007.

- A permit is not required to have a moving sale within the corporate limits of the Town of Greenville, Indiana. However contacting the Greenville Town Marshal's Department is required. Information to be provided to the Greenville Marshal's Department is as follows;
  - 1} Marshal Department to be notified a minimum of one week prior to moving sale.
  - 2} Location.
  - 3} Date of Moving sale.
  
- Moving Sale shall be allowed for a period of time not to exceed sixty continuous days from the start of the moving sale. Person or persons can request an extension beyond sixty days by requesting to speak before the Greenville Town Council at its monthly meeting to request such extension. Request shall be made in writing no later than one week prior to meeting by contacting the Greenville Water Clerk.
  
- Moving Sale hours are limited to not before 9:00 AM and no later than 6:00 PM.
  
- No blocking of public streets, roadways or alleyways will be permitted.
  
- Failure to contact the Greenville Marshal's Department will result in the following;
  - 1} The moving sale can be closed at the discretion of the Greenville Town Marshal or the Greenville Town Council President.

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- 2} If failure to comply with the closing of the moving sale will require Greenville Marshal's Department to obtain a court order to close the moving sale. A fine of fifty dollars per day will occur for each day the moving sale remains open after Marshal issuing the citation to close while obtaining a court order to close the moving sale. If levied fines are not paid within 30 days then a lien will be sought against person's property who is operator of the moving sale in accordance with I.C. 36-1-6-2.

**Definition of Yard Sales or Garage Sales for the purpose of this Ordinance;**

A Yard Sale or Garage Sale shall be a sale that the person or persons conducting such sale do not have a retail merchant certificate displayed for that business and does not collect State of Indiana Sales Taxes at the location of the sale. Person or persons who do not have a retail merchant certificate displayed and do not collect State of Indiana Sales Taxes shall be in violation with this section of Ordinance 2009-T-007.

- A permit is not required to have yard sales or garage sale within the corporate limits of the Town of Greenville, Indiana. However contacting the Greenville Town Marshal's Department is required. Information to be provided to the Greenville Marshal's Department is as follows;
  - 1} Marshal Department to be notified a minimum of one week prior to yard sale or garage sale.
  - 2} Location.
  - 3} Date of yard sale or garage sale.
- Only one yard sale or garage sale will be allowed per month.
- Yard sales or garage sales hours are limited to not before 9:00 AM and no later than 6:00 PM.
- Yard sales or garage sales days are limited to Friday, Saturday and Sunday. Unless the day is an official recognized holiday then a yard sale and garage sale can be held on that day.
- No blocking of public streets, roadways or alleyways will be permitted.
- Failure to contact the Greenville Marshal's Department will result in the following;
  - 1} First offence; a warning citation will be issued by the Greenville Marshal's Department.
  - 2} Second offence etc.; a citation for the amount of fifty dollars {\$50.00} will be issued and the yard sale or garage sale will be closed.
  - 3} If failure to comply with the closing of the yard sale or garage sale will require Greenville Marshal's Department to obtain a court order to close the yard sale or garage sale. A fine of fifty dollars per day will occur for each day the yard sale or garage sale remains open after Marshal issuing the citation while obtaining a court order to close the yard sale or garage sale. If levied fines are not paid within 30 days then a lien will be sought against person's property who is operator of the yard sale or garage sale in accordance with I.C. 36-1-6-2.

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**RULES OF COMPLIANCE FOR AUCTION SALES:**

**Definition of Auction House for the purpose of this Ordinance;**

Auction House shall be a facility that the person or persons conducting such auction sale have a retail merchant certificate displayed for that business and collects State of Indiana Sales Taxes at the location of the auction sale. Person or persons who do not have a retail merchant's certificate displayed and do not collect State of Indiana Sales Taxes shall not be considered an Auction House Facility and be in violation of this Ordinance 2009-T-007.

- Auction Houses that are in a permanent location with their own parking facilities within the Corporate Limits of The Town of Greenville are exempted from this ordinance
- A permit is not required to have an auction sale within the corporate limits of the Town of Greenville, Indiana. However, contacting the Greenville Town Marshal's Department is required. Information to be provided to the Greenville Marshal's Department is as follows:
  - 1) Marshal Department to be notified a minimum of one week prior to sale.
  - 2) Location.
  - 3) Date of auction sale.
  - 4) Time of auction sale.
- A verbal waiver may be obtained from the Greenville Marshal's Department to allow parking to block streets, roadways and alleyways in the immediate auction area. This waiver does not apply to US150. The Auction House conducting the auction shall provide security personnel at the Auction House expense {off duty Law Enforcement Members from Floyd County but preferably from the Greenville Marshal Department} to barricade streets, roadways or alleyways and direct traffic during the auction sale if this verbal waiver has been obtained.
- Failure to contact the Greenville Marshal's Department will result in the following:
  - 1) First offence; a warning citation will be issued by the Greenville Marshal's Department.
  - 2) Second offence etc.; a citation for the amount of fifty dollars {\$50.00} will be issued and the auction sale will be closed.
  - 3) If failure to comply with the closing of the auction sale will require Greenville Marshal's Department to obtain a court order to close auction sale. A fine of fifty dollars per day will occur for each day the auction sale remains open after Marshal issuing the citation while obtaining a court order to close the auction sale. If levied fines are not paid within 30 days then a lien will be sought against person's property who is owner of the Auction House who is conducting the auction sale in accordance with I.C. 36-1-6-2.
  - 4) After passing of this Ordinance the Greenville Town Clerk shall mail a copy of the signed Ordinance 2009-T-007 to local Auction Houses.

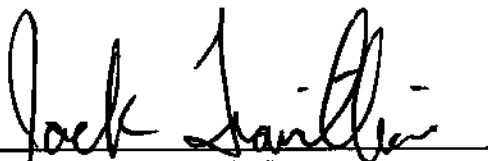
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NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF GREENVILLE, INDIANA, AS

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 18th  
DAY OF MAY, 2009.

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
TALBOTTE RICHARDSON

  
JACK TRAVILLIAN,  
CLERK/TREASURER

PREPARED BY:  
RANDAL JOHNES

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**Auction Houses list prepared from AT&T yellow pages 2008**

The Harritt Group Inc., 4704 Corydon Pike New Albany, In.

J&J Auction LLC., 1777 Progress Way Clarksville, In.

Auction Center, 120 S. Spring St. Louisville, Ky.

Crum's Auction & Realty Inc., 4701 Hamburg Pike, Jeffersonville, In.

Heil's Auction Service, 6516 Heil Rd. Henryville, In.

Hurst Auction Service, 21415 Daisy Hill Road Borden, In.

Keithley's Auction Service 2001 Canal Ln. Georgetown, In.

Gary Kruer Auctioneer, 10682 US 150 Greenville, In.

Levell Auction 7687 Hwy. 135 N.E. New Salisbury, In.

McGinnis Auction & Appraisal Service, 911 E. Court Ave. Jeffersonville, In.

Ken Taylor Auctions 8556 Louis Smith Rd. Borden, In.

T & S Auction Services RR2 Pekin, In.

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**IC 36-1-6 Chapter 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**

**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.

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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.1; P.L.194-2007, SEC.8.*

C 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 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

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(B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

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

(4) the court approves the agreement.

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