

TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-065

**ORDINANCE CONCERNING THE ESTABLISHMENT OF THE
PROCEDURES FOR THE CONSTRUCTION OF NEW STRUCTURES
AND OFFSETS FOR PLACEMENTS ON LOTS WITHIN THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, has deemed it necessary that the Town develop an Ordinance which defines types of structures and offsets required for placement on lots within the Corporate limits of the Town of Greenville;

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

Definitions:

1. **Residential Dwelling** is a structure which its primary use is for the shelter of person or persons commonly referred to as a home or house occupied by a single person or a family.
2. **Commercial Dwelling** is a structure which its primary use is for the conducting of business with the public or other businesses.
3. **Multi-Family Dwelling** is a structure which its primary use is for the shelter of person or persons commonly referred to as a Condo, Duplex, Apartment Complex, etc.
4. **Addition to Dwelling** is a structure which is constructed to attach to a Residential or Commercial Dwelling.
5. **Detached Garage** is a structure that its main function is for vehicle storage that is detached from a Residential or Commercial Dwelling.
6. **Car Port** is a structure that its main function is to shelter a vehicle from the weather.
7. **Storage Building** is a structure that its main function is to be used as a storage area for such items as lawn equipment, etc. that is detached from a Residential or Commercial Dwelling.
8. **Pool House** is a structure that its main function is to be used as a changing house used with a swimming pool.
9. **Swimming Pool** is a structure used to hold water for the purpose of swimming.
10. **Gazebo** is a structure that its primary use is for sitting or swinging that is detached from a Residential or Commercial Dwelling.

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11. **Porch** is a structure that is attached to a Residential or Commercial Dwelling that can be covered, uncovered or enclosed.

12. **Deck** is a wooden structure that is attached to a Residential or Commercial Dwelling that can be covered, uncovered or enclosed.

Procedure before construction can begin:

1. Plot plan of new structure or addition to dwelling showing offset requirements being met must be presented to the Town of Greenville Council for approval.
2. If a variance is being requested from the set back requirements, a plot plan must be submitted showing that variance request to the Greenville Town Council.
3. If plan is approved, a permit from the Floyd County Health Department must be obtained and a copy given to the Greenville Town Clerk.

Before you build review the following Ordinances:

1. 2009-T-028, 2009-T-029 and 2009-T-039

Structure offset requirements:

The following shall not apply to any structure or addition built prior to July 12th, 1994.

1. **Residential, Commercial, Multi Family Dwelling or Addition to Dwelling:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, rear property line {from rear of structure to adjoining property of others}, or other public right of way. This shall include any decks or porch structures located on front of dwelling which faces a highway, street, alleyway, or other public right of way. Five feet {5 ft.} from any side property line.
2. **Detached Garage, Car Port:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way. Five feet {5 ft.} from any side property line or rear property line {from rear of structure to adjoining property of others}.
3. **Storage Building, Pool House, Gazebo:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way. Five feet {5 ft.} from any side property line or rear property line {from rear of structure to adjoining property of others}.
4. **Porch, Deck:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way when deck or porch structure located on front of dwelling which faces a highway, street, alleyway, or other public right of way. Five feet {5 ft.} from any side property line. Ten feet {10 ft.} from any rear property line {from rear of structure to adjoining property of others}.

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5. **Swimming Pool:** Twenty feet {20 ft.} from the right of way of any highway, street, alleyway, or other public right of way. This shall include any decks located on pool which faces a highway, street, alleyway, or other public right of way. Ten feet {10 ft.} from any side property line or rear property line {from rear of structure to adjoining property of others}. This is to include any decking around pool. Pool area shall be fenced.

Penalty:

1. If any structure of any type as listed is found to be in violation of this ordinance, a stop construction order shall be issued through the Greenville Marshal Department.
2. Person or persons responsible shall be required to appear before the Greenville Town Council to show what shall be done to correct the structure or structures in violation. If the violations are not correctable, the person or persons responsible may request a variance from the Greenville Town Council to allow the construction to continue.
3. If a variance is required and it is denied the structure or structures shall be removed by the person or persons responsible within a time frame determined by the Greenville Town Council.
4. If failure by person or persons responsible for removal of the structure or structures does not comply with the time frame determined by the Greenville Town Council, the Greenville Town Council may have the structure removed and fine the person or persons responsible cost involved of removal plus 20% handling fee; plus One Hundred U.S. Dollars {\$100.00} per day fine while structure is in non-compliance, plus Attorney Fees and Court Cost.
5. If levied fines are not paid within 30 days, a lien will be sought against person or persons responsible personal property in accordance with I.C. 36-1-6-2.

After passing of this Ordinance:

After Passing of this Ordinance, Ordinance Placement on Property dated 9-13-1976 and Ordinance No. 1994.04 dated July 12th, 1994 shall be voided and moved to the voided ordinance file.

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ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
14th DAY OF SEPTEMBER, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

IC 36-1-6 Chapter Enforcement of Ordinances

IC36-1-6-1

Application of chapter

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

IC 36-1-6-2

Real property; action to bring compliance; expense as lien against property

Sec. 2. (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

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

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

(B) is unimproved; or

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

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

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

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

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

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

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

(C) the amount of the delinquent fees and the penalty; or

(2) an instrument for each lot or parcel of real property on which the fees are delinquent.

(e) The officer shall record a copy of each list or each instrument with the county recorder, who shall

charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-

10. (f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total

amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.

(g) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.

(h) The municipal corporation shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller;

upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

(i) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h).

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L. 50-2002, SEC.1; P.L.144-2003, SEC.1; P.L.777-2003, SEC.2; P.L.131-2005, SEC.5; P.L.88-2006, SEC.1; P.L.194-2007, SEC. 8.

IC 34-28-5 Chapter 5. Infraction and Ordinance

Violation Enforcement Proceedings

IC 34-28-6-1

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

(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./*