

TOWN OF GREENVILLE
ORDINANCE NO. 2010-M-044

**ORDINANCE TO ESTABLISH
GREENVILLE MARSHAL'S TOWING IN FEE WITHIN THE
CORPORATE LIMITS OF THE TOWN OF GREENVILLE,
INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, recognizes the Greenville Marshal's Department (the Department) must occasionally order vehicles towed from streets, roads and private property within the Corporate limits of the Town of Greenville, Indiana;

WHEREAS, each time the Department must order a vehicle towed, the Department incurs substantial processing costs, to include but not limited to a complete inventory of the contents of the vehicle, Marshal Department Members spend time waiting on wrecker arrival, paperwork processing with wrecker operator and detailing police impound procedures and other services; and

WHEREAS, a fee of THIRTY-FIVE (\$35.00) U.S. DOLLARS for each vehicle towed would reasonably compensate the Department for the processing costs. This would apply to criminal and traffic infraction tow-ins; and

WHEREAS, the Council has the authority under IC 36-1-3-6 (the 'Home Rule') to adopt an ordinance under Home Rule, or as amended by the Indiana Code, to establish and authorize the tow-in fee.

IC 36-1-3-6

Specific manner for exercising a power; constitutional or statutory provision; ordinance; resolution

Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

(1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;

(2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or

(3) comply with a statutory provision permitting a specific manner for exercising the power.

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(c) An ordinance under subsection (b)(l) must be adopted as follows:

- (1) In a municipality, by the legislative body of the municipality.
- (2) In a county subject to IC 36-2-3.5 or IC 36-3-1, by the legislative body of the county.
- (3) In any other county, by the executive of the county.

(d) A resolution under subsection (b) (2) must be adopted by the legislative body of the township.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.17, SEC.2; P.L.251-1993, SEC.3.

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

Section 1. Vehicle Tow-in Fee

(A) The Greenville Marshal's Department may assess a THIRTY-FIVE (\$35) DOLLAR tow-in fee for each vehicle the Department orders towed.

(B) The Greenville Marshal's Department shall collect the tow-in fee prior to releasing any towed vehicle to its owners and shall forward the Department's tow-in fees to the town clerk within 2 business days.

(C) The clerk is hereby directed to deposit any such revenues received into the Law Enforcement Continuing Education Fund.

Section 2. The ordinance shall take effect immediately upon passage and publication as provided by law.

NOW THEREFORE, BE IT FURTHER ORDERED that all Ordinances of the Town of Greenville, Indiana which are in conflict with this Ordinance are hereby repealed to the extent of such conflict, and any Ordinance not in conflict with this Ordinance shall remain in full force and effect.

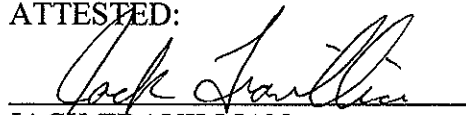
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ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 9TH
DAY OF AUGUST, 2010.

PRESIDENT GREENVILLE
TOWN COUNCIL OF
GREENVILLE, INDIANA


TALBOTTE RICHARDSON

ATTESTED:


JACK TRAVILLIAN
TOWN CLERK

PREPARED BY:
BOB WRIGHT

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<http://newstribune.classifieds.neighborsink.com/index.php?view=detail&id=c9b26c310bd9...> 8/27/2010

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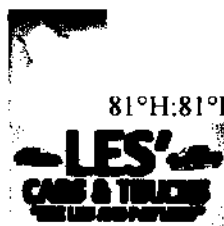
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GREENVILLE TOWN COUNCIL

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