

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

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

**TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050**

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 at its regular monthly meeting for construction 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 at its regular monthly meeting for construction approval.
3. If plan is approved, a permit from the Floyd County Health Department must be obtained and a copy given to the Greenville Town Council at its regular monthly meeting for construction approval.
4. If building is to be used for commercial purposes a design release from the Indiana Department of Homeland Security shall be presented to the Greenville Town Council at its regular monthly meeting for construction approval.

Before you build review the following Ordinances:

1. 2009-T-028, 2009-T-029 and 2009-T-039, or a successor Ordinance if said Ordinance is repealed.

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}.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

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.

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to 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 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. Any violations of above Rules and Regulations shall be subject to a Fifty US Dollar {\$50.00} fine per day until violations are corrected, plus Attorney Fees and Court Cost.
3. 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.
4. 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. If structure is ordered removed by the Greenville Town Council because the structure or structures do not comply with this Ordinance and the time frame determined by the Greenville Town Council for removal is not met, the Greenville Town Council may have the structure removed and fine the property owner or owners cost involved of removal of structure 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 person's responsible real estate in accordance with I.C. 36-1-6-2.
6. 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.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

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. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.
9. This Ordinance replaces Ordinance 2009-T-065 dated September 14th, 2009. Ordinance 2009-T-065 shall be moved to the voided Ordinance file after passage of this Ordinance.
10. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
11. 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.
12. Any unlawful provision found in this ordinance shall not effect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
16th DAY OF AUGUST, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

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

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

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 at its regular monthly meeting for construction 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 at its regular monthly meeting for construction approval.
3. If plan is approved, a permit from the Floyd County Health Department must be obtained and a copy given to the Greenville Town Council at its regular monthly meeting for construction approval.
4. If building is to be used for commercial purposes a design release from the Indiana Department of Homeland Security shall be presented to the Greenville Town Council at its regular monthly meeting for construction approval.

Before you build review the following Ordinances:

1. 2009-T-028, 2009-T-029 and 2009-T-039, or a successor Ordinance if said Ordinance is repealed.

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}.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

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.

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to 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 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. Any violations of above Rules and Regulations shall be subject to a Fifty US Dollar {\$50.00} fine per day until violations are corrected, plus Attorney Fees and Court Cost.
3. 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.
4. 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. If structure is ordered removed by the Greenville Town Council because the structure or structures do not comply with this Ordinance and the time frame determined by the Greenville Town Council for removal is not met, the Greenville Town Council may have the structure removed and fine the property owner or owners cost involved of removal of structure 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 person's responsible real estate in accordance with I.C. 36-1-6-2.
6. 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.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

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

9. This Ordinance replaces Ordinance 2009-T-065 dated September 14th, 2009. Ordinance 2009-T-065 shall be moved to the voided Ordinance file after passage of this Ordinance.

10. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.

11. 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.

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

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE

16th DAY OF AUGUST, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-050

RANDAL JOHNES

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-T-050

(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-T-050

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-T-050

RANDAL JOHNES

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-T-050

(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-T-050

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.

- [Clark County Focus](#)
- [Floyd County Current](#)
- [SI Business Source](#)
- [Snapshot](#)
- [» FEATURES](#)
- [Features](#)
- [Entertainment](#)
- [TV Listings](#)
- [Local Blogs](#)
- [» SPECIAL INSERTS](#)
- [2010 Medical Directory](#)
- [2010 New Albany Art Walk](#)
- [Grocery Coupons](#)
- [» ABOUT US](#)
- [TWITTER](#)

Classifieds

Search

Search Site Go

Search Listings Go

- [Home](#)

[1 Clipped Ad](#)



[Classifieds Marketplace](#)

[Find a Home](#)

[Find a Car](#)

[Find a Job](#)

» Public Notices

Place an Ad

[NOTICE TOWN OF GREENVILLE ORDINANCE 2010... Clip It!](#)

NOTICE

TOWN OF GREENVILLE

ORDINANCE 2010-T-050

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 procedures for construction, 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.
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 at its regular monthly meeting for construction 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 at its regular monthly meeting for construction approval.
3. If plan is approved, a permit from the Floyd County Health Department must be obtained and a copy given to the Greenville Town Council at its regular monthly meeting for construction approval.
4. If building is to be used for commercial purposes a design release from the Indiana Department of Homeland Security shall be presented to the Greenville Town Council at its regular monthly meeting for construction approval.

Before you build review the following Ordinances:

1. 2009-T-028, 2009-T-029 and 2009-T-039, or a successor Ordinance if said Ordinance is repealed.

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}.
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.

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to 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 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. Any violations of above Rules and Regulations shall be subject to a Fifty US Dollar {\$50.00} fine per day until violations are corrected, plus Attorney Fees and Court Cost.
3. 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.
4. 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. If structure is ordered removed by the Greenville Town Council because the structure or structures do not comply with this Ordinance and the time frame determined by the Greenville Town Council for removal is not met, the Greenville Town Council may have the structure removed and fine the property owner or owners cost involved of removal of structure 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 person's responsible real estate in accordance with I.C. 36-1-6-2.
6. 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.
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. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.
9. This Ordinance replaces Ordinance 2009-T-065 dated September 14th, 2009. Ordinance 2009-T-065 shall be moved to the voided Ordinance file after passage of this Ordinance.
10. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.
11. 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.
12. Any unlawful provision found in this ordinance shall not effect the remaining provision.

TOWN COUNCIL OF GREENVILLE

Published: Thursday, August 26th 2010 02:00:02 PM



81°H:81°L:59° Click for more weather



save

[circulans](#) [coupons](#) [deals](#)

+ Premium Jobs
Interested in earning
money from the
comfort of home?
Contact Angie at 206-
2137 to see ...more »