

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.

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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:

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- 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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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,

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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 8<sup>th</sup>, 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  
25<sup>th</sup> DAY OF OCTOBER, 2010.

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
TALBOTTE RICHARDSON,

  
\_\_\_\_\_  
JACK TRAVILLIAN,  
CLERK/TREASURER

PREPARED BY: RANDAL JOHNES

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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.

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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.*