

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

**ORDINANCE CONCERNING THE REGULATING OF ANIMALS AND
ANIMAL CONTROL WITHIN THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town develop an Ordinance which regulates animals and animal control 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:

ENFORCEMENT AUTHORITY:

DEPARTMENT OF ANIMAL CONTROL:

(A) The Greenville Town Marshal shall head the Department of Animal Control and be the Quarantining Authority for the Town of Greenville. The Town of Greenville's Marshal, Deputy Marshals and Reserve Officers shall be Animal Control Officers under the direction of the Greenville Town Marshal. The Department of Animal Control shall enforce the animal control ordinance and shall investigate any complaints regarding ordinance violations. The duties and powers of the Department of Animal Control are as follows:

(1) To cause to be enforced all Town of Greenville ordinances and/or state laws regarding animal care and control.

(2) To cause to be picked up by the New Albany and Floyd County Animal Control and Shelter all animals illegally at large, all sick, diseased, injured, lost, strayed, stolen or abandoned animals in accordance with Article 5 of Inter-local agreement and amendments entered into with the New Albany Floyd County Animal Control and Shelter dated May 21st, 1999, January 12th, 2005, January 20th, 2005 and services to be provided dated January 20th, 2005.

(3) To proceed upon public and private property within the Town of Greenville in pursuit of animals believed to be in violation of this ordinance. However, this authority does not extend to a privately owned structure without the consent of the owner, lessee or other occupant in control of the premises or without other legal process or authority. Any animal pursued under this section may be confiscated and held by the New Albany and Floyd County Animal Control and Shelter according to its rules and regulations. If an animal is confiscated without the knowledge or consent of the owner or occupant of the premises, a notice shall promptly be affixed to said premises in an obvious location, directing the occupant to contact the New Albany and Floyd County Animal Control and Shelter providing the address and telephone number of same on said notice.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

(4) To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the Town of Greenville.

(5) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the Town of Greenville. To cause to be impounded all animals found in conditions adverse to their health and safety.

(6) The Animal Control Officers shall receive appropriate and relevant training for the capture and treatment of animals.

(7) It shall be the duty of the Animal Control Officers to enforce all provisions of this ordinance and other ordinances in relation to animals.

(8) Such the Animal Control Officers are authorized to enforce all provisions of this ordinance, including the right to proceed upon public and private property in the Town of Greenville in pursuit of animals in violation of this ordinance.

INTERFERENCE WITH ENFORCEMENT AUTHORITY:

It shall be unlawful for a person to interfere with an Animal Control Officer in the performance of the officer's duties.

CERTAIN ANIMALS PROHIBITED:

LIVESTOCK PROHIBITED:

It shall be unlawful for a person to own, keep, or breed a horse, pig, pony, mule, donkey, jackass, goat, chicken, peacock, turkey, cow, llama or other livestock in the town corporate limits. However, the provisions of this section shall not apply to zoological parks, or bona fide circuses or carnivals, or an area designated as a farm used for the purpose of raising such animals.

WILD OR DANGEROUS ANIMALS PROHIBITED:

(A) It shall be unlawful for a person to own a wild or dangerous animal in the town corporate limits; however, the provisions of this section shall not apply to zoological parks, or bona fide circuses or carnivals.

(B) Any wild and/or dangerous animal shall be impounded or may be destroyed if such destruction is necessary to preserve the public health, safety and welfare of the community.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

(C) Costs. The owner of any animal that is impounded and/or euthanized shall be held responsible for payment of any expenses so incurred by the Town of Greenville. Failure to pay such fee within fifteen (15) days after destruction of such animal shall constitute a violation and may subject the owner to a court judgment in the amount of the costs incurred for impounding and/or euthanasia in addition to court costs, as well as reasonable attorney fees. In addition, if another animal or person is injured as a result of the animal's actions, the fine imposed shall not be less than \$250.00 and not more than that allowed by law.

(D) Determination and appeals procedure. Whenever an animal is declared dangerous by the Animal Control Officer, in his or her discretion, determines that the return of the animal to its owner would be likely to result in further violations of this ordinance, the animal's owner or custodian, if known, shall be notified of the intent to euthanize the animal unless the determination is timely appealed hereunder. Notice shall be served either in person or by certified mail, or by posting at the owner's residence. The animal, if not already held in quarantine at the New Albany and Floyd County Animal Control and Shelter, shall be surrendered to the New Albany and Floyd County Animal Control and Shelter.

(E) Any decision under these provisions may be appealed to the Department of Animal Control and Quarantining Authority. The appeal of the owner shall be in writing and shall be filed with the Department of Animal Control / Quarantining Authority and the New Albany and Floyd County Animal Control and Shelter within 5 days after receipt of notification that said animal has been found to be dangerous. The disposition of any animal shall be stayed during such an appeal. The animal shall remain impounded during the appeal process. If no appeal has been filed, the animal may be euthanized on the 6th day after notice was sent to the animal's owner if known.

(F) Upon receipt of a written appeal, the Department of Animal Control shall provide notice and conduct an adjudicative hearing. Thereafter, the Department of Animal Control shall render a decision that said animal is dangerous and must be euthanized, or it is not dangerous and should be returned to the owner. The decision of the Department of Animal Control / Quarantining Authority is final and binding upon the applicant, subject to any appeal rights.

(G) Regardless of the provisions of this section, whenever an Animal Control Officer finds any dangerous dog, cat, or other animals in packs, or running at large in such condition as to be too dangerous to attempt to capture the animal, then the Animal Control Officer is authorized to dispose of the animal, where it may be found, by shooting it.

LIMIT ON OWNERSHIP OF DOGS AND CATS:

It is unlawful to keep or harbor more than five dogs and five cats beyond the age of weaning in any dwelling unit, structure or property. A person who violates this section shall be punishable under penalties section of this ordinance unless noted otherwise.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

ANIMAL BREEDING;

Breeding of recognized dogs and cats will be allowed by private owners for resale for no more than one male and one female of a specific breed. What is known as puppy mill breeding with multiple male and female dogs and cats are prohibited within the town's corporate limits.

NUISANCE ANIMALS AND OTHER REGULATIONS REGARDING ANIMALS:

NUISANCE ANIMALS;

(A) If an animal, other than an animal that causes excessive noise, as provided in (B), or that damages property, as provided in (C), is found in violation of this ordinance, an official warning shall be given by the Department of Animal Control to the owner of the offending animal. If a second verified complaint is made after official warning has been given of a violation of this ordinance, the Department of Animal Control may impound the animal and issue a fine to the owner of at least \$100.00, but not more than \$250.00 for a second violation, depending upon the severity of the offence. This fine shall be reduced to \$50.00 and the animal returned to the animal's owner, if within 4 days of receiving notification of said violation, the owner details and verifies the steps that are being taken to correct the violation, and the animal has been altered or the owner agrees to alter said animal. For a third violation, the fine imposed shall be not less than \$250.00 nor more than \$500.00, and the animal may be impounded. The animal, if claimed, shall be returned to its owner, provided that all fines have been paid.

(B) Upon a verified complaint made to the Department of Animal Control of an animal that barks, whines, howls or makes other sounds common to its species in an annoying, excessive and continuous manner, an official warning shall be given, at the discretion of the Department of Animal Control, to the owner of the offending animal. If a second verified complaint is made after official warning has been given, the owner shall pay a fine of \$50.00, unless the owner details and verifies in writing within three days of receiving notice the steps that are being taken to correct the problem. Upon a third verified complaint, the offending animal may be impounded. For a third violation, the fine imposed shall be not less than \$250.00 nor more than \$500.00. The animal, if claimed, shall be returned to its owner, provided that all fines have been paid.

(C) Upon a verified complaint made to the Department of Animal Control of an animal that damages private or public property, notification shall be given to the owner, the animal may be impounded and the owner shall pay a fine of at least \$100.00, but not more than \$500.00. The animal, if claimed, shall be returned to its owner, provided that all fines have been paid.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

ANIMAL WASTE DISPOSAL REQUIREMENTS:

(A) No person shall allow a dog or cat which is kept by that person to defecate on a public street, byway, municipally owned or public land or building, or upon private property in the Town of Greenville without promptly removing any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities, and shall not allow waste to accumulate to offensive nuisance levels.

(B) No person shall allow their dog or cat to repeatedly urinate on municipally owned or public land or building, or upon private property in the Town of Greenville (including shrubs, trees, plants, specific areas of grass or private items) that would result in the destruction or damage of said item or area.

(C) Notwithstanding the provisions of subsection (A) of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

CONFINEMENT OF FEMALE ANIMALS IN HEAT:

The owner or keeper of any female animal in heat kept in the Town of Greenville shall confine the animal within a secure enclosure.

DISPOSITION OF DEAD ANIMALS:

The owner of an animal is responsible for picking up dead animal bodies and body parts when on privately owned property and the lawful disposition of them. When the animal is on public property within the Town of Greenville Corporate limits the Department of Animal Control is to be contacted. The Animal Control Officer shall contact the New Albany and Floyd County Animal Control and Shelter to pick up dead animals.

RABIES CONTROL:

ANTI-RABIES VACCINATIONS REQUIRED FOR ALL DOGS AND CATS NOT CONFINED TO OWNER'S PROPERTY:

It shall be unlawful to keep a dog or cat over the age of three (3) months in the Town of Greenville unless such cat or dog is immunized against rabies by a vaccination performed by a veterinarian and the period of immunization specified by the veterinarian performing the vaccination has not expired.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

RECORD OF ANTI-RABIES VACCINATION; TAG REQUIRED IF NOT ON OWNER'S PROPERTY:

(A) A veterinarian who administers an anti-rabies vaccination, at the time a dog or cat is vaccinated, issues to the animal's owner a durable anti-rabies vaccination identification tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and identification number of the vaccination.

(B) For the purpose of identification, each owner of a dog or cat which is kept in the Town of Greenville shall cause the anti-rabies vaccination identification tag to be affixed to the animal's collar, and to be worn by the animal at all times when not on owner's property.

PRECAUTIONARY MEASURES AND INDIVIDUAL ANIMAL QUARANTINE:

A captured animal known to have bitten or otherwise exposed a person to the possibility of contracting rabies through non-bite exposure in the Town of Greenville shall be humanely quarantined for a period of not less than ten (10) days. In the sole discretion of the Department of Animal Control/Quarantining Authority, the quarantine may be on the premises of the owner, or at the owner's expense in a kennel or veterinary hospital.

SURRENDER OF SUSPECTED ANIMAL BY OWNER:

Whenever the quarantining authority has reasonable cause to suspect that an animal in the Town of Greenville has been exposed to rabies, or bitten or exposed through non-bite exposure a person to rabies, such animal shall be surrendered by its owner for quarantine and observation, at the owner's expense, promptly upon demand by the quarantining authority. Such quarantine and observation shall be at the owner of the animal's expense.

FINDING OF RABIES; GENERAL QUARANTINE:

(A) When an animal quarantined by the Department of Animal Control has been found to be rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, and the diagnosis made of, the animal.

(B) When a rabies report is made under subsection (A) of this section, the Quarantining Authority shall institute a general quarantine for a period of thirty (30) days. Upon invocation of the general quarantine by the Quarantining Authority, any animal found at large in the city may be destroyed without being impounded. During the quarantine period, every animal bitten or exposed through non-bite exposure by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the state board of animal health.

**TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056**

(C) During a general quarantine declared by the Quarantining Authority under this section, an animal's owner or keeper who resists the quarantining authority acting under this ordinance, or who permits an animal owned or kept by that person to be at large in the Town of Greenville, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded at the owner's expense.

DISPOSITION OF RABID ANIMALS:

The Quarantining Authority shall dispose of any animal reasonably suspected by it of being infected with rabies in the Town of Greenville in accordance with the rules and regulations of the state board of animal health.

**CARE, TREATMENT, AND PROHIBITIONS REGARDING ABUSE OF
ANIMALS:**

GENERAL REQUIREMENTS FOR ANIMAL CARE AND TREATMENT:

Every owner or keeper of an animal kept in the Town of Greenville shall see that such animal:

- (1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;
- (2) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
- (3) Shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;
- (4) Shall not be tethered or confine an animal at a vacant structure or premises for any purpose or time if not monitored by a competent adult who is present at the property for the duration of the tethering or confinement. Invisible fencing with collar control is allowed.
- (5) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

(6) Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and

(7) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the Town of Greenville.

(8) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the Town of Greenville.

(9) In the discretion of the Department of Animal Control, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation, and the Department of Animal Control shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period shall constitute prima facie evidence of a violation of this section.

ABANDONMENT OF ANIMAL:

It shall be unlawful for a person to abandon any animal on public or private property in the Town of Greenville.

ANIMALS IN VEHICLES:

(A) It shall be unlawful to leave an animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(B) It shall be unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, highways and/or rights-of-way unless the animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

REPORT OF VEHICULAR COLLISION WITH ANIMAL:

A person whose vehicle causes injury or death to an animal in the Town of Greenville shall stop at once, assess the extent of the injury to the extent that it is safe to do so, and immediately notify the animal's owner, if known, or the Department of Animal Control, with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck, along with the rabies tag number of the animal, if it can safely be ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner.

**TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056**

LOST OR STRAY ANIMALS:

(A) Persons finding a stray animal are to notify the Department of Animal Control within forty-eight (48) hours. At the discretion of the Department of Animal Control, the animal may be kept by the finder and a found report left with the Department of Animal Control to enable the finder an opportunity to return the animal to its rightful owner.

(B) Upon demand, by the Department of Animal Control, the New Albany and Floyd County Animal Control and Shelter will be notified of any found animal for pick up.

(C) Person(s) finding an animal is obligated to comply with all the rules and regulations of this ordinance pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

(D) With the exception of the Department of Animal Control, the finder will be considered the found animal's owner for purposes of this ordinance only after the animal is in the finder's custody for thirty (30) continuous days.

ATTEMPTS TO POISON ANY ANIMAL:

It shall be unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace or public place, or on any private premises, in the Town of Greenville for the purpose of destroying or injuring any animal.

UNLAWFUL TO SHOOT ANY ANIMAL:

It shall be unlawful for a person to shoot any dog, cat or other animal unless it is a dangerous animal.

ANIMAL FIGHTS:

(A) It shall be unlawful for a person to incite, train to fight (other than a crime prevention dog) or set any animal to fighting another animal or to incite combat between animals and humans in the Town of Greenville.

(B) No person shall possess animal fighting paraphernalia and a dog, cock, fowl, or bird bearing a scar, wound or injury consistent with animal fighting.

(C) No person shall attend an animal fighting contest.

(D) No person shall sell, purchase, own, harbor, give away, barter, breed, or possess any animal for animal fighting.

(E) No person shall permit anyone to use any building, shed, room, yard, ground, premises, vehicle or property, whether enclosed or not for the purpose of animal fighting.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

(F) No person shall aid, abet, assist, act as judge or referee, bet or wager money or other valuable consideration on the outcome of, be at, attend, or in any way engage in the furtherance of an exhibition of animal fighting.

PROHIBITED ANIMAL EVENTS:

No person or group of persons or any for-profit organization, whether for pay or other compensation or for free promotional purpose, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner except those events reviewed and approved for public safety and the safety, well-being, and comfort of the animals involved by the Department of Animal Control.

ENTICEMENT OF ANOTHER PERSON'S ANIMAL:

(A) It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person in the Town of Greenville to capture, entice, or take any animal out of the enclosure or premises of the owner, or to seize an animal at any place while such animal is accompanied by its owner or keeper.

(B) Except as expressly authorized in this ordinance, it shall be unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the Town of Greenville, or to entice an animal from a street, alley or public place in the town with the intent to deprive the owner of the animal's possession.

(C) It shall be unlawful for a person to bring into the Town of Greenville an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this ordinance.

INTERFERENCE WITH ANOTHER PERSON'S ANIMAL:

It shall be unlawful for a person to feed, tease, tantalize, or provoke any animal in the town without the express consent of the animal's owner, if any, while the animal is on the owner's property or under the owner's control.

UNLAWFUL USE OF A DOG:

It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the Town of Greenville.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

OFFENSIVE USE OF ANY ANIMAL:

(A) It shall be unlawful in the Town of Greenville for a person wilfully to deposit a live or dead animal upon public or private premises not owned by that person, or wilfully to throw a live or dead animal or insect against any other person, or aid or abet another person in doing so.

(B) No person shall engage or cause to allow any other person to engage in a sexual act with any animal.

ANIMALS NOT TO BE OFFERED AS NOVELTIES OR PRIZES:

(A) It shall be unlawful for a person to sell, offer for sale, trade, barter or give away in the Town of Greenville any live animal, bird or reptile as a novelty, prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade for business, other than establishments selling animals as their primary business.

(B) It shall be unlawful for a person to transport into the Town of Greenville any live animal, bird or reptile for any purposes prohibited by subsection (A) of this section.

(C) It shall be unlawful for a person to sell, offer for sale or otherwise dispose of any animal whose appearance has been artificially or chemically colored, sprayed or painted

IMPOUNDMENT AND DISPOSITION OF ANIMALS:

GROUNDS FOR IMPOUNDMENT:

Any dangerous animal, any animal causing a public nuisance in violation of this ordinance, or any animal that is not tagged may be captured and impounded.

NOTICE TO OWNER:

(A) Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.

(B) Such attempt shall include, but not necessarily be limited to, the following;

(1) Contact with the veterinarian facility listed on the animal's vaccination tag if attached to animal's collar

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

REPORT OF IMPOUNDMENT:

A person who confines an animal found by that person to be at large in the town shall notify the Department of Animal Control within forty-eight (48) hours thereafter.

RETURN OF CAPTURED ANIMAL WITHOUT IMPOUNDMENT:

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if, in the opinion of the Department of Animal Control, the return would not present a danger to the public or otherwise result in a violation of this ordinance.

RETURN OF IMPOUNDED ANIMAL TO OWNER

(A) An animal impounded under this division, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of this article.

(B) The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions the New Albany and Floyd County Animal Control and Shelter may impose, including proof of ownership, the payment of the appropriate impoundment and kennel fees as regularly charged by the New Albany and Floyd County Animal Control and Shelter, and a \$25.00 animal control fee payable to the Department of Animal Control.

(C) Notwithstanding any other provision of this ordinance, an animal which has been impounded as a wild or dangerous animal, or which has been impounded on two or more prior occasions, or which has bitten or otherwise caused injury to person or property shall be returned to its owner only if the Department of Animal Control in its discretion determines that such return will not result in further ongoing violations of these ordinance.

(D) If such a determination cannot be made, or if the animal has been declared wild or dangerous, the Department of Animal Control then shall send notice to the owner of its intent to have the animal disposed of.

USE OF OWNER-SURRENDERED OR IMPOUNDED ANIMAL FOR RESEARCH PROHIBITED:

No animal surrendered by its owner or impounded under this article shall be used or disposed of for purposes of research or experimentation by use of the animal.

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

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. Any person who violates any provision of this ordinance shall be issued a citation, which shall contain the name and address of the violator, the ordinance section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
2. Any person violating any of the provisions of this ordinance that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty (\$50.00) and each day's violation shall constitute a separate offense
3. 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 plus attorney fees and court costs.
4. 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 plus attorney fees and court costs.
5. 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.
6. The Town 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 correct the condition and bring the property into compliance. 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.
7. Furthermore, if the condition of said real estate has not been corrected within thirty {30} days, the Town may cause to be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer in accordance with IC 36-1-6-2 or successor statute, if said statute is repealed.
8. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.

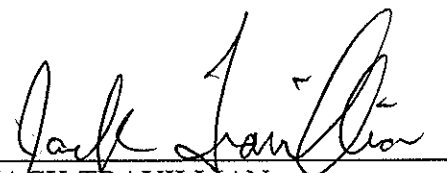
TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

9. This Ordinance replaces Ordinance 2009-T-009 dated April 15th, 2009. Ordinance 2009-T-009 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
30th DAY OF AUGUST, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-056

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-056

(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-056

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.