

**ORDINANCE NO. 2025-17
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE ADDING TITLE V, CHAPTER 53, SECTIONS 53.03 AND 53.04
TO THE ZIONSVILLE CODE OF ORDINANCES**

WHEREAS, pursuant to Ind. Code § 36-9-2-7, the Town of Zionsville (“Town”) may regulate the use of public rights-of-way within its jurisdiction; and

WHEREAS, the Town Council of the Town of Zionsville now finds that it is in the best interest of public safety to further regulate the use of public rights-of-way within the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Boone County, Indiana, meeting in regular session as follows:

Section 1. The forgoing Recitals are incorporated herein by this reference.

Section 2. Title V, Chapter 53, § 53.03 is hereby added to the Zionsville Town Code and shall read as follows:

“§ 53.03 ENCROACHMENTS WITHIN PUBLIC RIGHTS-OF-WAY.

No person shall maintain or construct any steps, stairs, building, fence, platform, trapdoor, cellar door, improvement, or any other encroachment or obstruction upon, in or under any public right-of-way without a written agreement of consent to encroach that has been approved by the Director of the Department of Public Works.”

Section 3. Title V, Chapter 53, § 53.04 is hereby added to the Zionsville Town Code and shall read as follows:

“§ 53.04 PLACEMENT OF BUILDING MATERIALS, TEMPORARY STOCKPILING AND PLACEMENT OF BULK MATERIAL, DUMPSTERS, PORTABLE STORAGE CONTAINERS (PODS), AND OTHER MATERIAL.

(A) Per § 53.01 hereinabove, no person shall obstruct, or cause to be obstructed from reasonable use, any street, alley, or sidewalk within the Town. This does not prohibit the reasonable and necessary use of part of the streets or sidewalks, for the purpose of temporarily depositing building materials or other materials in front of or in rear of buildings in process of erection, repair, or maintenance.

(B) No person shall place building materials, bulk material, dumpsters or portable storage containers upon any street, alley or sidewalk without written permission of the Director of the Department of Public Works or the Director’s designee and subject to such conditions as may be prescribed by the Town (“Encroachment Permit”). Where necessary to properly protect the public in the nighttime, any person requesting an Encroachment Permit may be required to supply, at the person’s expense, lighted amber lamps and/or suitable reflective markers and/or cones to be placed around such materials during the time period in which the Encroachment Permit has been granted

(C) When any street, alley or sidewalk is obstructed and impedes or interferes with the free use thereof and the person has not received an Encroachment Permit, the Town may remove or cause to be removed such obstruction to a suitable place.

- (D) The Town may recover the cost of removal of such obstruction if the following criteria are met:
- i. The Town has given the property owner written notice requesting that such obstruction be removed from the street, alley, or sidewalk within the Town; and
 - ii. The property owner has failed to remove such obstruction within twenty-four (24) hours of the issuance of such written notice.”

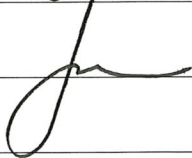
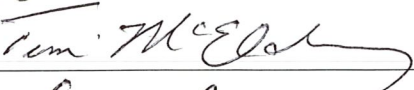
Section 4: If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 5: The provisions of this Ordinance shall take effect following the date of its passage and action by the Town Council and the Mayor in the manner prescribed by Reorganization section ZR2A18 and shall remain in full force and effect until amended or repealed by ordinance of the Town Council.

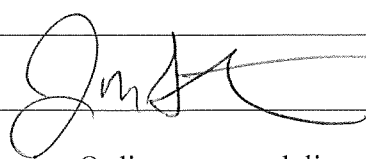
Introduced and filed on the 7th day of July, 2025. A motion to consider on First Reading was sustained by a vote of 7 in favor and 0 opposed, pursuant to Ind. Code § 36-5-2-9.8.

DULY PASSED AND ADOPTED this 21st day of July, 2025, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 6 in favor and 0 opposed.

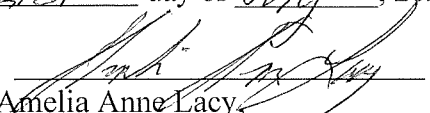
**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA Signature	NAY Signature
Jason Plunkett, President		
Brad Burk, Vice-President		
Tim McElderry, Member		
Craig Melton, Member		
Evan Norris, Member		
Sarah Esterline Sampson, Member		

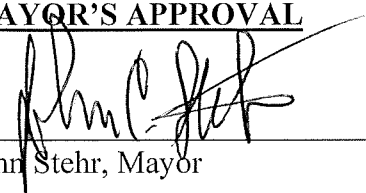
2025-17

Joseph Stein, Member		
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I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor John Stehr on the 21st day of July, 2025, at 9:50 A. m.

ATTEST: 
Amelia Anne Lacy,
Municipal Relations Coordinator

MAYOR'S APPROVAL


John Stehr, Mayor

7-11-2025
Date

This Ordinance was prepared by Jon Oberlander, Chief Legal Counsel on June 24, 2025, at 10:27 a.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise. This Ordinance was amended by Heather Harris, Legal Counsel for the Town Council on July 9, 2025, at 10:48a.m. in preparation for Second Reading of the Ordinance. No subsequent revision to this Ordinance has been reviewed by Ms. Harris for legal sufficiency or otherwise.