

## ENCROACHMENTS OF THE PUBLIC RIGHT OF WAY

**Encroachment** means an intrusion by an inanimate object on, under, over or upon the public right of way.

The **public right of way** is defined as any travelled way and/or any public easement and cannot be generally used for private purposes. Some examples include public roads and streets, curbs, sidewalks, telephone poles, fire hydrants, etc.

The Marion County Code mandates that:

- **Public ways are not to be used for private purposes (Sec. 645-512).**

The streets, alleys, sidewalks, bridges and public places of the city shall be maintained open at all times for travel by vehicles and pedestrians and for all other proper public uses and purposes. No part thereof, or any spaces above or below such public ways, except as otherwise authorized by statute, this article or Code, or by any other City ordinance, shall be used for any private purpose or business. Except as may be so authorized, no use shall be permitted which affects the orderly appearance thereof, or obstructs or hinders public travel thereover, contrary to the public safety and welfare.

- **Children playing in streets (Sec. 645-525).**

It shall be unlawful for the parent, custodian and guardian of any child to permit or suffer such child to play in the roadway of any street.

## FREQUENTLY ASKED QUESTIONS

### I HAVE A PORTABLE BASKETBALL GOAL PLACED ON OR NEAR THE CURB. WHY CAN'T I JUST MOVE IT WHEN I'M DONE?

As noted in the Marion County Revised Code, portable basketball goals cannot be placed on the public right of way because it can lead to traffic obstructions as well as hazardous conditions for children and pedestrians.

### WHERE CAN I PLACE MY PORTABLE BASKETBALL GOAL?

The goal should be placed on your property, like a driveway or patio. However, no portion of the goal should be in or touching the public right of way. Those using the goal also should not be playing in the public right of way.

### THERE ARE PORTABLE GOALS BEING USED IN MY NEIGHBORHOOD. HOW DO I REPORT THEM?

Call the Mayor's Action Center at (317) 327-4MAC (4622). DPW will send an inspector out to determine if the goal is in the right of way. The homeowner will then be notified and asked to remove the goal from the right of way.

### CAN I OBTAIN A PERMIT SO THAT I CAN USE THE STREET IN FRONT OF MY HOUSE TO PLAY BASKETBALL?

No. The City will not issue a permit that will allow for this activity to occur in the public right of way.

### WHAT HAPPENS IF MY CHILDREN ARE CAUGHT USING A BASKETBALL GOAL IN THE PUBLIC RIGHT OF WAY?

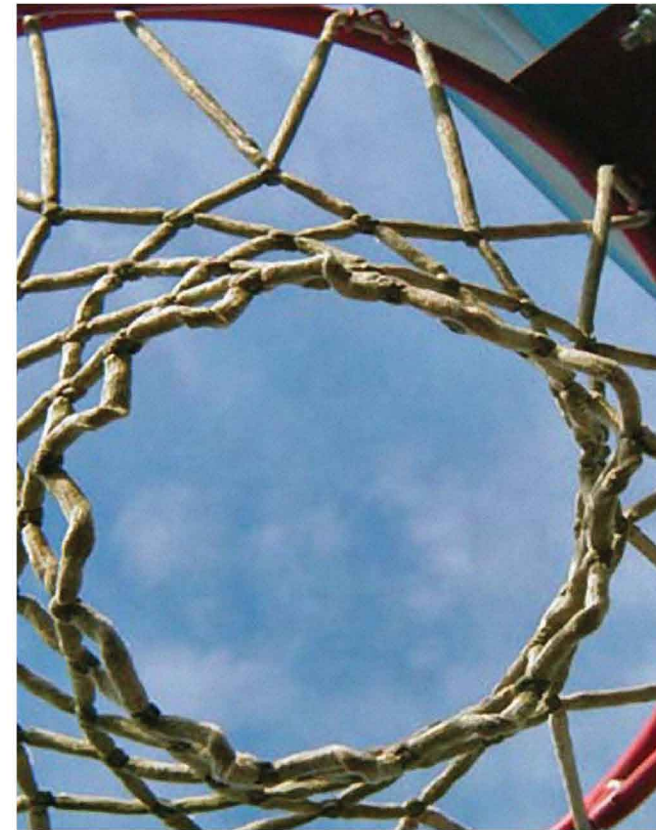
The responsible adult can be summoned to court and may face a fine. Repeat offenders will be issued a summons to appear in court and can possibly be fined.

### THE HOUSING ADDITION THAT I LIVE IN HAS A SET OF COVENANTS THAT ALLOW FOR PORTABLE GOALS. DOESN'T THAT ALLOW ME TO HAVE A GOAL AT THE EDGE OF THE STREET?

No. The Marion County Revised Code takes priority over any homeowner's association covenants. To view a copy of the City's Code, visit <http://www.indy.gov/egov/city/dmd/planning/zoning/Pages/municode.aspx>.

### I LIVE ON A CUL-DE-SAC OR A COURT AND THE STREET ISN'T USED FOR THROUGH TRAFFIC. AM I ABLE TO PLAY BASKETBALL HERE?

No. Courts and cul-de-sacs are still considered public streets and, by definition, public right of way.



## REPORTING PROCESS

If you suspect that a basketball goal is in the public right of way, call the Mayor's Action Center at (317) 327-4MAC (4622).

Report the specific address where the basketball goal is located.

A work order is then issued through the Mayor's Action Center to the Department of Public Works' Customer Service Division. DPW will send an inspector out to determine if the goal is in the public right of way.

If the goal is in the public right of way, the DPW inspector will place a notice on the goal and leave information for the homeowner at their door.

If the goal has not been removed within 48 hours, DPW can remove the goal from the public right of way.

Goals are held for 30 days and are then disposed of properly. Homeowners who have their goal removed from the public right of way should contact DPW's Central Dispatch at (317) 327-1620 to arrange a time to pick up their goal.

City of Indianapolis  
Department of Public Works

For more information,  
please visit our Website or  
call the Mayor's Action  
Center at  
(317) 327-4MAC (4622).



[www.indy.gov/DPW](http://www.indy.gov/DPW)

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## BASKETBALL GOALS AND THE PUBLIC RIGHT OF WAY

