

ORDINANCE NO. 2023- 7

AN ORDINANCE CONCERNING STRUCTURES ON RIGHT OF WAY OR  
EASEMENTS

WITHIN THE TOWN OF WESTPORT

WHEREAS, the creation of structures on right of way or easements within the Town of Westport is a detriment to the public health, safety, and welfare, and the quality of life within the community; and

WHEREAS, the Westport Town Council finds that it is in the public interest of Westport and its citizens to provide for the regulation and control of the creation of structures on right-of-way or easements within the Town; and

WHEREAS, the Town Council desires to create and states:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Westport, Indiana as follows:

**Section 1. General Restrictions.**

The following general restrictions apply to all structures, including fences and walls, as specified below:

1. Rights-of-Way: No fence, wall, or structure of any kind shall be constructed in or allowed to encroach upon any public right-of-way.
2. Easements: No fence, wall, or structure of any kind shall cross a public or private easement without the permission of the easement holder.

**Section 2. Penalties.**

Whoever violates the provisions of this section shall be responsible for the cost incurred by the Town to remove any structure encroaching in the Town's right-of-way or easement including court costs and reasonable attorney fees.

**Section 3.** This ordinance shall be in full force and effect from and after its passage by the Town Council.

ADOPTED AND PASSED by the Town Council of the Town of Westport, Indiana, this 14th of August, 2023.

Ayes

Nays

Harry Bray III \_\_\_\_\_  
[Signature] \_\_\_\_\_  
Joyce Brundage \_\_\_\_\_

Presented to me by the Town Council of Westport, Indiana on this 14<sup>th</sup> day of August, 2023.

[Signature]  
Gloria Alumbaugh  
Clerk-Treasurer