

*Sagamore News Media presents*

# Tropical Costa Rica

HOSTED BY DICK WOLFSIE | FEBRUARY 6 - 14, 2026



For more information contact Collette 800-581-8942  
Refer to booking #1344002



■ **TODAY'S VERSE**

**Isaiah 30:21** And thine ears shall hear a word behind thee, saying, This is the way, walk ye in it, when ye turn to the right hand, and when ye turn to the left.

**HONEST HOOSIER**



Don't get me wrong, no way I'd ever burn an American flag -- and I hate it when someone does. But when a politician tells me I don't have the freedom to do it, then we're getting on a real slippery slope.

■ **HAMILTON HAPPENINGS**

Ready for a walk with your up? Then mark the calendar for Sunday, Sept. 7 at 10 a.m. at Dr. James A. Dillon Park (6351 Midland Lane) in Noblesville. You, your furry pal and others can join Indiana Donor Network for the 2025 Strut 2 Save Lives, a community event filled with fun for the whole family, including your furry friends. This one-mile walk with your pups will honor organ and tissue donors and celebrate the gift of life. All proceeds support the Bryan Clauson Legacy Fund of Indiana Donor Network Foundation, which helps relieve the burden on donor families by helping with costs associated with hotel stays, gas, food and other necessities prior to and during donation. Enjoy a family friendly morning that includes food, drinks, prizes, a silent auction and local vendors. Registration is \$30 for adults, \$15 children ages 2-12. Groups may sign up for the walk. To register: <https://www.classy.org/event/2025-strut-2-save-lives/e700995>

■ **QUOTE OF THE DAY**

"When you give joy to other people, you get more joy in return."

- Eleanor Roosevelt

■ **JOKE OF THE DAY**

Where does Spider-Man go for medical advice?

Web MD

# The TIMES



NOBLESVILLE, INDIANA

[www.THETIMES24-7.com](http://www.THETIMES24-7.com) | 50¢

## New at the Virtual Museum!



Paula Dunn  
*From Time to Thyme*

It's been quite a while since the From Time to Thyme Virtual Museum has had any new exhibits. However, as luck would have it, I've run across some new artifacts to put on display . . . so to speak.

(As you may recall, this is a "virtual" museum because all the objects in it have disappeared from the real world. Maybe. It's possible they could still be around somewhere, but at this point, the only evidence I have of their existence is in old newspaper

stories.) The Oct. 11, 1879 Noblesville Independent contains a brief reference to a painting owned by merchant Ezra Swain. The "very attractive picture" depicted Swain's home on Noblesville's Federal Hill and included a view of his prize-winning shorthorn cattle in the foreground.

Swain's house was originally built by Judge William Garver in the 1850s or 1860s. According to a description I found years ago, it had 11 rooms, four fireplaces, high ceilings and a spiral staircase in the front hall.

Judge Garver sold the property to Judge Earl Stone in 1865. Swain acquired it in 1875. The house remained in the Swain family for nearly 70 years before being sold to the county and torn down to build the new Hamilton County Hospital (now known as Riverview Hospital.)

I'd LOVE to know what became of that painting. In its day, Swain's house was one of the fanciest residences in this area, so it would be nice if we had some kind of visual record of it. I'm sure there must

See PAULA Page 6

## Fallen Heroes Wall Here Sept. 11-13

There are few things a nation can do more honorable than remembering its fallen heroes.

Thanks to Veterans & Athletes United and the Frank Huntzinger American Legion Post 45, that's exactly what will be happening Sept. 11-13 when the Fallen Heroes Wall is on display.

The wall honors the more than 7,000 brave men and women who have made the ultimate sacrifice during the U.S.'s war on terror.

"We hope to bring awareness of the heavy price paid for this flag and to keep our country free," James Howard, Founder and President of VAU, said. "Behind each one of the 7,065 dog tags is a personal story of true heroism and selfless sacrifice. We hope our memorial provides an opportunity for visitors to honor, reflect and heal. To remember all those who gave their lives defending this great country in the war on terror."

This is a major event and a great privilege to have locally. Be sure to mark Sept. 11-13 on the calendar and get out to visit the display. There is also an interactive kiosk where visitors can research soldiers on the wall and view a photo and biography of each hero.

## Woman of Impact Award Goes to Megan Wiles

Recognizing a woman who tirelessly serves our residents, passionately moves Noblesville forward, is an exemplary steward within the community and has a commitment to making a positive impact in the Noblesville community is the focus of Women In Noblesville Network's Woman of Impact Award. The Noblesville Chamber of Commerce honored Megan



Megan Wiles, front and center, was the fourth recipient of the Woman of Impact Award.

Wiles as its fourth annual WIN Woman of Impact Award winner at Mustard Seed Gardens in Noblesville Aug. 27.

"I'm very honored to receive this award," Wiles said. "There are many women who make an impact on our community each and every day. I'm proud to work alongside them to continue to make Noblesville such a wonderful place to work and call home. Thank you to the Noblesville Chamber and the Women In Noblesville

See AWARD Page 6

■ **THREE THINGS YOU SHOULD KNOW**

**1.** One of the nation's top art sales of Western-inspired art returns to Indianapolis: the 20th annual *Quest for the West*® Art Show and Sale, taking place Sept. 5-6 at the Eiteljorg Museum. During the sale weekend open to pre-registered guests, nearly 50 of the nation's leading artists in the Western genre will show and sell their beautiful landscape paintings, portraits and sculptures during a fixed-price, luck-of-the-draw sale. To register to attend either or both nights of the *Quest for the West*® Art Show and Sale and bid on art, visit [quest.eiteljorg.org](http://quest.eiteljorg.org).

**2.** Hunters can apply for Indiana Department of Natural Resources (DNR) reserved hunts at [GoOutdoorsIN.com](http://GoOutdoorsIN.com). Reserved hunts included in this round include Fish & Wildlife Area (FWA) waterfowl, FWA and Nature Preserves deer, November Gamebird Areas, and Indiana Private Lands Access hunts. The online application method is the only way to apply for the hunts listed. No late entries will be accepted. Applicants must possess a hunting license that is valid for the hunt for which they apply. A \$1 tech fee is charged for each hunt application purchased. Applications must be submitted by 11:59 p.m. ET on Wednesday, Sept. 17. For a complete list of hunts available, see [on.IN.gov/reservedhunt](http://on.IN.gov/reservedhunt).

**3.** Lt. Gov. Micah Beckwith and the Indiana Office of Community and Rural Affairs recently announced that Madison and Warrick counties have been selected to participate in the Rural Empowerment and Development program. The RED program is a comprehensive capacity-building and planning program created by OCRA and the Indiana Communities Institute at Ball State University. "Through the RED program, Madison and Warrick counties will provide Hoosiers with even more opportunities to thrive," Beckwith said. "I'm excited to watch these communities bring their ideas to life and see the positive difference it makes for families and local businesses." The initiative is designed to help communities build capacity by expanding on previous community development efforts and incorporating innovative new approaches. The program provides hands-on, relevant and productive experiences tailored for communities looking to elevate their economic development vision through local collaboration.



Photo courtesy City of Carmel

Pre-registration is required to participate. For more information and to register, go to <https://whiterivercleanup.com/>

## Noblesville, Carmel Partner for 31st Annual White River Clean-Up

Noblesville and Carmel are partnering to host the 31st Annual White River Clean-Up on Sunday, Sept. 14, from 8 a.m. to noon. This annual event brings volunteers together to help make an immediate, positive impact on the White River by removing

See RIVER Page 5



54 N. 9th St. Noblesville IN 46060
Main: 317-773-9960
thetimes24-7.com

ADOPT A PET DUKE



Duke is good with dogs, good with older kids (13+), and perfect for you. This 4-year-old Male German Shepard has been available for adoption at the Humane Society for Hamilton County (HSHC) since 7/2/25. He's loyal and forms strong bonds with his chosen people, so he's perfect for a home that can show him plenty of attention. Duke would love to meet you soon at HSHC anytime Monday-Tuesday or Thursday-Sunday from 12-5 PM. To meet Duke, please fill out an adoption application at hamiltonhumane.com/adopt.

WINDOW NATION advertisement for windows with promotional offer: BUY 4 WINDOWS GET 4 FREE. Includes details about energy efficiency and contact information.

LeafFilter advertisement for gutter protection with 2025 Summer Home Protection Event! Offer: 75% OFF + \$250. Includes contact number 877-361-4260.

ACCULEVEL advertisement for foundation repair services. Shows 'BEFORE' and 'AFTER' images of foundation work. Contact: 877.229.0197.

The Times newspaper subscription information. Vol. 121 | Issue 101. Sen. Phil Boots, President; Tim Timmons, Publisher. Includes subscription rates and contact info.

Where Are Answers to School, Mass Shootings?



Tim Timmons Columnist

Here we are again – writing and reading about a school shooting. Another school shooting.

shooting.

Another. Damnable. School. Shooting.

We know the details. A Minneapolis Catholic Church and school, Church of the Annunciation, was the site. An all-school mass took place during the first week of classes. An 8-year-old and a 10-year-old died while sitting in church pews. Eighteen others were injured.

An 8-year-old and a 10-year-old.

What is wrong with our world?

According to news reports, this was the fifth shooting in U.S. schools since this new school year began Aug. 1.

AUGUST FIRST!

Fifth!

Since!

Aug. 1!

Let's ask again, what is wrong with our world?

According to CNN, this was the 44th school shooting this calendar year. Half took place on college campuses and half in K-12 schools.

This is the 36th week of the year. We have had 44 school shootings. Think about that for a second. More than one a week.

44 school shootings.

18 dead

74 wounded

Just this year.

Just! This! Year!

Expand beyond schools and it's worse. In the U.S. this calendar year, there have been 270 mass shootings with 269 dead and almost 1,200 wounded.

Beg your pardon for the repetition, but what is wrong with our world?

In the wake of this most recent – AND FAR TOO OFTEN – deadly shooting, we've all heard the same talking heads call for more gun control laws. Could we shut down the

damn political talk just this once?

Please?

The answers are not in statehouses. Not in D.C.

Eighteen dead, many of whom were children. What else do we need to know? If anyone thinks a political answer is the solution, please check out the definition of insanity – doing the same thing and expecting a different outcome.

Political rhetoric won't fix the problem. The problem is not guns, laws or anything politicians can legislate.

The problem is people.

People who don't parent their children. People who abdicate parenting to video games. People who don't crack open the door to a church, or their heart to God. People who value power over good governance. People who think talking solves problems.

Guns. laws. Talk.

Not. The. Problem.

People. People. People.

The gun control crowd says take away guns. Conservatives say make penalties more severe. Others say harsher laws don't help, we need more hugs. Hugs? Death penalties? I don't know. (I do know that the book we're supposed to be living by says if you break enough rules you don't get a hug. An eternal fiery consequence is pretty clearly spelled out.)

Whether the root cause is pure evil or mental health we are desperate for an answer. Government's track record in addressing and fixing either is spotty at best, We need to look in our homes. Look in our churches. Look to parents, grandparents. Us. All of us. We have become a nation that relies on folks who were elected for answers. When are we going to wake up?

Two cents, which is about how much Timmons said his columns are worth, appears periodically in The Times. Timmons is the chief executive officer of Sagamore News Media, the company that owns The Noblesville Times. He is also a proud Noblesville High School graduate and can be contacted at timmons@thetimes24-7.com.

Branna's Falling For the Season



Branna (McCarty) Shores Columnist

The word fall has new meaning as I approach my 67th birthday. What used to signal

back-to-school sales and the turning of leaves now represents the risk of breaking a hip. "Taking a trip" doesn't necessarily mean heading to Brown County anymore. This is my ode to getting older, my friends.

Yes, I see things through different lenses these days. The thought of falling in public used to paralyze me with the fear that someone might see it happen. Now I'm hoping there will be someone there to help me up! These days I find that I am amply able to trip over anything including air. I'm feeling beyond blessed at my bone density as I haven't broken anything yet (knock on wood). Bruises a-plenty, but being a lifelong milk-lover has really paid off.

I no longer jump at the chance of plummeting from a plane (skydiving used to be #1 on my bucket list). A simple walk in the park sparks my spirit now. A trip down Memory Lane is far more palatable than face-planting on a treacherous mountain trail. Actually, I find it quite calisthenic just switching seasonal clothes in my closet.

My taste for travel has changed a bit too throughout my own season of life. Traipsing abroad has lost his allure. I would much rather meander through my humble Hoosier homeland in search of sites yet unseen. There's plenty of sand and scenery right here in my own Midwestern backyard, and Mother Nature's fall foliage never fails to fascinate me. As much as I grieve losing the green of summer, the bountiful beauty of the scenic season ahead excites me. Picking the perfect pumpkin replaces a playful plunge in the pool and a tractor – trekking hayride is treasured transportation. My grocery list looks less like salads and more like cinnamon and cider. Escaping the heat

of a hot summer sun turns to sweater season, hot chocolate and friends around the fire pit. Camping, cabins and cool breezes are now the new norm.

Yes, my viewpoint has varied in mind, body and spirit. Miley Cyrus' song "Used to be Young" has a chorus that really calls to me:

I know I used to be crazy

I know I used to be fun

You say I used to be wild

I say I used to be young.

You tell me time has changed me

That's fine, I've had a good run

I know I used to be crazy

That's 'cause I used to be young

As I look over the last six and a half (plus) decades, it's easy to lament over time long gone, but the future looks bright in spite of the aches, pains and other symptoms of being a senior citizen. Grandkids, graduations, great friends and family forge the future. So my parting prose is this: Fall in love with this season of your life. Enjoy every last bit of tread left on those tires. To quote one of my favorite phrases: "Yesterday is history. Tomorrow is a mystery. Today is a gift. That is why they call it the present."

Branna (McCarty) Shores believes that "HOME is where your story begins." A Noblesville native and proud graduate of NHS and Purdue University, she is a professional speaker, advocate for mental health and work / family balance and retired social worker. Branna is the mother of two grown daughters, six precious grandchildren and wife of one brave husband! Her passions include singing, writing and sharing the lighter side of life through lessons learned, both personally and professionally. She can be contacted at branna18@gmail.com.

County Conducts Training at Movie Theater

The Hamilton County Local Emergency Planning Committee conducted a full-scale emergency exercise last week at Regal Village Park Theater in Westfield. The two-hour drill simulated a hazardous materials incident to test the county's response capabilities, strengthen interagency coordination, and evaluate emergency plans.

The exercise scenario involved a chlorine

truck colliding with a car near State Road 32 and Springmill Road by Grand Park in Westfield, resulting in a hazardous material spill. Public safety responders and supporting agencies treated the exercise as if it were a real-world incident, with controllers and evaluators on hand to oversee operations and provide feedback.

Participating agencies

See COUNTY Page 6



Photo courtesy Hamilton County Local Emergency Planning Committee

The exercise scenario involved a chlorine truck colliding with a car, resulting in a hazardous material spill.

PUBLIC NOTICES

PUBLIC NOTICE

Keeler-Webb Associates, 486 Gradle Drive, Carmel, IN 46032 is submitting a NOI letter to notify the Town of Sheridan, Hamilton County Soil & Water Conservation District, and the Indiana Department of Environmental Management of our intent to comply with the requirements of the Hamilton County Storm Water Ordinance, as well as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from the construction activities for the following project.

This is Public Notice in compliance with Indiana CSQP notice is hereby given for the construction of a New Office/Warehouse Building on the 1.655 Acre site more commonly known as Lot 6 in the Countryside Industrial Park, 830 Wesco Parkway, Sheridan, IN in Adams Township, Hamilton County, Indiana, is scheduled to begin immediately and construction should be completed by year end 2026. More specifically, the project is located at 40d 07' 50.8" North latitude, 86d 14' 04.6" West longitude, also the site is a part of the Southwest Quarter of Section 31, Township 20 North, Range 3 East. Additionally, all stormwater which leaves this site will discharge via storm sewer to Thistlewaite Legal Drain.

Any questions should be directed to Mr. Jim Kent with Design and Construction, LLC, P.O. Box 930, Westfield, IN 46074 (317) 867-1139.

TL22734 9/3 1t hspaxlp

29D01-2508-EU-000359

STATE OF INDIANA ) IN THE HAMILTON SUPERIOR COURT 1 ) ) SS: COUNTY OF HAMILTON ) CAUSE NO. 29D01-2508-EU-000359 IN THE MATTER OF THE UNSUPERVISED ESTATE OF ) CURTIS A. RAY, SR., DECEASED. )

NOTICE OF UNSUPERVISED ADMINISTRATION

Notice is hereby given that Danny C. Ray, on August 20th, 2025, was appointed as personal representative of the estate of Curtis A. Ray, Sr., deceased, who died on the 28th day of June, 2025, leaving a will. The estate will be administered without Court Supervision.

All persons having claims against said estate, whether or not now due, must file the same in said Court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the Decedent's death, whichever is earlier, or said claims will be forever barred.

Dated this August 20th, 2025.

Kathy Kregg Williams Clerk of the Hamilton Superior Court 1

J. Gregory Shelley Bose McKinney & Evans LLP 111 Monument Circle, Suite 2700 Indianapolis, Indiana 46204

TL22739 9/3 1t hspaxlp

STATE OF INDIANA ) IN THE HAMILTON CIRCUIT COURT COUNTY OF HAMILTON ) CASE NO. 29C01-2508-MI-8608 IN RE: NAME CHANGE OF: HEATHER MARIE DROZ ) NOTICE OF HEARING

Notice is hereby given that Petitioner, HEATHER MARIE DROZ, through counsel, filed a Verified Petition for Change of Name to change her name from HEATHER MARIE DROZ to HEATHER MARIE EVANS GENTRY.

The petition is scheduled for hearing in the Hamilton Circuit Court on December 16, 2025 at 10:00 am, which is more than thirty (30) days after the third notice of publication. Any person has the right to appear at the hearing and to file written objections on or before the hearing date. The parties shall report to One Hamilton County Square, Suite 337, Noblesville, IN 46060.

Kathy Kregg Williams Clerk, Hamilton Circuit Court

TL22743 9/3 9/10 9/17 3t hspaxlp

29D02-2508-EU-000361

STATE OF INDIANA ) IN THE HAMILTON SUPERIOR COURT 2 ) ) SS: COUNTY OF HAMILTON ) CAUSE NO. 29D02-2508-EU-000361 IN THE MATTER OF THE UNSUPERVISED ) ESTATE OF JOHN F. BENGE, DECEASED )

NOTICE OF ADMINISTRATION

In the Superior Court 2 of Hamilton County, Indiana. Notice is hereby given that Gail Almeida was, on the 20th day of August 2025, appointed as the Personal Representative of the estate of John F. Benge, deceased, who died on August 10, 2025. All persons who have claims against this estate, whether or not now due, must file the claim in the office of the clerk of this court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred. Dated at Noblesville, Indiana, this 20th day of August 2025.

Kathy Kregg Williams CLERK OF THE SUPERIOR COURT 2 FOR HAMILTON COUNTY, INDIANA

Steven W. Kincaid Attorney No. 18034-34 Steven W. Kincaid, Attorney at Law, P.C. 54 N. 9th Street Noblesville, IN 46060 Telephone: 317-776-5995 Fax: 317-219-0625

TL22744 9/3 9/10 2t hspaxlp

NOTICE TO BIDDERS

Notice is hereby given that SEALED BIDS will be received: BY AND AT: Hamilton Southeastern Schools Central Office 13485 Cumberland Road Fishers, IN 46038 (317) 594-4100 Attn: Jerry Enyart

FOR: Hamilton Southeastern Schools – Multi-Site Boiler Replacement PROJECT LOCATION: Hamilton Southeastern Schools Fishers, IN 46037

RECEIPT OF BIDS: Bids received after the designated day and time listed above will be returned unopened. Any postal/courier service is the agent of the Bidder. Bids are to be submitted on the Bid Form as provided in the Project Manual and on Indiana State Board of Accounts Form No. 96 (revised 2013) as required by the statutes of the State of Indiana. Bidders shall also submit financial data and a properly signed Affidavit of Non-Collusion as required by Form No. 96. Bids shall be submitted in a sealed envelope, marked with the name and address of the bidder, and clearly identified as follows:

BID OPENING: Each bid will be opened at the HSE Administration Building, 13485 Cumberland Road Fishers, IN 46038 by the Owner on Wednesday, October 1, 2025 at 2:00 PM local time. Deliver Bid in a sealed envelope showing the project name and Bidder's name and address.

PRE-BID MEETING: A pre-bid meeting for interested parties will be held on Wednesday, September 17, 2025 at 2:00 PM at Harrison Parkway Elementary School. Meet at main entry doors. The meeting will include an opportunity to tour one of the boiler rooms. To arrange site visits after this meeting, contact Jerry Enyart, phone: (317)594-4380. Drawings and specifications shall be available at the ReproGraphix online plan room. https://eplanroom.reprographix.com/

CONTRACT TYPE: Project will be constructed under a Single Prime Contract with bids received on a lump sum basis. Each proposal shall include all labor, material, and services necessary to complete the project in full accordance with the Construction Drawings and Project Manual. Prime bidders and their subcontractors must be certified and in compliance with the Indiana General Assembly's House Enrollment Act #1019.

Where trade names, brand names, or manufacturer's names are used in the Project Manual, it is for the purpose of establishing kind and quality and not for the purpose of limiting competition. Bidders may offer items or materials equal in quality and having the same durability and efficiency if the Bidder first receives written approval from the Architect/Engineer prior to the date and time of the Bid Opening and complying with requirements indicated in Document 00 21 00, "Instructions to Bidders." The Bidder shall identify such substitutions by name, kind, and type with the Bid.

A contract will be awarded to the lowest responsible and responsive bidder, complying with the conditions of the Instructions to Bidders and Advertisements for Public Bids. The Owner, however, reserves the right to reject any and all bids, and waive any informalities, discrepancies, omissions, variances, or irregularities in bids received in its sole discretion. If a contract is awarded, it will be to the "lowest responsible and responsive bidder" in accordance with Indiana's Public Work Projects Act, Indiana Code 36-1-12. The bidder agrees to hold open its bid for a minimum of sixty (60) days from the date of the bid opening.

The Contract to which the Owner will be a party will contain a provision prohibiting the other party to the Contract, and their subcontractors, from engaging in employment practice that constitutes a discrimination against a person because of the person's race, color, sex, religion, national origin or ancestry. The successful Bidder shall provide an affidavit with each billing assuring the Owner that this provision has not been violated.

Any questions concerning this project shall be directed to RE Dimond and Associates, Inc. Contact Mike East mike.east@rediamond.com

BID SECURITY: Each bid shall be accompanied by a bid security for five percent (5%) of the base bid in the form of a certified check or a bid bond. Bid bonds shall be executed by the bidder and a surety company qualified to do business in the State of Indiana. The check or bid bond shall be made payable to Hamilton Southeastern Schools. Should a successful Bidder withdraw the bid, or fail to execute a satisfactory Contract, the Owner may then declare the Bid deposit forfeited as liquidated damages.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:

The successful bidder shall, upon acceptance of his bid, be required to procure and pay for a 100% Performance Bond/Labor and Material Payment Bond in the amount equal to the contract price, which shall cover faithful performance of the Contract and the payment of all obligations. The cost of the bonds shall be at the expense of the Bidder and be included in the Bidder's bid. The bonds shall be executed by a surety company approved by the Owner and qualified to do business in the State of Indiana.

END OF NOTICE TO BIDDERS

TL22745 9/3 9/10 2t hspaxlp

The following will be sold for charges:

- 8280 E 216th St CICERO on 9/19/2025 @ 12:30PM
• 2005 DODGE 1D4GP25B05B434773 \$2,480.00
• 2006 CHEVROLET 1GCCS148368228033 \$2,511.50
• 2006 DODGE 2D4GP44L76R699747 \$2,528.00
• 2020 HYUNDAI 5NMS5CAALH177984 \$2,495.00
• 2006 CHEVROLET 2G1WC581669216163 \$2,515.00
• 2013 DODGE 3C4PDCAB1DT535285 \$2,524.00
• 2014 MITSUBISHI 4A4AP3AU2EE015198 \$2,691.00
• 2004 JEEP 1J4GL58K24W125491 \$2,691.40

TL22735 9/3 1t hspaxlp

HAMILTON COUNTY REGIONAL UTILITY DISTRICT MEETING NOTICE

Pursuant to IC 5-14-1.5-5 (a) The Hamilton County Regional Utility District will meet on Monday, September 8, 2025 at 10:00 a.m. in the Commissioners Courtroom located in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana 46060. Meeting will begin with Executive Session from 10:00 a.m.-10:10 a.m. for discussion of the Implementation of Security Systems IC 5-14-1.5-6.1(b)(C), Purchase or Lease of Real Estate IC 5-14-1.5-6.1(b)(2)(D), Discussion of Pending Litigation IC 5-14-1.5-6.1(b)(2)(B), and Discussion of Personnel IC 5-14-1.5-6.1(b)(7). Public session to discuss the utility district business will immediately follow the Executive Session.

TL22738 9/3 1t hspaxlp

PUBLIC NOTICE

Lennar Homes of Indiana, LLC (11555 N. Meridian St., Suite 400, Carmel, IN 46032) is submitting a Notice of Intent to the Indiana Department of Environmental Management of our intent to comply with the requirements of Construction Stormwater General Permit to discharge stormwater from construction activities associated with Baker Village. More specifically, the project is located at the southeast corner of 146th Street and Towne Road, being a part of Northwest Quarter of Section 21, Township 18 North, Range 3 East of the Second Principal Meridian, in the City of Carmel, Clay Township, Hamilton County, Indiana. Construction activity is scheduled to commence in September 2025 and construction should be completed by September 2030. Run-off from the project site will discharge to the O.F. Hensley Drain and then to Williams Creek. Questions or comments should be directed to: Doug Fagan, Lennar Homes of Indiana, LLC, 11555 N. Meridian St., Suite 400, Carmel, IN 46032, (317) 659-3200 doug.fagan@lennar.com

TL22740 9/3 1t hspaxlp

29D01-2508-JT-001161

Hamilton Superior Court 1

STATE OF INDIANA ) IN THE HAMILTON SUPERIOR COURT 1 ) ) SS: COUNTY OF HAMILTON ) CAUSE NUMBER: 29D01-2508-JT-001161 IN THE MATTER OF THE TERMINATION ) OF THE PARENT-CHILD RELATIONSHIP: )

DRT - DOB 9/26/2018 AND CHADWICK ARTIS (FATHER) SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF TERMINATION OF PARENTAL RIGHTS HEARING DASHAY RENEE THOMAS - DECEASED (MOTHER) TO: Chadwick Artis Whereabouts unknown NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed a Petition for Involuntary Termination of your Parental Rights, and that an adjudication hearing has been scheduled with the Court.

YOU ARE HEREBY COMMANDED to appear before the Judge of the Hamilton Superior Court 1, One Hamilton Square, #345, Noblesville, IN 46060 - 317-773-9655 for a(n) Initial/Fact Finding Hearing on 10/24/2025 at 10:30 AM and to answer the Petition for Termination of your Parental Rights of said child. You are further notified that if the allegations in said petition are true, and/or if you fail to appear at the hearing, the Juvenile Court may terminate your parent-child relationship you will lose all parental rights, powers, privileges, immunities, duties and obligations including any rights to custody, control, visitation, or support in said child; and if the Court terminates your parent-child relationship, it will be permanently terminated, and thereafter you may not contest an adoption or other placement of said child.

You are entitled to representation by an attorney, provided by the State if applicable, throughout these proceedings to terminate the parent-child relationship. If you have been appointed an attorney in the Child in Need of Services action involving the above-named child(ren), that attorney may not be automatically appointed to represent you in these proceedings. You must appear at the hearing currently scheduled in this matter and request that the Court appoint an attorney to represent you in these proceedings to terminate the parent-child relationship. YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, adjudication on said petition and termination of your parental rights may be entered against you, in your absence, without further notice.

Kathy Kregg Williams Clerk

Patrick Goodwin, 35485-49 Attorney, Indiana Department of Child Services 938 N. 10th Street Noblesville, IN 46060

TL22742 9/3 9/10 9/17 3t hspaxlp

NOTICE OF EXECUTION OF LEASE AGREEMENT BETWEEN THE CITY OF WESTFIELD, INDIANA REDEVELOPMENT AUTHORITY AND THE CITY OF WESTFIELD REDEVELOPMENT COMMISSION

Pursuant to action previously taken by the Common Council of the City of Westfield, Indiana (the "City") on August 25, 2025, a lease agreement between the City of Westfield Redevelopment Commission and the City of Westfield, Indiana Redevelopment Authority was executed and entered into on August 26, 2025 (the "Lease"). The Lease covers certain right-of-way interests on real property currently comprised of road and street improvements within the City upon which certain local road, street systems and arterial road improvements including road widening, roundabout construction and road and street resurfacing improvements will be constructed and located, all of which are described in more detail in the Lease.

A copy of the Lease is on file at the office of the Director of Economic Development, 2728 E. 171st Street, Westfield, Indiana 46074, and is available for inspection by the public on business days and during normal business hours. Dated this 3 day of September, 2025.

CITY OF WESTFIELD, INDIANA WESTFIELD, INDIANA REDEVELOPMENT AUTHORITY CITY OF WESTFIELD REDEVELOPMENT COMMISSION

TL22746 9/3 1t hspaxlp

NOTICE OF PUBLIC HEARING ON ADDITIONAL APPROPRIATION

Notice is hereby given that the City of Noblesville Common Council will hold a public hearing during its regular meeting at 6:00 p.m. on September 9, 2025, in the Council Chambers at City Hall, 16 South 10th Street, Noblesville, Indiana.

The purpose of the public hearing is to consider additional appropriation authority in the General Fund to cover initial operating expenses for the Arena at Innovation Mile until revenue from the venue becomes available to fully reimburse the City.

The foregoing appropriations are in addition to all appropriations provided for in the existing budget and tax levy.

Taxpayers of the City of Noblesville appearing at the hearing shall have a right to be heard in respect to this additional appropriation. Dated this 27th day of August, 2025.

CITY OF NOBLESVILLE /s/ Evelyn L. Lees, Clerk TL22748 9/3 1t hspaxlp

NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATION The City of Fishers, Hamilton County, Indiana ("City"), pursuant to Ind. Code §6-1.1-18-5, hereby provides NOTICE that the City's Common Council ("Council") will conduct a public hearing during its September 15, 2025 regularly scheduled Council meeting for considering the following additional appropriation(s) in excess of the budget for the current year.

Table with 3 columns: Continuu Education Fund - Supplies, Addition (\$100,000), Reduction (\$0)

The Council meeting will take place at 7:00 pm at the Fishers City Hall Auditorium, One Municipal Drive, Fishers, IN 46038. Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (Department). The Department will make a written determination as to the sufficiency of funds to support the appropriation within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated this 28th day of August, 2025 CITY OF FISHERS Lisa Bradford City Controller Hamilton County, Indiana

TL22747 9/3 1t hspaxlp

NOTICE OF ADOPTION OF CAPITAL IMPROVEMENT PLAN TO CLAY TOWNSHIP TAXPAYERS

Notice is hereby given that pursuant to the provisions of Ind. Code §36-6-9 et seq. (the "Act"), the Township Board of Clay Township of Hamilton County, Indiana (the "Township") will be holding a public hearing on September 16, 2025 at 9:00 a.m. in the Community Room of the John W. Hensel Government Center, 10701 N. College Avenue, Carmel, Indiana. The purpose of the hearing will be to consider and approve a three (3) year Capital Improvement Plan (the "Plan") setting forth the nature and amount of proposed expenditures and the potential source of all revenues to be dedicated to the capital improvements identified in the Plan as required by the Act.

Taxpayers appearing at the meeting shall have the right to be heard. The Plan, as finally approved, will be submitted to the Department of Local Government Finance as required by the Act. Taxpayers requiring special accommodations to attend the public hearing should contact the office of the Clay Township Trustee at (317) 846-2773 no later than seventy-two (72) hours prior to the meeting. Dated: September 1, 2025

Paul Hensel, Clay Township Trustee TL22736 9/3 1t hspaxlp

LEGAL NOTICE

Hamilton County Plan Commission

The Hamilton County Plan Commission will meet on Wednesday, September 17, 2025 at 7:00 p.m. in the Hamilton County Commissioners' Courtroom located in the Hamilton County Government and Judicial Building at One Hamilton County Square, Noblesville, Indiana in order to hear the following petition: DOCKET NO. PC-RZ-0003-09-2025

A subdivision application concerning the Hamilton County Unified Development Ordinance Article 24, 3, B, i, in order to rezone a property currently zoned C-3 Commercial to A-2(s) Agricultural. Project Address: 16519 East SR 38 Noblesville, IN 46060 Parcel No: 12-12-08-00-00-018.000 Zone District: C-3

Legal Description: Acreage 5.00 Section 8, Township 18, Range 6 The petition may be examined at the office of the Hamilton County Plan Commission, One Hamilton County Square, Suite 13, Noblesville, Indiana. Please call (317) 776-8490 should you have any questions.

Interested parties may offer an oral opinion at the Hearing or may file written comments concerning the matter by to be heard by 12 noon the day of the Hearing, or at the Hearing. The Hearing may be continued from time to time as may be found necessary.

Petitioner's Name: Neil Neuberger Date: August 21, 2025

TL22737 9/3 1t hspaxlp

NOTICE OF EXECUTION OF LEASE BY AND AMONG THE HAMILTON COUNTY HOSPITAL ASSOCIATION, AS LESSOR, AND THE BOARD OF TRUSTEES OF RIVERVIEW HOSPITAL AND HAMILTON COUNTY, INDIANA, EACH AS LESSEE

The Board of Commissioners of the County of Hamilton, Indiana (the "County"), has executed a lease, dated as of August 28, 2025 (the "Lease"), by and among the Hamilton County Hospital Association (the "Hospital Association"), as lessor, and the Board of Trustees of Riverview Hospital (the "Hospital") and the County, each as lessee (the "Lessees"), for and on behalf of the County. The County reasonably expects (a) that the lease rentals under the Lease will be paid (i) from net revenues of the Hospital (the "Net Revenues"), (ii) to the extent that the Net Revenues are insufficient to pay such amounts, from any other legally available revenues of the County held in any funds or accounts of the County that may be used for the purpose of making payments of rentals under the Lease, after accounting for any prior claims thereon or any other outstanding obligations payable from all or any portion of such general revenues of the County (collectively, the "County General Revenues"), and (iii) to the extent that the Net Revenues and then the County General Revenues are insufficient to pay such amounts, from the revenues of an ad valorem tax levied by the County on all taxable property in the County, pursuant to Ind. Code § 16-22-6-32 (the "Property Tax Revenues"), and (b) that all lease rentals under the Lease will be paid from the Net Revenues and/or the County General Revenues and not from Property Tax Revenues. The lease rentals received by the Hospital Association will be used to pay debt service on one or more series of its lease rental revenues bonds (the "Bonds"), which will be issued to finance all or a portion of the acquisition by the Hospital Association of certain real estate currently owned by the Hospital, and the Hospital will use such sale proceeds to (a) refund all or a portion of the Hospital's existing debt, (b) fund certain capital expenditures of the Hospital, (c) fund interest on the Bonds for a period not to exceed three (3) years, (d) provide working capital for ongoing administrative and operational expenses of the Hospital, and (e) pay costs of issuance of the Bonds and other expenses incurred by the Hospital Association on account of the issuance of the Bonds (the "Project").

The lease premises under the Lease consists of certain real estate currently owned by the Hospital, including but not limited to the real estate generally located at or near 395 Westfield Road, Noblesville, IN 46060 (the "Premises"). The proposed Lease is for a term of up to twenty (20) years commencing on the date of issuance of the Bonds. The annual lease rental will not exceed Seven Million One Hundred Thousand Dollars (\$7,100,000) payable in semiannual installments on January 1 and July 1 of each year during the term of the Lease. Each rental installment shall be based on the value of the portion of the Premises which will be complete and ready for use and occupancy by the Lessees at the time such semi-annual installment is made. As additional rental, the Lessees shall maintain insurance on the Premises as required in the Lease and shall pay all taxes and assessments against such property, as well as the cost of alterations and repairs. After the sale of the Bonds, the yearly lease rental amount shall be reduced to the multiple of \$1,000,000 per year higher than the principal and interest due on the Bonds in each twelve-month period commencing on July 1, plus \$5,000, payable in such semiannual installments. The Lease gives an option to the Lessees to purchase the Premises.

Dated this 1st day of September, 2025.

BOARD OF COMMISSIONERS OF THE COUNTY OF HAMILTON, INDIANA TL22741 9/3 1t hspaxlp

NOTICE OF PUBLIC HEARING CONCERNING A PROPOSED LEASE BETWEEN THE FISHERS REDEVELOPMENT AUTHORITY AND THE FISHERS REDEVELOPMENT COMMISSION

The Fishers Redevelopment Commission (the "Commission"), the governing body of the City of Fishers Department of Redevelopment and the City of Fishers Redevelopment District (the "District") on July 28, 2025, preliminarily approved a proposed amendment to lease between the Fishers Redevelopment Authority, as lessor (the "Authority"), and the Commission, as lessee, amending a lease agreement, dated November 20, 2020 between the Authority, as lessor, and the Commission, as lessee (the "Lease"). The Authority will finance all or a portion of (A) refunding the outstanding City of Fishers Redevelopment Authority Lease Rental Revenue Bond Anticipation Notes, Series 2021 (State Road 37 Phase II Project), currently outstanding in the aggregate principal amount of \$6,460,000 (the "Refunding"); (B) all or a portion of the acquisition, design and construction of certain road and infrastructure projects related to improvements to State Road 37, including but not limited to will the replacement of the signalized intersections of State Road 37 at 126th, 131st, 141st, and 146th Streets with grade separated interchanges, as well as the conversion of the signalized intersection at 135th Street to a right-in right-out configuration, and projects related thereto and (C) all or a portion of the acquisition of certain real property in each of the following areas within the City of Fishers, Indiana (the "City"): (i) north of 116th Street between Municipal Drive and Commercial Drive; (ii) south of 116th Street between the Nickel Plate Trail and Commercial Drive south to Morgan Drive; (iii) between Interstate 69 and Meadows Drive, south of Fishers Elementary School to Fishers Pointe Boulevard; (iv) in the vicinity of the area commonly known as the Fishers Life Science and Innovation park; (v) along the Allisonville Road corridor between 106th and 116th Street; (vi) along the Hague Road corridor from 96th Street to 106th Street, and (vii) in the area commonly known as The Crossing at Fishers District, the acquisition of real property in each of the foregoing areas within the City will be for the purpose of redevelopment and acquisitions in each such area are for separate and distinct projects and purposes from any acquisitions in another area identified above (the "Projects"), the payment of incidental expenses related thereto, capitalized interest, if any, and the costs of the issuance, through the issuance of bonds by Authority, secured by and payable from the lease payments under the proposed Lease (the "Bonds"). The leased premises under the Lease consists of certain real estate in the City, including, but not limited to, all or any portion of (i) Allisonville Road from Sunblest Boulevard to 146th Street and (ii) 106th Street from Hawthorne Ridge to Collingswood Road and certain real estate related thereto.

Pursuant to IC 36-7-14-25.2, the Commission will hold a public hearing on the proposed Lease on Monday, September 15, 2025 at 4:00 p.m. (local time), in the Nickel Plate Conference Room, 3rd Floor, Fishers Municipal Center, One Municipal Drive, Fishers, Indiana 46038. All interested parties will be provided the opportunity to be heard at the hearing. After the public hearing, which may be adjourned from time to time, the Commission may adopt a resolution authorizing the execution of the proposed Lease if it finds that the service to be provided throughout the term of the proposed Lease will serve the public purpose of the City and is in the best interests of its residents and that the lease rental provided in the Lease is fair and reasonable. The Commission may modify the proposed Lease after the hearing but may not increase the lease rental as set out in this notice.

The Commission's lease payments under the proposed Lease will be payable from a special tax levied and collected by the Commission on all taxable property within the geographical boundaries of the District pursuant to IC 36-7-14-27 (the "Special Benefits Tax"). The Commission may, but is not required to, pay the lease payments under such lease from any other revenues legally available to the Commission. The proposed Lease will have a term no longer than twenty (20) years, commencing on the date of issuance of the Bonds. The maximum annual lease rental to be paid by the Commission under the proposed Lease is \$2,875,000, and the maximum lease rental over the term of the Lease is \$57,500,000. The proposed Lease further provides for terms concerning the use, maintenance, repair, operating and utility costs, indemnification and insurance, destruction of the premises, defaults, remedies, option to purchase and miscellaneous other matters.

The proposed Lease is open to public inspection at the Office of the Controller of the City in the Fishers City Services Building, Three Municipal Drive, Fishers, Indiana 46038. Dated this 3rd day of September, 2025.

CITY OF FISHERS REDEVELOPMENT COMMISSION TL22750 9/3 1t hspaxlp

Public Notices Deadline: 11:00 a.m. 2 Business Days Prior to Publication: legals@thetimes24-7.com

Private Party Notices Submitted After Deadline May Be Subject To \$25.00 Fee In Addition To The Cost Of The Advertisement

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## PUBLIC NOTICES

### NOTICE OF ADOPTION OF AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF NOBLESVILLE, INDIANA REGARDING ENCROACHMENTS

Notice is hereby given that on July 29, 2025, the Common Council for the City of Noblesville, Indiana adopted Ordinance 21-07-25, As Amended: An Ordinance Amending Chapters 10, 94, and 95 of the Noblesville City Code for the City of Noblesville, Hamilton County, Indiana. The penalty provisions of the ordinance are provided below and a copy of the Ordinance is available for inspection and copying at the Noblesville Clerk's Office, 16 S. 10th St., Noblesville, IN, 46060. This notice is not a substitute for Ordinance 21-07-25, As Amended. The Ordinance provides certain regulations for encroachments in the City and proscribes a penalty schedule as set forth below. IN general the ordinance reorganizes sections of the encroachment ordinances and requirements and provides for regulations related to the same.

A copy of the full text of the Ordinance is Available at: <https://www.noblesville.in.gov/AgendaCenter/ViewFile/Item/603?fileID=366>

Upon its Adoption the Code of Ordinances Reads as Follows:

#### CHAPTER 10 – RULES OF CONSTRUCTION

#### 10.99 GENERAL PENALTY; ENFORCEMENT PROCEDURES.

(A) General Penalty. Whoever violates any provision of this code for which another penalty is not specifically provided shall be fined not more than \$2,500 for each first offense, and an additional fine of \$7,500 and costs for a second violation and all subsequent violations. (See IC 36-1-3-8)

#### (B) Enforcement Procedures.

(1) Any person who violates Title V, Title IX, Title XI or Title XV of this code of ordinances, or any other ordinance of the city containing a penalty for violation, shall be subject to the enforcement provisions of this subsection.

(2) This subsection shall not include violations of Title VII or amend the enforcement provisions of the Traffic Code contained therein.

(3) Any action to enforce an ordinance or code section listed in division (B)(1) above, shall be initiated by filing a Complaint and Summons (the Complaint) in the Noblesville City Court or Hamilton County Court, on a form substantially similar to Exhibit A attached to Ordinance 6-3-02 and incorporated herein by reference, or another form appropriate for the circumstances, as determined by the discretion of the City.

(4) The Complaint shall be signed by any sworn police officer, by any Director of the city, or such employee of the Director's department as the Director shall authorize in writing (the Enforcement Officers). Said authorization shall be on a form substantially similar to Exhibit B attached to Ordinance 6-3-02 and incorporated herein by reference, approved by the Board of Public Works and Safety, and filed in the minutes of the Board of Public Works and Safety.

(5) The Enforcement Officers, in their sole discretion, may issue warning tickets which allow the person, or landowner, who is cited to remedy the alleged ordinance violation within such time as is approved by the enforcement officer, which time shall not exceed 30 days without good cause.

(6) If an alleged violation is not remedied within the time on a warning, the Enforcement Officers may issue a new complaint.

(7) In the event the ordinance violation concerns the condition or improvement of a parcel of real estate, the Enforcement Officers may, as opposed to citing the person in possession of the real estate, issue the Complaint to the owner of the real estate. The name and address of the landowner shall be obtained from the property records maintained by the Hamilton County Auditor. The Enforcement Officers shall attach a copy of the property record information to the Complaint. Such Complaint, along with a copy of the property record information shall constitute prima facie proof of the ownership of the real estate where the violation occurred.

(8) A business whose goods or services are advertised on a sign posted in violation of the sign ordinance of the city may be cited by mailing a Complaint to the registered agent listed for the business on the Secretary of State's website or by hand delivery to the business location.

(9) A Complaint shall be served upon the alleged offender in person or by certified mail, return receipt requested, pursuant to the Indiana Rules of Trial Procedure.

(10) In the event any city ordinance does not specifically provide that the violation thereof is an infraction, then the violation of the ordinance shall be a Class C infraction. Any subsequent violation within one year of the judgment of a violation of a first offense shall be a Class B infraction. Each day of any violation shall be deemed a separate offense.

It is the intent of the enforcement procedures of this code of ordinances that all persons comply with the ordinances of the city. To that end, the Common Council encourages the use of the Noblesville City Court Deferral Program pursuant to IC 34-28-5-1(g).

#### CHAPTER 94 – ENCROACHMENTS

#### § 94.01 PURPOSE

The regulations of this chapter are intended to protect the City and its citizens from unnecessary expenses related to private construction and use of the public right-of-way. The City is responsible for maintaining all streets and structures accepted within Noblesville right-of-way, therefore, it is necessary to set minimum standards for obstruction of right-of-way and the construction of all improvements. These minimum standards protect, maintain, and enhance the public health, safety, and general welfare. The City is responsible for all these improvements, and in order to avoid assuming unnecessary maintenance costs and inconvenience to the citizens and businesses of the City reasonable permit and inspection requirements for these activities are necessary. For the purpose of this ordinance, an encroachment shall be any activity within a public right-of-way or city easement.

#### § 94.02 DEFINITIONS

CENTRAL BUSINESS DISTRICT - The area between Wayne Street south to Cherry Street, and the north-south alley between 10th and 11th Streets west to the White River.

DESIGNATED DEPARTMENT – The City Department designated by the Mayor to administer encroachment permits and this Ordinance.

ENCROACHMENT - Going upon, over, under, through, along, in, on, or using any right-of-way in such a manner as to prevent, obstruct, or interfere with the normal use of that way. Whether a particular act constitutes an encroachment is within the discretion of the Mayor or Designated Department. The following non-exclusive list provides illustrative examples of types of uses which are encroachments

- (1) Obstructing, blocking or closing a lane or lanes of a roadway or a sidewalk/trail
- (2) Excavating, trenching, open cutting or disturbing the right-of-way
- (3) Erecting or maintaining any post, sign, pole, fence, guardrail, wall, loading platform, or other structure on, over, or under the right-of-way
- (4) Planting any tree, shrub, grass or other growing thing within the right-of-way
- (5) Constructing, placing, or maintaining on, over, or within the right-of-way any pathway, sidewalk, driveway, or other surfacing
- (6) Constructing, placing, or maintaining on, over, or within the right-of-way any culvert or other surface drainage or subsurface drainage facility, any pipe, conduit, or cable
- (7) Placing temporary storage containers, construction materials, or equipment within the right-of-way
- (8) Traveling within the right-of-way by any vehicle or equipment on any surface that is not a roadway or driveway (for example, and without limitation, traveling on a sidewalk or pedestrian only trail)
- (9) Constructing, placing, planting, or maintaining any structure, embankment, excavation, tree, or other object
- (10) Use or closure of a parking space within the Central Business District for construction vehicles, equipment, dumpsters, or materials for more than the posted 2 hour limit

ENCROACHMENT, SPECIAL PROVISION – an encroachment involving disturbance or cutting pavement on or of (i) a street that has been paved within 5 years prior to the permit application; (ii) decorative features (for example (and without limitation) enhanced crosswalks, stamped concrete pavements or sidewalks, and/or (iii) the removal of bricks from a brick sidewalk (or any portion thereof) or street.

PERMITTEE – Any person(s), firm, company, corporation, association, or organization that proposes to do work or encroach upon a public roadway or right-of-way as herein defined and has been issued a permit for said encroachment by the Designated Department. All obligations, responsibilities, and other requirements of the permittee as herein described, shall be binding on the permittee's successors, heirs, and/or assigns and any and all subsequent owners of the encroachment.

PUBLIC ROADWAY – The full width of the surfaced or traveled portion, including shoulders and ditches, slopes of cuts and fills of any road, street, path, lane, or alley dedicated to, reserved for, used by or for the general public, when those roads, streets, paths, lanes, and alleys have been accepted as and declared to be part of the City system of public roadways, except highways forming a part of the State of Indiana highway system or a roadway that is part of the County roadway system.

RIGHT-OF-WAY – All land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public, including, but not limited to, public roadways, alleys, sidewalks, and trails.

#### § 94.03 AUTHORITY

(A) The Board of Public Works and Safety has the legal right to manage all City property. The proper use of the public right-of-way is within the legal authority of the Board of Public Works and Safety. All encroachments shall be in accordance with this chapter and subject to the authorization of the Board of Public Works and Safety. The Board of Public Works and Safety shall designate a City Department (hereafter Designated Department) the authority to approve encroachment permits, as an agent of the Board, on local streets for routine encroachment requests. The Designated Department shall have the right to appoint a deputy to perform the duties of encroachment permit administration subject to the approval of the Board of Public Works and Safety.

(B) Any person, firm, or corporation desiring to open, cut, bore into or under any street, alley, or other public way, paved or unpaved, or to obstruct the right-of-way for the express purpose of construction, or other purpose restricting the intended use of the right-of-way within the limits of the City shall be required to obtain a specific permit for such purpose.

#### § 94.04 ENCROACHMENT APPROVAL REQUIREMENTS

(A) The following right-of-way encroachments shall require an encroachment permit to be approved by the Board of Public Works and Safety:

- (1) Addition of auxiliary lanes to existing development.
- (2) Street cut requests on any primary or secondary arterial street as determined by the Noblesville Thoroughfare Plan located in the City Comprehensive Master Plan.
- (3) Street or road closure requests on any primary or secondary arterial street as determined by the Noblesville Thoroughfare Plan located in the City Comprehensive Master Plan.
- (4) The off-site extension of services to a new development from existing City right-of-way.
- (5) Any proposed encroachment within the Central Business District
- (6) Special Provision Encroachments which are also subject to additional regulations as provided in this Ordinance
- (7) Blanket Aerial Encroachment
- (8) Closure of parking spaces within the Central Business District.
- (9) Requests to use or close any alleys within the Central Business District.

(B) The following right-of-way encroachments shall require an encroachment permit to be submitted to the Designated Department. This list is not intended to be exclusive. The Designated Department may review and approve the requested encroachment permit unless they determine the requested encroachment is an unusual circumstance requiring Board of Public Works and Safety approval.

- (1) The extension of services to a new development from existing City right-of-way.
- (2) The extension of services to existing homes from City right-of-way.
- (3) New utility connections accessed within the right-of-way.
- (4) Upgrade of service to a single user from City right-of-way.
- (5) Directional bores within the right-of-way.
- (6) Parallel, diagonal, or perpendicular cuts through the existing pavement or the right-of-way.
- (7) Installation of overhead services within the right-of-way.
- (8) Open trenching
- (9) Emergency encroachments for utilities relating to an event where public safety is a concern.
- (10) Boring and trenchless excavation
- (11) Irrigation systems
- (12) Right-of-way blockage
- (a) Obstruction due to dumpster, construction equipment, construction materials, gravel, aggregate, mulch, unattached moving trailers, portable storage units, and tree removal or disposal equipment
- (b) Any work to be done on single family drive approaches or sidewalk replacements within right-of-way.
- (13) Curb cuts/new access into City right-of-way
- (a) New residential driveways
- (b) Upgrade or replacement of existing commercial or residential driveways subject to compliance with width requirements of Article 10 of the Unified Development Ordinance
- (14) Any other work deemed to be appropriate under these regulations by the Designated Department.
- (15) Blanket encroachments which may be granted under and subject to conditions the Board of Works or Designated Department deems appropriate. Such blanket encroachments are intended to provide an opportunity for a permittee to be granted an encroachment on multiple roads and streets in the City, but are subject to additional fees to account for any additional monitoring or other conditions that the Board of Works or the Designated Department deems appropriate

(C) The following right-of-way encroachments shall be exceptions from obtaining an encroachment permit:

(1) Temporary obstructions and encroachments in the Central Business District equal to or less than a total of 8 hours in any 72 hour period shall be an exception from the requirement for approval by the Board of Works subject to the approval by the Mayor or their designee from the permit requirements subject to the following conditions: 1) work must be associated with the repair and maintenance of signs, building, lighting, or other structures within the district; 2) a continuous, safe, accessible pedestrian way must be maintained at a minimum width of 48 inches, and must continue through the entire work zone; 3) exempt encroachments shall not be consecutive or continuous, and any additional or subsequent encroachments within a 72 hour period shall require a permit; and 4) does not include closure of an alley, roadway, or parking space within the district.

(2) Mobile Basketball goals and other mobile recreational equipment are permitted from May 1st through September 30th each calendar year. Permanent foundations for basketball goals or other recreational equipment which are located in right-of-way or which allow the equipment to jut into or overhang right-of-way are prohibited. Basketball goals and other recreational equipment must be removed from and may not overhang the right-of-way in any manner from October 1st through April 30th in order to avoid damage to city vehicles that must work in the right-of-way, for among other things, the removal of snow, leaves, branches, and debris.

(3) City employees, agents, or authorized contractors doing work on the behalf of, or at the direction of, the City of Noblesville.

(a) Although no permit is required for such work, the City may impose whatever conditions it deems appropriate on such encroachments.

#### § 94.05 REGULATIONS FOR ALL ENCROACHMENT PERMITS

(A) Encroachment application and permit procedures - All encroachment permit applications shall be on forms supplied by the Designated Department and shall be filed in such number of duplicate copies as required. Applications must be submitted to the Designated Department in a manner prescribed by them.

- (1) Application shall be accompanied by a drawing of the proposed encroachment that provides sufficient detail to determine the exact location of the encroachment and the extent of work being completed.
- (2) A current Certificate of Insurance in an amount and for coverages deemed appropriate by the Board of Works must be submitted and will remain on file during the policy dates.
- (3) Upon receipt of a complete application, the Designated Department shall have up to five working days to review administrative permits.
- (4) Permits requiring Board of Public Works and Safety approval shall be heard at the next regularly scheduled meeting for which the item can be advertised and placed on the proposed agenda.
- (5) The Board of Public Works and Safety and the Designated Department may impose reasonable conditions which may need to be completed prior to the issuance of a permit.
- (6) No work that requires a permit shall be completed prior to the issuance of a permit, and no permit shall be issued until all applicable fees are paid in full.
- (7) Additional permits – The permittee is responsible for obtaining all the necessary additional permits for their project, including but not limited to the following agencies:

- (a) City
- (b) Hamilton County
- (c) Indiana Department of Transportation
- (d) Department of Natural Resources
- (e) Indiana Department of Environmental Management
- (f) Army Corps of Engineers

(B) Prior to the start of any encroachment, the permittee shall comply with all applicable laws including, but not limited to, Indiana Code 8-1-26 et seq (the "Underground Plant Protection Act"). For the avoidance of any doubt, the permittee shall coordinate for the location of all underground utility assets by using Indiana's 811 service a minimum of 48 hours prior to any encroachment in the right-of-way but also within the time limits required by the Underground Plant Protection Act.

(C) Permittee shall indemnify and hold the City harmless from/any damage to any structures, lines, assets, property, or equipment within the right-of-way of the City caused by the permittee or otherwise caused by the encroachment.

(A) Notification to property owners is required. The permittee shall notify each property owner that it will be entering the property no more than thirty (30) days prior to entering the property for any excavation. Notice shall be sent via mail and yard signs stating at a minimum that an excavator or other equipment (and identifying such equipment) will be on the property, the dates of excavation, what work will be completed on the property, and contact information for the contractor (permittee). If the work is being done in a subdivision with a homeowners or neighborhood association, the permittee shall contact the association no more than thirty (30) days prior to entering the neighborhood for any excavation. If the association grants permission, the permittee shall place signs at the entrances of the neighborhood stating that work will be done in the neighborhood. Proof of notifications shall be provided to the City upon request. A copy of the letters shall be provided to the Designated Department to become part of the encroachment permit documentation.

(D) Encroachments shall be maintained and constructed to conform to all applicable federal, state, and local standards (for example, to the extent applicable, the ADA Standards for Accessible Design (28 CFR Part 36), Public Right-of-Way Accessibility Guidelines, and any and all other requirements currently in effect at the time work is completed).

(E) The approved permit or a copy thereof shall be onsite (either posted, or in the hands of the contractor to present to anyone requesting proof of the permit) during the entire period of encroachment.

(F) Inspection cancellation procedures – cancellation of any scheduled inspection is required prior to the inspection, and failure to provide notice will result in a penalty fee.

(G) Permit life – encroachment start dates shall be provided on the encroachment permit application. If encroachment work does not commence within forty-five (45) working days of the issuance of the permit, the permit shall be considered void, and the application must be resubmitted. All work must be completed within 60 working days of the issuance of the permit unless otherwise noted by the Designated Department. This does not apply to administratively approved right-of-way blockages and work within the Central Business District, which shall be valid for a period not to exceed 30 days unless altered by the Board of Public Works and Safety. This also does not apply to Downtown encroachments which are valid for one year.

#### § 94.06 REGULATIONS FOR CONSTRUCTION ENCROACHMENTS

(A) All improvements intended for public use, to be constructed in a City right-of-way or easement, or to be constructed as a privately maintained improvement must conform to City standards according to the Noblesville Construction Standards, the Noblesville Unified Development Ordinance, any other applicable City Standards, and shall conform to or exceed the standards as set forth in these or other such applicable documents.

(B) The standards set forth in this chapter are intended to be minimum standards. Variances from these standards may be considered by the Board of Public Works and Safety upon written application to the board citing unusual conditions justifying changes based upon sound engineering practices. Proposed variances shall have been reviewed by any applicable agency of jurisdiction, the Engineering Department, the Planning and Development Department, and/or the Technical Advisory Committee, as appropriate, before consideration by the Board of Public Works and Safety.

(C) A Performance Bond of at least \$10,000 shall be required. The amount of the Performance Bond of more than \$10,000 may be required by the Designated Department if it is determined that the cost to restore improvements within city right-of-way to pre-construction conditions would exceed \$10,000. Public utilities may file an annual blanket bond each year, in an amount agreed upon by both parties, to cover all work for which permits are procured.

(D) The City may request to review all Indiana Department of Transportation encroachment permits obtained for work within the Noblesville corporate limits.

(E) Traffic control shall be required for all encroachments that restrict the natural flow of traffic. All temporary traffic control measures shall conform to the latest edition of the Indiana Workzone Safety Manual. If deemed necessary, the City may require the use of off-duty law enforcement officers to provide traffic control with cost to be paid by the permittee. Unless otherwise provided, the street shall be kept open to all traffic while undergoing improvements. Where so provided on maintenance of traffic plan, approved by the Designated Department, traffic may be bypassed over a detour route. The detour route markings shall be erected, maintained, and removed by the contractor.

(F) Flowable backfill, conforming to INDOT Specification Section 213, may be required on any cut made in streets, alleys, shoulders, or sidewalks within five feet of the edge of pavement. The Board of Public Works and Safety or the Designated Department, herein referred to as "City," shall review and approve any exceptions.

(G) The installation of all underground utilities outside of the right-of-way shall be within a documented utility easement. The permittee shall be responsible for documenting the presence of any utility easements and providing it to the City upon request.

(H) All permit work shall be performed Monday through Friday during the normal business hours of the Designated Department unless pre-approved by the Department Director and/or his or her representative. Permittees are responsible for reimbursement of any overtime incurred by the inspectors for any work done out of normal business hours. The Board of Public Works and Safety may require work involving significant closures or disruptions to occur during off-peak, nighttime, or weekend hours.

(I) All encroachment permits shall be inspected by the City. The appropriate inspections shall be determined by the Designated Department based upon the type of encroachment and shall be provided to the permittee at the issuance of the permit. The permittee is responsible for scheduling all required inspections.

(J) Materials shall conform to the specifications set forth in the Noblesville Construction Standards unless approved in writing by the City Engineer. Material specifications or mix designs shall be provided to the City prior to the commencement of work activities. During completion of work activities, the permittee shall provide the City with load tickets for materials used on the project, as required.

(K) All open cuts in streets and alleys shall have permanent patches in place no later than 20 working days of the temporary patch inspection date, or within the permit life, whichever comes first. Notwithstanding the foregoing sentence, special methods and conditions of/for street cuts shall be implemented from November 1st through April 30th to ensure temporary patches do not interfere with the normal operation of City services.

a. Temporary construction patch methods during the winter must be approved by the Designated Department.

b. Temporary construction patches shall be maintained by the permittee to the satisfaction of the Designated Department until permanent patches are complete.

(L) Within 10 days, concrete and sod areas disturbed during the excavation shall be restored to equal or better condition than its condition prior to the beginning of the excavation and in compliance with City Standards.

(M) All permanent patches shall be maintained by the permittee for a period of one year. Maintenance periods will begin with the approval of a final inspection. All temporary patch methods are to be determined by the Designated Department.

(N) Boring or any other trenchless excavation which is proposed to occur in a City right-of-way or easement shall be held to the same requirements as open excavation. Construction plans, detailing boring or trenchless activities, shall accompany any permit application for work within any land in which the City has rights or interest. Permittee shall be required to submit a minimum of a 3 year Maintenance Bond in the minimum amount of \$10,000 to cover any damages that may be identified after work is completed. The amount of the Maintenance Bond shall be increased for any work that would exceed \$10,000 to maintain over the three years, but in no event shall it ever be less than \$10,000. Public utilities may file an annual blanket bond each year to cover all work for which permits are procured. Any such bond will not expire until 3 years after the date on which the last project was completed under a valid permit.

#### § 94.07 REGULATIONS FOR SPECIAL PROVISION ENCROACHMENTS

In addition to the regulations for Construction Encroachments listed above the following regulations shall apply for special provision encroachments:

(A) Street cuts for streets paved within 5 years of the encroachment permit application date shall be a minimum 1 ½ inch mill and overlay. Open street cuts parallel, diagonal, or perpendicular to the travel lanes shall require a full pavement width mill and overlay which extend a minimum of 25 feet beyond each of the saw cut patches.

(B) Bricks shall be replaced with original bricks removed from patches or with alternative material approved prior to construction by the Board of Public Works and Safety. Brick are to be removed from site and kept in a safe location and environment until ready to be reset.

(C) Enhanced crosswalks and stamped concrete pavements or sidewalks will be repaired in a manner deemed to be appropriate by the Director of the Designated Department and may include full repair to look as if it was undisturbed.

(D) Blanket Encroachments

(a) Applies only of aerial utility crossings of right-of-way such as power, telephone, cable, and the like regardless of voltage or carrying capacity provided that the crossing emanates from an existing pole already occupying the right-of-way by virtue of an approved encroachment agreement.

(b) No new poles shall be placed on right-of-way unless express permission is granted by the Mayor or their designee. Replacement poles at the same location will not constitute a new pole.

(c) Vertical clearances shall comply with the National Electric Safety Code.

(d) During construction, proper signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and amendments or supplements thereto.

(e) All work is to be completed promptly with a minimum of delay.

(f) Is valid for one (1) calendar year.

#### § 94.08 EXCAVATION STANDARDS

(A) All underground utility facilities shall be exposed with hand digging, vacuum excavation, or similar means depending on the best method determined by site conditions. Hydro vacuum is strongly advised and preferred for gas, water, and sewer facilities.

(B) If a permittee has a hit to an underground utility line, the City may, at its sole discretion, require the permittee to utilize hydro vacuum excavation for gas, water, and sewer utilities for any right-of-way permit that the permittee has in place or for which the permittee subsequently applies for within the City.

## PUBLIC NOTICES

## NOTICE OF ADOPTION OF AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF NOBLESVILLE, INDIANA REGARDING ENCROACHMENTS Page 2

(C) If an underground facility hit occurs, the permittee shall ensure that 911, 811, the underground utility provider, the Designated Department and the City Engineering Department are notified immediately.

(D) The permittee shall have an employee and/or inspector readily available at each excavation site that can effectively communicate with property owners, residents, and City staff about the excavation, construction, and restoration activities.

(E) Boring areas shall be restored within three (3) business days of completion of the borings, prior to final restoration the bore pit must be covered at all times contractors are not on site using materials or products approved by the City, and shall be subject to an inspection by the City. The permittee shall give consideration to the amount of restoration needed with each boring and the boring shall be conducted in a manner which requires the least amount of restoration (i.e. using street and sidewalks for equipment rather than lawns, etc.). All residual boring material shall be handled in accordance with Noblesville Stormwater Standards. Directly after boring under any street, curb, or sidewalks the permittee shall inspect for any heaving, sinking, or other disturbance that may have occurred from the boring process, advise the City of any damage, and put on a high priority list to repair by the permittee.

(F) Handholes, pedestals, and planting areas shall be installed at grade, level, and square with sidewalks, curbs, drives, and streets. These shall not be placed within pavement areas unless otherwise approved by Designated Department.

§ 94.97 STOP WORK ORDERS

In cases where delay would threaten the effective enforcement of this Ordinance, pose a danger to the public health, safety, or welfare, or the Director of the Designated Department otherwise determines that it is appropriate under the circumstances, the Director may enforce this Ordinance without prior written notice by invoking any penalties or remedies authorized in this Chapter, and/or may impose a Stop Work Order as follows:

(A) The Director of the Designated Department or the Board of Works may issue a temporary or permanent Stop Work Order requiring suspension of the pertinent construction or other activity if:

(a) Construction or activity is in violation of any standard set forth in codes or ordinances adopted by the City of Noblesville, violation of State law pertaining to safety during construction, violation of this Ordinance, or violations of orders or directives of the Director of the Designated Department or the Board of Works.

(b) If, in the sole and absolute discretion of the Director of the Designated Department or the Board of Works, construction is proceeding in such a manner that, if allowed to continue, there is a reasonable probability that it will be substantially difficult to correct the violation.

(c) Construction, for which an encroachment permit is required, is proceeding without an encroachment permit being in force.

(d) In the event of any hit to underground utility lines pending an investigation to determine the cause of the underground utility line hit.

(e) In the event that the City has issued a stop work order for one or more permittee(s) that is performing work for the same broadband provider, communications service provider, private utility, or public utility within a thirty (30) day period, the City may additionally impose a stop work order against the broadband provider, communications service provider, private utility, or public utility directing the work to be performed.

(B) The Stop Work Order shall:

a. Be in writing;

b. State the construction or activity to which it is applicable and the relevant violation(s);

c. State the contact information for a representative of the City that may be contacted with information concerning the condition(s) under which the construction or activity may be resumed; and

d. Where available, provided to the contractor or permittee.

(C) The issuance of a Stop Work Order shall in no way limit the enforcement authority or application of penalties provided elsewhere in this Ordinance.

§ 94.98 FEES

Encroachment permit fees – a separate permit application shall be required for each individual right-of-way cut or encroachment. All fees are required to be paid prior to the issuance of the encroachment permit.

(A) Encroachments shall pay a fee of \$100 unless listed below.

(B) Failure to cancel an inspection - \$100.

(C) Encroachments that extend over 100 feet shall pay a fee of \$100 plus \$0.10 per foot over 100 feet.

(D) Pavement surfaced less than 12 months prior to the encroachment application shall pay a fee of \$1000 if pavement is cut.

(E) Pavement surfaced less than 24 months prior to the encroachment application shall pay a fee of \$800 if pavement is cut.

(F) Pavement surfaced less than 36 months prior to the encroachment application shall pay a fee of \$600 if pavement is cut.

(G) Pavement surfaced less than 48 months prior to the encroachment application shall pay a fee of \$400 if pavement is cut.

(H) Pavement surfaced less than 60 months prior to the encroachment application shall pay a fee of \$200 if pavement is cut.

(I) Any work completed on brick streets, alleys, sidewalks, or any other brick surface within the right-of-way controlled by the City shall pay a fee of \$200.

(J) Public parking spaces located in the central business district shall require a \$20 fee per parking space per day.

(K) Blanket permits for aerial work within the right-of-way shall pay a fee of \$1000 each year.

§ 94.99 PENALTIES

(A) Any person, firm, corporation, or any other entity that shall be in violation of Chapter 94 or any amendments thereto, shall receive a fine of not more than \$2,500 and costs for each first violation, and an additional fine of \$7,500 and costs for a second violation and all subsequent violations. See Ind. Code § 36-1-3-8. Each day an entry or cut is made without the issuance of a proper permit under this chapter shall constitute a separate offense subject to fines and penalties. The city shall further be entitled to recover the costs of enforcing this Ordinance, which costs shall include attorney fees or other necessary expenses.

(B) An additional penalty fee of \$250 will be enforced by the City with a stop work order.

(C) If a permittee is found at fault by the Indiana Underground Plant Protection Advisory Committee or other state or federal administrative body for an underground utility line hit, the permittee shall be responsible for reimbursement of costs incurred by the City due to the hit, including but not limited to inspection fees and emergency response personnel costs.

(D) Any agency whose approval is required under this Chapter or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this chapter.

(E) In addition to any other fee or penalty listed under this chapter, a person who fails to install or to maintain the approved public improvements in accordance with the approved construction plan shall be liable to the City in a civil action for damages in an amount equal to the cost of installing, maintaining, or repairing to Noblesville Construction Standards. If a repair is not made in compliance with the Noblesville Standards the Designated Department reserves the right to repair or correct and bill the permittee for the cost of such incurred repair costs. The permittee shall be responsible for all engineering fees, court costs, litigation expenses, and attorney's fees incurred by the City.

(F) Any person, firm, corporation, or any other entity who fails to secure any service that can cause damage to property or health due to its failure shall receive a \$500 penalty fee for every 24 hour period that corrections are not made. The 24 hour period will start from the time the damaged service is reported.

(G) Any governing authority that recovers damages in accordance with this section shall deposit them in a special fund to be used solely for:

(1) Correcting, to the extent possible, the failure to install or maintain the public improvements according to the approved plans and specifications.

(2) Correcting, to the extent possible, the failure to follow the procedures outlined under permits issued in accordance with this chapter.

(3) The administration of the construction inspection as per this chapter.

(H) The City shall hold the right to secure and/or complete, without prior notification to the permittee, any and all permit cuts found to be public safety concerns. Costs incurred by the City, as well as any and all actions taken by the City, shall be reimbursed by the permittee as reflected by the following:

(1) Labor - \$50.00/ hour

(2) Operator - \$50.00/ hour

(3) Backhoe - \$120.00 / hour

(4) Loader - \$175.00/ hour

(5) Cones - \$10.00 each / day

(6) Barricades - \$30 each / day

(7) Steel plates - 100 each / day

(8) Pickup - \$50 / hour

(9) Single axle - \$150.00/ hour

(10) Tandem - \$200.00/ hour

(11) This does not reflect all cost or does not imply maximum charges that may be incurred with all penalties of this ordinance. Material costs of asphalt and/or concrete are not listed due to price variations with vendors and quantities.

(I) Failure to complete permanent patches within the 20 working day requirement may result in a fee of \$100 per day up to 5 working days. In the event the repairs are not made in this time period, the City may repair the patches subject to the reimbursement rates listed above in addition to the imposed fines.

(J) The payment of a penalty for the violation of any provision of this chapter shall not excuse the violation or permit it to continue. Nor shall such payment be held to prevent the enforced correction of the prohibited conditions by the court in which any complaint based on these sections shall be filed, or by separate action as provided for herein.

(K) If the violation is not paid, an enforcement action may be filed by the City Attorney's office or its designee in City Court or the Hamilton County Court. In addition to any penalties provided herein, the city shall have the right to enforce compliance with the code or to enjoin the acts in violation of the code by filing the necessary actions for injunctive relief. If injunctive relief is granted by any court, the city shall further be entitled to recover the costs of prosecuting the suit, which costs shall include attorney fees or other necessary expenses.

CHAPTER 95 – PUBLIC RIGHTS-OF-WAY

§ 95.03 left intentionally blank

§ 95.04 REGULATIONS FOR PERMANENT ENCROACHMENTS

The Board of Public Works and Safety has right and authority to manage City property including right-of-way and drainage easements. The proper use of these is within the legal authority of the Board of Public Works and Safety. All permanent encroachments shall be in accordance with this chapter and subject to the authorization of the Board of Public Works and Safety.

Permanent encroachments shall consist of two types. The first type shall be service permanent encroachments that receive regular visits from the provider and customers to receive goods and services. These shall include, but not be limited to, package carrier services, newspaper boxes, food service providers, and other similar uses. The second type shall be non-service permanent encroachments that receive periodic visits for maintenance and upkeep. These shall include, but not be limited to, signs, landscaping, and other stationary objects.

(A) All permanent encroachments must receive approval by the Board of Public Works and Safety. The permittee shall be required to sign a permanent encroachments agreement if the permanent encroachment is approved. Such agreement shall be recorded at the Hamilton County Recorder's Office.

(B) All permanent encroachments must maintain general liability insurance that lists the City of Noblesville, Indiana as an additional co-insured. The minimum insurance requirement shall be set and approved by the Board of works but shall be no less than \$1,000,000 per occurrence, \$300,000 per person. The Board may find in certain situations a substantial risk of liability and at their discretion may increase the required insurance amounts.

(C) Service permanent encroachments shall be required to renew their permits every year. The application for permit renewal must be submitted with the proof of general liability insurance.

(D) Non-service encroachments shall be good for as long as the encroachment is in place or as otherwise described or limited in the encroachment agreement. The Applicant shall be required to maintain general liability insurance on the encroachment for the entirety of the life of the encroachment and must produce proof of insurance upon request.

(E) In addition to the terms of the encroachment agreement the following shall apply:

a. Each permanent encroachment shall be kept in a state of good repair and in neat and clean condition, and free of accumulations of trash, rubbish, and debris. Each permanent encroachment shall be regularly serviced so that:

i. It is kept reasonably free of graffiti

ii. It is kept reasonably free of chipped, faded, peeling, and cracked paint or rust and corrosion

iii. The structural and functional parts of the permanent encroachment are not broken or unduly misshapen

b. If the encroachment is deemed by the Designated Department as being in a state of disrepair, the Designated Department shall notify the applicant that the encroachment must be repaired or replaced within 60 days of receipt of notice.

(F) Those service permanent encroachments in place prior to May 12, 2010, shall not be subject to the permit renewal requirements of this ordinance.

§ 95.05 REGULATIONS FOR DOWNTOWN ENCROACHMENTS

(A) Encroachment permits are required for any activity, display, sign, or sale when placed in public right-of-way. This requirement does not apply to items owned and placed by the City of Noblesville, Hamilton County, or the State of Indiana or their employees, agents, or assigns.

(B) All applications for encroachments in this district shall be accompanied by a letter of consent from the building owner if not the Applicant. This letter shall be notarized and shall acknowledge specifically the extent of the encroachment.

(C) Upon approval of a new permit application, the Applicant shall be required to submit to the Designated Department proof of insurance for general liability within ten business days that states that the City of Noblesville, Indiana is listed as an additional co-insured. An application for renewal shall be submitted with proof of insurance for general liability. The minimum insurance requirement shall be \$1,000,000 per occurrence, \$300,000 per person, unless the Board of Public Works and Safety decides to increase such amounts. The Board may find in certain situations a substantial risk of liability and at their discretion may increase the required insurance amounts.

(D) An ADA clear zone of at least 48 inches must be maintained at all times unless otherwise approved by the Board of Works for certain temporary periods. Such clear zone shall be measured from the brick paver band on the sidewalk towards the building. If no such band exists, the clear zone shall be measured from the back of curb or an appropriate location as determined by the Designated Department. At intervals of no more than 200 feet, to be located at a minimum at the intersection of the streets and alleys, a clear zone of at least 60 inches by 60 inches shall be provided to allow space for passing, and ramps must be kept clear at all times. Merchants are responsible for maintaining a clear means of egress from the entrance to their building to the clear zone on the sidewalk.

(E) Sandwich Board signs (SB) are allowed with an encroachment permit and a temporary sign permit and are subject to the following restrictions:

(1) Signs shall be sufficiently weighted to ensure stability during inclement weather conditions.

(2) Signs shall not be illuminated or flashing.

(3) One sign is allowed per each first floor business.

(4) Sign shall be placed in the brick paver band perpendicular to the front door.

(5) Sign must be no more than 36 inches high and 24 inches wide.

(6) Sign shall have a minimum height of 24 inches.

(7) Sign shall be wood or woodframe and may contain material inserts such as slate to allow a different interior material on the sign.

(8) Signs are subject to additional regulations contained in Article 11 of the Unified Development Ordinance.

(F) Bicycle parking is permitted only at the bicycle racks that have been installed throughout downtown. No bicycles shall be parked on the sidewalk.

(G) Merchants shall be responsible for keeping sidewalks in front of their business unobstructed and clear for pedestrian traffic. Merchants must keep walk surface clear of trash, debris, clutter, spills, or items brought in by their customers such as strollers and shopping bags.

(H) Display of the American Flag in the existing holders in or near the brick paver band is exempt from the permit requirement and the provisions of this ordinance.

(I) Flags containing seasonal images or text and/or any attention getting displays on the sidewalk using the existing flag holder in or near the brick paver band are prohibited.

(J) Flags attached to the building must maintain a minimum clearance from the sidewalk of 8 feet. These flags shall be limited to messages such as "open" and "sale" and seasonal images.

(K) Sales, vending, seating, or display must be located directly in front of the business and not overlap adjoining businesses unless written approval of the affected business is obtained. A copy of such written approval must be provided as a part of the permit application and shall be provided each year.

(L) No vending machines shall be placed in public right-of-way in the DT zoning district. Publication boxes are exempt from this prohibition.

(M) Special events that result in the closure of a street or alley are subject to the regulations outlined in §95.06

(N) Non-compliance will result in the revocation of the permit. Any activity at a location that has had a permit revoked shall not be eligible for a permit for a minimum of one year from the revocation date.

(O) Any applications must include a site plan that details specifically the number and location of items that will be using the right-of-way and notes the required clear zones. Site plans should also include identification of the uses on each side of their location.

(P) All applications proposing the use of existing alleys in the DT zoning district must be approved by the Board of Public Works and Safety. Such applications shall be subject to the conditions set out by the Board and are not eligible for administrative approval at the beginning of the year.

(1) Use of the alley is not exclusive to a single permittee.

(2) The Designated Department shall notify the permittee in writing at least two weeks prior to an event or user that desires to use the alley during the permittee's permit term. The permittee must make provisions to allow the other permittee use of the alley.

(3) If the permittee is scheduling special events that could not accommodate other users, the permittee shall submit another request to the Designated Department for the length of the special event. If the date(s) conflict with another request, the permittee with the earliest submission date would receive priority.

§ 95.06 REGULATIONS FOR COMMUNITY ENCROACHMENTS

(A) The Applicant for a community encroachment that involves a street closure or blockage shall be required to notify all those located in the closure area and obtain signatures agreeing to the closure.

(B) The Applicant for a community encroachment that involves a street closure or blockage may be required to submit an emergency action plan. The determination of whether an emergency action plan is necessary shall be at the discretion of the Noblesville Fire Department after the submission of the application. An emergency action plan would be necessary for any event that has the potential to draw crowds large enough to limit or delay emergency access to the closure area and also is necessary when a closure area includes a target hazard occupancy. A target hazard occupancy is a building or site that contains special hazards that are greater than those found in the average residential or commercial location and requires a specific level of access in case of emergency.

(1) An emergency action plan is intended to minimize hazards to human health which result from emergencies. They are put in place to allow the attendees and organizers to be better organized what to do if an emergency does occur.

(2) An emergency action plan needs to redefine what actions will be taken to report fires and other emergencies. The plan will identify who will call in an emergency, which will be the contact for emergency personnel on arrival, how emergency vehicles and personnel will access the site, evacuation procedures, a way to account for everyone after the emergency, as well as any other elements as necessitated by the specific location.

§ 95.98 FEES

(A) Encroachments within the Downtown (DT) zoning district shall pay a fee of \$100 per year. Any change of use within the space shall require a new approval.

(B) Encroachments for dining or seating in an alley are \$100 per month of use. Fee is due after approval of the application.

(C) Encroachments for dining or seating in a parking space are \$100 per month per parking space. Fee is due after approval of the application.

(D) Encroachments in the Downtown (DT) zoning district for a Sandwich Board sign only shall be \$25.

(E) Service permanent encroachments shall pay a fee of \$200 for the initial application, and a renewal fee of \$50 for each subsequent year.

(F) Non-service permanent encroachments shall pay a fee of \$50.

(G) Community Garage Sale Signs located within right-of-way shall require a fee of \$25.

(H) Community Encroachments applications for community events by non-profits and for-profit businesses shall pay a fee of \$100.

(I) Community Encroachments for neighborhood block parties shall be charged no fee.

s for neighborhood block parties shall be charged no fee.

CITY OF NOBLESVILLE

/s/ Evelyn L. Lees, Clerk

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## RIVER

Continued from Page 1

trash from the water and its banks.

The event offers volunteers a unique opportunity to participate by canoeing on the river. Organizers ask that participants be comfortable paddling a canoe and navigating the river's shoreline.

## Event Details:

- A \$15 refundable

deposit is required for pre-registration and will be returned to volunteers who attend the event.

- Upon arrival, participants will receive all necessary supplies, including canoes, gloves, trash bags, and bottled water. Free t-shirts will also be available while supplies last.

- Volunteers who register with the City of Carmel team will check in at Conner Prairie at 8 a.m. From there, they will be shuttled to the White River Canoe Company to launch their canoes for a two- to three-hour float back to Conner Prairie.
- Please be aware that this event

requires physical exertion over an extended period.

- All participants 16 years of age and younger must be accompanied by an adult.
- You do not need to be a Carmel or Noblesville resident to participate.
- Please wear sturdy shoes and clothes you don't mind getting messy.

- The event cannot accommodate personal watercraft or walking-only clean-ups.

Pre-registration is required to participate. For more information and to register, go to <https://whiteriverclean-up.com/>



## LIGHT DELIVERY ROUTE

Early Wednesday morning newspaper delivery route available!

This does NOT include home delivery. It is delivering to post offices mostly.

Must have insurance, reliable transportation and a clean driving record.

Send resume and vehicle information to [jobs@thetimes24-7.com](mailto:jobs@thetimes24-7.com).

## AWARD

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Photos courtesy Noblesville Chamber of Commerce

### A good crowd was on hand at Mustard Seed Gardens for the ceremony.

leaders and committee for this award. And a special thank you to my family for always being so supportive.”

Wiles’ roots in the community run deep. She is a graduate of Noblesville High School, active at St. Michael’s Episcopal Church and serves on the Conner Prairie Board of Directors. Professionally, she is the vice president of the Foundation and Community Affairs for Riverview Health.

“Megan is the definition of a woman of impact,” said Riverview Health President and CEO Dave Hyatt. “I’ve personally witnessed Megan’s tenacity and grit when advocating for the health, wellbeing, and prosperity of her fellow Noblesville residents. She does this without ego and is always asking how she can do more.”

Wiles is a graduate of the Hamilton County Leadership Academy Class of 2000. She recently served as Dean of the HCLA Class of 2025. The dean plays an integral role in creating the class culture

and connectivity and provides meaningful insight and expertise throughout the class experience.

“Megan has had an incredible impact on each one of us in the HCLA Class of 2025, in the same way she does in the entire community,” Hamilton County Community Foundation President Danielle Stiles-Polk said. “Megan didn’t just show up as a leader on class day, she truly invested in us. She took the time to get to know each one of us beyond the sessions we shared. She celebrated our wins, shared in our struggles and went out of her way to make sure we were having meaningful conversations in a safe space.”

Wiles was called into public service in 2015 and is in her third term on the Noblesville Common Council. She represents District 6, a large portion of the east side of Noblesville. Wiles currently serves as the council president, her third time leading the group. She also served as the co-chair for the city’s Bicentennial Committee

in 2023.

“While Megan is a smart, committed leader, she serves in a humble manner,” said WIN Co-Chair Kathy Young, vice president commercial lending at First Merchants Bank. “She is obviously a convener and connector of people, but she does it in a way that is about the objective and not about her. She is collaborative, cooperative and seeks to understand all perspectives. Megan has served across many different roles and organizations in Noblesville, which have demonstrated her commitment to stewardship and service. Many of the committees and roles she has served in focuses on good stewardship of organization and municipal resources.”

Woman of Impact nominations are submitted by the public and reviewed by WIN leadership. Previous Woman of Impact Award winners include Esther Lakes (2024), Julia Church Kozicki (2023) and Anita Hagen (2022).

## COUNTY

Continued from Page 2

included the police and fire departments from the cities of Carmel, Fishers, and Westfield, the Noblesville Fire Department, the Zionsville Fire Department and the Hamilton County Sheriff’s Office as well as Hamilton County Dispatch, Hamilton County’s Emergency Management Agency, IU Health, Riverview Health, and the Hamilton County Health Department

“This was a great way to collaborate with other

agencies and to build relationships so that if something like this ever happens, we’re ready to respond together,” said Kayla Arnold, Communications Director for the City of Westfield. “Training side by side helps ensure our community is safer and more prepared.”

Full-scale exercises like today’s are conducted every three years, with tabletop exercises in the off years. This training was funded through an LEPC grant. Partici-

pants gathered for a debriefing to review what went well and identify areas for improvement.

“The purpose of exercises like this is to make sure we’re prepared for real-world incident response,” said Ryan Tennesen, Director of Hamilton County Emergency Management. “We did well and met the criteria, but there are always lessons to be learned—what our strengths are and where we can improve.”

## PAULA

Continued from Page 1

be photos around somewhere, but I have yet to run across any.

Moving right along to our next exhibit, we have a tooth from what may have been the last bear in Hamilton County.

According to the Feb. 19, 1931 Noblesville Daily Ledger, Perry Bray, whose family was among the first to settle in the Hinkle Creek area, got the tooth from his father, Henry. Henry Bray was credited with killing the bear.

“As the story goes the bear killed a hog on the George Haworth farm not far from what is now known as No. 1 in Washington Township and, after feasting on the porker to his heart’s content, went off to lay down and sleep. His bearship was routed by some hunters and shot by Mr. Bray.”

(Washington Township’s School No. 1 was at the corner of State Road 38 and Anthony

Road, an area that in years past was sometimes called Tile Factory Corner.)

Unfortunately, there’s no indication of the year the bear met his fate, but I’d guess it was probably sometime in the 1840s.

Our final exhibit appeared in the July 12, 1913 Noblesville Daily Ledger.

The Ledger noted that Charles Scott had come to town recently and was showing off an 1840 half dime he’d dug up in his garden. According to Scott, when the coin was minted, “we had no nickel 5 cent coin and half dimes were scarce.”

I’d never heard of a half dime, so I did a little research. Scott was right.

The first half dimes were produced for circulation by the U. S. Mint in 1794. The silver coin, valued at — you guessed it! — five cents, was originally called

a “half disme,” but so many Americans struggled to pronounce the French word, “disme,” that the “s” was soon dropped.

The Mint began producing nickels in 1866 and for a while both coins were in circulation. In 1873, the half dime was discontinued because of the high cost of silver and because its small size was inconvenient, leaving the nickel as our only five cent piece.

Today, Scott’s grubby little 1840 coin might fetch around \$50. Had it been in pristine condition, this exhibit would have been worth thousands.

Whew. I might have had to hire virtual museum guards!

Paula Dunn’s *From Time to Thyme* column appears on Wednesdays in *The Times*. Contact her at [younggardenerfriend@gmail.com](mailto:younggardenerfriend@gmail.com)

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