

ORDINANCE NO. 85-3

AN ORDINANCE REGULATING ENCROACHMENT
ON PUBLIC RIGHT OF WAY IN THE VILLAGE OF CHATHAM
SANGAMON COUNTY, ILLINOIS

WHEREAS, the VILLAGE OF CHATHAM, hereinafter known as the VILLAGE, and the STATE OF ILLINOIS, acting by and through its Department of Transportation, hereinafter known as the STATE, have entered into an Agreement relative to the improvement of F.A.U. Route 8147, Village Section 84-00015-00-BR; and

WHEREAS, in order to facilitate said improvement, it is necessary for the VILLAGE to adopt an Ordinance Regulating Encroachments on the right-of-way for said improvement in accordance with the following definitions.

Roadway Right-of-Way is defined as those areas existing or acquired by dedication, or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time easement is in effect.

Project Right-of-Way is defined as those areas within the project right-of-way lines established jointly by the VILLAGE and STATE which will be free of encroachments, except as hereinafter defined.

Encroachment is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under, or over, any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

Permissible Encroachment is defined as any existing awning, marquee, advertising sign or similar overhanging structure from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building lane and which does not impair the free and safe flow of traffic on the highway, the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent building.

Construction Easement Area is defined as the area lying between the project right-of-way limits and the platted street limits within which the VILLAGE, by

EXHIBIT "B" Continued

concurrence in the establishment of the project right-of-way lines, will permit the STATE to enter to perform all necessary construction operations;

NOW, THEREFORE, BE IT ORDAINED, by the Village of Chatham, Sangamon County, Illinois:

SECTION 1. It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any ENCROACHMENT (hereinabove defined), except as provided in Section 3, within the limits of the project right-of-way where no project right-of-way lines have been established.

~~SECTION 2. Project right-of-way lines have been established at the following location:~~

~~approaches to and the bridge existing over Polecat Creek on Downing Drive~~

~~SECTION 3. Revocable permits have been issued by the VILLAGE for the temporary retention of the following PERMISSIBLE ENCROACHMENTS (hereinabove defined):~~

~~none~~

SECTION 4. This Ordinance is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

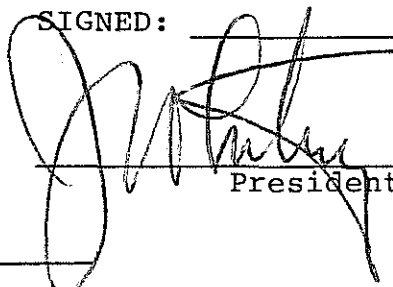
SECTION 5. Any person, firm or corporation violating this ordinance shall be fined, not less than five dollars (\$5.00), nor more than ten dollars (\$10.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

SECTION 6. This Ordinance shall be published one (1) time within five (5) days after its passage in a newspaper having a general circulation in the VILLAGE OF CHATHAM, Illinois, and shall be in full force and effect after its passage, publication and approval as provided by law.

PASSED: Mar. 12, 1985

SIGNED: _____, 19__

RECORDED: Mar 12, 1985



President

ATTEST: Donald D. Medinger
Village Clerk