

CITY OF LEROY
COUNTY OF MCLEAN
STATE OF ILLINOIS

ORDINANCE NO. 711

AN ORDINANCE REGULATING ENCROACHMENT
ON PUBLIC RIGHT-OF-WAY IN THE CITY OF
LEROY, MCLEAN COUNTY, ILLINOIS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY
THIS 2nd DAY OF December, 1996

PRESENTED: December 2, 1996

PASSED: December 2, 1996

APPROVED: December 2, 1996

RECORDED: December 2, 1996

PUBLISHED: December 2, 1996

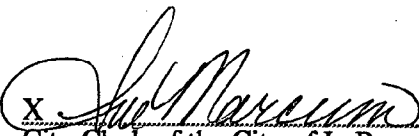
In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X 
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: December 2, 1996.

AN ORDINANCE REGULATING ENCROACHMENT
ON PUBLIC RIGHT-OF-WAY IN THE CITY OF
LEROY, MCLEAN COUNTY, ILLINOIS

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, find that it is in the best interests of the residents of the City of LeRoy and of the public in general, that the City provide for the restriction of parking along U.S. Route 150 through the City of LeRoy, from the west city limits to the east city limits,

WHEREAS, in order to facilitate said improvements to and along U.S. Rt. 150, it is necessary for CITY to adopt an ordinance regulating encroachments on the right-of-way for said improvement in accordance with the following definitions:

a. 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 the easement is in effect;

b. Project Right-of-Way is defined as those areas within the project right-of-way lines established jointly by the CITY, STATE (of Illinois) and the Federal Highway Administration which will be free of encroachments except as hereinafter defined;

c. 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;

d. Permissible Encroachment is defined as any existing awning, marquee, advertising sign, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic and 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 buildings;

e. Construction Easement Area is defined as the area lying between the project right-of-way limits and the platted street limits within which CITY, by concurrence in the establishment of the project right-of-way lines, will permit STATE to enter to perform all necessary construction operations; and

WHEREAS, representatives of CITY and STATE have cooperatively established project right-of-way lines and have mutually determined the disposition of encroachments,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, McLean County, Illinois, in lawful meeting assembled, as follows:

Section 1. The foregoing definitions set forth in the preamble preceding this ordaining clause and provision are hereby made a part of this ordinance by reference thereto and are incorporated herein by reference.

Section 2. It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, or to retain or cause to be retained, any ENCROACHMENT (herein previously defined), within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

Section 3. 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 any part of any other ordinance unless in direct conflict therewith.

Section 4. Any person, firm, or corporation violating this ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Section 5. This ordinance shall be published one time, within ten days after its passage, in a newspaper having a general circulation in the City of LeRoy, Illinois, and shall be in full force and effect after its passage, publication and approval as provided by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by _____
Bill Swindle _____, seconded by Ron Litherland _____, by
roll call vote on the 2nd day of December _____, 1996, as follows:

Aldermen elected 6

Aldermen present 6

VOTING AYE:

Ron Litherland, Bill Swindle, Dave McClelland, Dawn Thompson, Lois Parkin
(full names) Fred Dodson

VOTING NAY:

None

(full names)

ABSENT, ABSTAIN, OTHER:

None

(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 2nd day of
December, 1996.

X Sue Marcum

Sue Marcum, Acting City Clerk of the City of
LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 2nd day of

December, 1996.

X Jerry C. Davis

Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X Sue Marcum

Sue Marcum, Acting City Clerk of the City
of LeRoy, McLean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on December 2, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 711, entitled:

**AN ORDINANCE REGULATING ENCROACHMENT
ON PUBLIC RIGHT-OF-WAY IN THE CITY OF
LEROY, MCLEAN COUNTY, ILLINOIS,**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 711, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on December 2, 1996, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 2nd day of December, 1996.

(SEAL)


Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE REGULATING ENCROACHMENT
ON PUBLIC RIGHT-OF-WAY IN THE CITY OF
LEROY, MCLEAN COUNTY, ILLINOIS.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 2nd day of December, 1996, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 2nd day of December, 1996.

X 
City Clerk

(SEAL)