

ORDINANCE NO. _____

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

WHEREAS, the city of LeRoy, hereinafter known as the CITY, and the state of Illinois, acting by and through its Department of Transportation, Division of Highways, hereinafter known as the STATE, have entered into an agreement relative to the improvement of U.S. Route 150 (portions of Washington, Walnut, and Cedar Streets) extending from the west to the east corporate limits of LeRoy..

WHEREAS, in order to facilitate said improvement, it is necessary for CITY to adopt an ordinance regulating encroachments on the right of way for said improvement in accordance with the following definition:

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;

Project Right of Way is defined as those within the project right of way lines established jointly by the CITY, State, and the Federal Highway Administration 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 supported 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 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.

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

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

LEROY

NOW, THEREFORE, BE IT ORDAINED by the city Council of LeRoy, McLean 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 (herein above 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 2: 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 3: Any person, firm, or corporation violating this ordinance shall be fined not less than _____ Dollars (\$ _____) nor more than _____ Dollars (\$ _____) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Section 4: 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 AND APPROVED THIS _____
DAY OF _____, 1996

ATTEST:

Mayor

City Clerk

Date

AYES _____

NAYES _____

ABSENT _____