

AN ORDINANCE REGULATING ENCROACHMENT
ON PUBLIC RIGHT OF WAY IN THE CITY OF NOKOMIS
MONTGOMERY COUNTY, ILLINOIS

No. 748

WHEREAS, the CITY OF NOKOMIS, hereinafter known as the CITY, 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.S. Route 723, State Section 20Z,RS-4, City Section 85-00019-00-RS, and;

WHEREAS, in order to facilitate said improvement, it is necessary for the CITY to adopt an ordinance regulating encroachments on the right-of-way for said improvement which lie within the corporate limits of the CITY, 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 the easement is in effect;

Project Right of Way is defined as those areas within the project right-of-way lines established jointly by the CITY and the 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 line 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 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, by visual inspection, cooperatively established project right-of-way lines and have mutually determined the disposition of encroachments;

NOW, THEREFORE, BE IT ORDAINED, by the City of Nokomis, Montgomery 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 or roadway 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 locations:

None

SECTION 3. Revocable permits have been issued by the CITY 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 ordinances 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 *twenty five* dollars (\$*25⁰⁰*), nor more than *one hundred* dollars (\$*100⁰⁰*) 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 in a newspaper having a general circulation in the City of Nokomis, Illinois, and shall be in full force and effect after its passage, publication and approval as provided by law.

PASSED: Nov. 4, 1985 SIGNED: Nov. 4, 1985

RECORDED: Nov. 4, 1985 *Gene Calder*
Mayor

ATTEST: *Mary Jean Scheller*
City Clerk

