

ORDINANCE NO. 2017-020

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

WHEREAS, the City of DeKalb of DeKalb County, Illinois, hereinafter called the CITY, has entered into an intergovernmental agreement with the State of Illinois, through its Department of Transportation, hereinafter called the STATE. The STATE proposes to resurface IL Route 23 (identified as Sycamore Road within the CITY) from the north city limit to 4th Street. Work will include milling and resurfacing of the existing pavement, pavement markings, traffic signal detector loop replacement and curb ramp, crosswalk and pedestrian traffic signal improvements to meet requirements of the American's with Disabilities Act (ADA).

WHEREAS, in order to facilitate said improvement, it is necessary for the CITY to adopt an Ordinance regulating encroachments on the right of way of Illinois Route 23 in accordance with the following definitions:

1. 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;
2. 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;
3. Encroachment is defined as any building, fence, sign (excluding certain signs located over sidewalks) or any other public structure or object of any kind (with the exception of utilities and public road signs) which is placed, located, 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.
4. Permissible encroachment is defined as any existing awning, marquee or sign advertising activity on the property or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or 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.
5. 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 with the establishment of the project right of way lines, will permit the STATE to enter to perform all necessary construction activities; 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 DEKALB OF THE COUNTY OF DEKALB ILLINOIS THAT:

Section 1: It shall be unlawful for any person, firm or corporation to erect, cause to be erected, to retain or cause to be retained any ENCROACHMENT (herein above defined) except as provided in Section 3, within the project or roadway right of way where no project right of way lines have been established, along Illinois 23 (Sycamore Road) within the corporate limits of the City of DeKalb.

Section 2: Project right of way lines will be the existing right of way lines from previous projects.

Section 3: No temporary permits have been issued.

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.

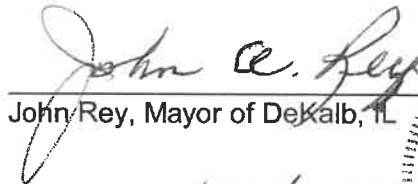
Section 5: Any person, firm or corporation violating the provisions of this Ordinance shall be fined not less than \$100 nor more than \$750 for each offense, a separate offense shall be deemed committed for each and every day during which the violation continues or exists.

Section 6: This ordinance shall take effect and be in full force ten (10) days after its passage, approval and legal publication as required by law, and the City Clerk is hereby directed to cause this Ordinance to be published immediately after its due passage and approval. (Published March 28, 2017. Effective April 6, 2017.)

PASSED BY THE MAYOR AND CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 27th day of March, 2017 by me as Mayor on the same day. Passed by an 8-0 Omnibus roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Favre, Rey.

APPROVED:

ATTEST:


John Rey, Mayor of DeKalb, IL


Jennifer Jeep Johnson, City Clerk of DeKalb, IL

Date

3/30/2017

Date

3-30-17

