

ORDANANCE NO. 21-04

AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT OF WAY IN THE
VILLAGE OF SOMONAUK, DEKALB COUNTY, ILLINOIS

WHEREAS, the Village of Somonauk of DeKalb County, Illinois, hereinafter called the VILLAGE, 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 US Route 34 (identified as Market Street within the VILLAGE) from IL 23 North to east of Somonauk Road. Work will include milling and resurfacing of the existing pavement, pavement markings, traffic signal upgrades, curb ramp and crosswalk improvements to meet requirements of the American's with Disabilities Act (ADA).

WHEREAS, in order to facilitate said improvement, it is necessary for the VILLAGE to adopt an Ordinance regulating encroachments on the right of way of US Route 34 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 VILLAGE 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 VILLAGE, 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 VILLAGE 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 VILLAGE OF SOMONAUK 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 US Routes 34 within the corporate limits of the Village of Somonauk.

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 Village Clerk is hereby directed to cause this Ordinance to be published immediately after its due passage and approval.

PASSED by the Village President and Village Council of the Village of Somonauk of DeKalb County, Illinois, this 10 day of February, 2021.

APPROVED:

ATTEST:

Aaron Grandgeorge, Village President

Rebecca Morphey, Somonauk Village Clerk

February 10, 2021

Date

Date

PASSED: 02/10/2021

SIGNED: 02/10/2021

PUBLISHED: 02/10/2021

Effective without signature pursuant to section 31-40-45 of the Illinois Municipal Code