

ORDINANCE NO. _____

**ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY IN
THE CITY OF DECATUR, MACON COUNTY, ILLINOIS
U.S. 51 FROM ITS INTERSECTION WITH PERSHING ROAD (IL 121) NORTH TO ITS
INTERSECTION WITH INTERSTATE 72 IN DECATUR**

WHEREAS, the CITY OF DECATUR hereinafter known as CITY, and the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION have entered into an AGREEMENT relative to the improvement of FAP 710 (U.S. 51), State Section (48Z2&3, 50Z2&3, 50R)RS-3 from its intersection with Pershing Road (IL 121) north to its intersection with Interstate 72 in Decatur; and

WHEREAS, in order to facilitate said improvement, it is necessary for the CITY to adopt an ordinance regulating encroachment on the right-of-way for said improvement 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 permanent easement and 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 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;
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 by 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 OF DECATUR, 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, by visual inspection, cooperatively establish project right-of-way line and mutually determine the disposition of encroachments,

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, 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), except as provided in Section 3, within the limits of the project right-of-way or the roadway right-of-way where no project right-of-way limits have been established.

Section 2. The Project right-of-way limits have been established and shown in the plans.

Section 3. No revocable permits have been issued by the State for the temporary retention of PERMISSIBLE ENCROACHMENTS.

Section 4. This ordinance is intended to be and shall be in addition to all other ordinances, rules and regulations concerning encroachment and shall not be construed as rescinding or repealing any other ordinance or part of any ordinance unless it is in direct conflict therewith.

Section 5. Any person, firm or corporation violating this ordinance shall be fined not less than \$10.00 nor more than \$500.00 for each offense and separate offense shall be deemed committed each and every day during which a violation continues or exists.

Section 6. This ordinance shall be published one time within ten days after its passage in a newspaper having a general circulation in the CITY OF DECATUR, Macon County, Illinois, and shall be in full force and effect after its passage, approval and publication as provided by law.

PRESENTED, PASSED, APPROVED AND RECORDED this 1st day of March, 2021.

Julie Moore Wolfe, Mayor

ATTEST:

Kim L. Althoff, City Clerk

PASSED: _____

SIGNED: _____

PUBLISHED: _____