

VILLAGE OF TOLONO
CHAMPAIGN COUNTY ILLINOIS

ORDINANCE # 95 -1

An Ordinance regulating encroachment on the public right of way in the Village of Tolono.

Adopted by the
Board of Trustees of the Village of Tolono
This 21 day of March, 1995

Published in pamphlet form by authority of the President and the Board of Trustees of the Village of Tolono Champaign County, Illinois. This 21st day of March, 1995.

The Village of Tolono, Illinois by its duly elected Board of Trustees has made the following determinations and adopts the following ordinance the date appearing below.

WHEREAS:

1. The Village of Tolono, through its Board of Trustees, is charged with promoting the health, safety, and welfare of its citizens.
2. The Village Board has determined that it is in the interest of its citizens to enter into an agreement with the State of Illinois for the construction of improvements along Long Street also known as Route 45.
3. Pursuant to that agreement in and consistent with its finding in the interest of the public, the board has determined that it is necessary and appropriate to adopt an ordinance regulating encroachment consistent with its agreement with the State of Illinois.

NOW THEREFORE, the Board of Trustees of the Village of Tolono hereby adopts the following ordinance:

SECTION 1 DEFINITIONS

1.01 "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 through the time the easement is in effect;

1.02 "Project Right of Way" is defined as those area within the project right of way lines established jointly by the Village of Tolono and the State of Illinois which will be free of encroachments except as hereinafter defined;

1.03 "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:

1.04 "Permissible Encroachment" is defined as any existing awning, marquette 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 a 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;

1.05 "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 of Tolono, by concurrence in the establishment of the project right of way lines, will permit the State of

Illinois to enter to perform all necessary construction operations;

SECTION 2 PROHIBITION OF ENCROACHMENT

2.01 General. 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 as defined herein, accept as provided under this ordinance, within the limits of the project right of way or roadway right of way where no project right of way lines have been established.

2.02 Right of Way Lines. No project right of way lines have yet been established.

2.03 Revocable Permits. Revocable permits have been issued by the Village of Tolono for the temporary retention of permissible encroachments to be located at the northwest corner of the building improvements located at 105 S. Watson all as owned by Farmer Service (F.S.) of Tolono Illinois.

SECTION 3. General Provisions.

3.01 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 there with.

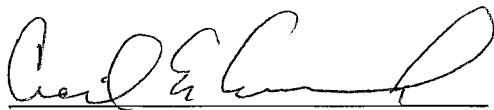
3.02 Any person, firm or corporation violating this ordinance shall be fined not less than two hundred and fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed and committed for each and every day during which a violation continues or exists.

This ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 24; Sections 1-24 of the Illinois Municipal Code.

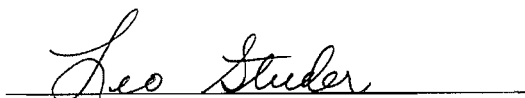
Passed by the Board of Trustees of the Village of Tolono at a regular meeting held this 21st day of March, 1995.

Approved by the President of the Board of Trustees of the Village of Tolono this 21st day of March, 1995.

Attest:



Cecil McCormick, President



Leo Studer, Village Clerk Pro Term