

VILLAGE OF BRADLEY

ORDINANCE NO. O-9-17-2

AN ORDINANCE REGULATING ENCROACHMENT ON CERTAIN PUBLIC RIGHTS OF
WAY IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 11 DAY OF SEPTEMBER, 2017

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 11 day of SEPTEMBER, 2017

ORDINANCE NO. O-9-17-2

**AN ORDINANCE REGULATING ENCROACHMENT ON CERTAIN PUBLIC RIGHTS
OF WAY IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS**

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Section 65 ILCS 5/11-80-3 of the Illinois Municipal Code, the Village has the authority to prohibit, prevent, and/or remove encroachments or obstructions over and upon any and all streets within the Village; and

WHEREAS, the Village of Bradley (“Village”) and the State of Illinois, acting by and through the Illinois Department of Transportation (“IDOT”), have entered into an Intergovernmental Agreement related to the improvement of I-57 at North Street (FAI Route 57, State Section (46-3) HBR) and along North Street from east of Van Buren Street to Cardinal Drive (the “Bridge Project”); and

WHEREAS, in order to facilitate said Bridge Project, it is necessary for the Village to adopt an ordinance regulating encroachments of the public rights of way effected by said Bridge Project 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, as well as any and all temporary easement areas acquired as part of the Bridge Project;
2. “Project Right-of-way” is defined as those areas within the Project Right-of-Way Boundary Lines as established jointly by the Village and IDOT, which areas will be kept free of all encroachments except Permissible Encroachments 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 where Project Right-of-way Boundary Lines have been established, or the Roadway Right-of-way where no Project Right-of-way Boundary Lines have 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. This definition specifically excludes any and all signs supported by poles constructed outside the

Project Right-of-Way Boundary Line and not supported by an adjacent building;
and

5. "Construction Easement Area" is defined as the area lying between the Project Right-of-way Boundary Limits and the platted street limits within which the Village, by concurrence with the establishment of the Project Right-of-way Boundary Lines, will permit IDOT to enter to perform all necessary construction activities.

WHEREAS, representatives of the Village and IDOT will, by visual inspection, cooperatively establish Project Right-of-way Boundary Lines and mutually determine the disposition of encroachments as necessary and expedient for the enforcement of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. 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, other than a Permissible Encroachment, at any point along such part of North Street as extends between Pierce Avenue and Cardinal Drive and within the Project Right-of-Way where Project Right-of-Way Boundary Lines have been, from time to time, established, or within the Roadway Right-of-Way where no Project Right-of-Way Lines have been established.

SECTION 3. Project right-of-way lines have been established as shown in the Bridge Project plans.

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 that violates any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day that a violation continues to exist after the Village has provided the violator with notice of such violation shall be deemed to constitute a separate offense.

SECTION 6. The Village Clerk shall publish this Ordinance one (1) time within ten (10) days after its passage in a newspaper having a general circulation in the Village of Bradley, Kankakee County, Illinois.

SECTION 7. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way effect or impair the validity or enforceability of any

of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 8. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 9. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 10. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 11 day of SEPTEMBER, 2017.

TRUSTEES:

GERALD BALTHAZOR	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
ROBERT REDMOND	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
LORI GADBOIS	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
MICHAEL WATSON	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DON BARBER	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
JACLYN DUGAN-ROOF	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

BRUCE ADAMS Aye - Nay - Absent -

TOTALS: Aye - 4 Nay - 0 Absent - 2

ATTEST:


MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 11 day of SEPTEMBER, 2017.

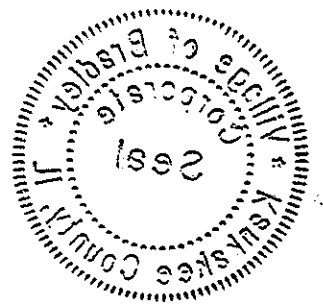



BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:


MICHAEL J. LAGESSE, VILLAGE CLERK

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STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Michael J. LaGessee, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number O-9-17-2, "AN ORDINANCE REGULATING ENCROACHMENT ON CERTAIN PUBLIC RIGHTS OF WAY IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS," which was adopted by the Village President and Board of Trustees at a meeting held on the 11 day of SEPT., 2017.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 11 day of SEPT., 2017.



MICHAEL J. LAGESSE, VILLAGE CLERK



