

CHAPTER 9

ENCROACHMENT ON PUBLIC WAYS

SECTION:

8-9-1: Definitions

8-9-2: Project right of way

8-9-1: Definitions: Roadway Right of Way is defines 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;

Project Right of Way is defined as those areas within the project right of way lines established jointly by the VILLAGE and STATE, which will be hereinafter defined;

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 way or the roadway right of way where no project right of way has been established.

Permissible Encroachment is defined as any existing awning, marquee, advertising sign 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 or traffic on the highway, the permissive retention of overhanging signs are 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.

8-9-2: Project Right Of Way: It shall be lawful 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), within the limits of the project right of way or roadway right of way where no project right of way loans have been established.

A. Project right of way lines have been established as being coincidental with the right of way lines.

B. This ordinance is intended to and shall be in addition to all other ordinance, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance unless in direct conflict herewith.

Any person, firm or corporation violating this ordinance shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.