

CITY OF ST. CHARLES

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ORDINANCE NO. 1995-M-20

AN ORDINANCE AMENDING CHAPTER 12.04  
OF THE ST. CHARLES MUNICIPAL CODE

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ADOPTED BY THE

CITY COUNCIL

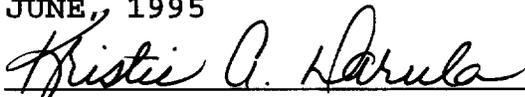
OF THE

CITY OF ST. CHARLES

THIS 5TH DAY OF JUNE, 1995

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PUBLISHED IN PAMPHLET FORM BY  
AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES,  
ILLINOIS, THIS 16TH DAY OF  
JUNE, 1995

  
\_\_\_\_\_  
CITY CLERK

(S E A L)

DATE OF PUBLICATION 6/16/95  
NEWSPAPER Camphlet Form

REFER TO:  
MINUTES 6/5/95  
PAGE \_\_\_\_\_

**ORDINANCE NO. 1995-M- 20**

**AN ORDINANCE AMENDING CHAPTER 12.04  
OF THE ST. CHARLES MUNICIPAL CODE**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST.  
CHARLES, in the exercise of its home rule powers, as follows:**

**SECTION 1:** That Chapter 12.04 of the St. Charles Municipal Code is hereby amended to add the following section:

**12.04.115 Encroachments - Route 38.**

**A. Definitions**

1. **Roadway Right of Way** - 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** - Those areas within the project right of way lines established by the State which will be free of encroachments except as herein defined;
3. **Encroachment** - 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 of the roadway right of way where no project right of way line has been established;
4. **Permissible Encroachment** - 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 of 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** - That area lying between the project right of way limits and the platted street limits which will permit the State to enter to perform all necessary construction operations.

B. It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, any ENCROACHMENT (hereinabove defined) within the limits of the project right of way or roadway right of way where no project right of way lines have been established.

C. Project right of way lines have been established along Illinois Route 38 from Easterly corporate limit (generally referred to as 14th Street/Bricher Road) to Randall Road.

**SECTION 2:** This section is intended to and shall be in addition to all other sections, ordinances, rules, and regulations concerning encroachments and shall not be construed as repealing or rescinding any other section or ordinance or part of any section or ordinance unless in direct conflict therewith.

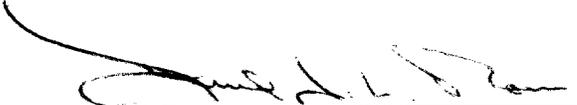
**SECTION 3:** Any person who violates any of the provisions of this section shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day shall be considered a separate offense.

**SECTION 4:** That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 5th day of June, 1995.

**PASSED** by the City Council of the City of St. Charles, Illinois, this 5th day of June, 1995.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 5th day of June, 1995.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: 13

Nays: 0

Absent: 1

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
City Attorney

DATE: 6/15

STATE OF ILLINOIS )  
 ) SS.  
COUNTIES OF KANE AND DUPAGE )

C E R T I F I C A T E

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on June 5, 1995, the Corporate Authorities of such municipality passed and approved Ordinance No. 1995-M-20, entitled

"AN ORDINANCE AMENDING CHAPTER 12.04 OF THE ST. CHARLES MUNICIPAL CODE",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1995-M-20, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 16, 1995, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 16 day of June, 1995.

  
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Municipal Clerk

(S E A L)