

ORDINANCE NO. 138

AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY  
IN THE VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS

PASSED BY THE VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF GREENUP, ILLINOIS

THIS 9<sup>TH</sup> DAY OF JANUARY 9, 2025

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS

THIS 10<sup>th</sup> DAY OF JANUARY 2025

FAP 773 (IL 130)  
Section: (FZ) RS-3  
VILLAGE Section: 24-00018-00-RS  
Cumberland County  
Job No.: C-97-024-18  
Agreement No.: JN 725 003  
Contract No.: 74830

**EXHIBIT D**

**ORDINANCE NO. 738**

**AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY IN THE  
VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS**

WHEREAS, the VILLAGE OF GREENUP hereinafter known as VILLAGE, and the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION will enter into a maintenance agreement for the improvement FAP 773 (IL 121), State Section (FZ) RS-3 from Pleasant Street east to IL 130 in Greenup; and

WHEREAS, in order to facilitate said improvement, it is necessary for the VILLAGE 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 VILLAGE 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 VILLAGE OF GREENUP, 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 VILLAGE 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 VILLAGE OF GREENUP, Cumberland County, 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 nor more than \$500 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 VILLAGE OF GREENUP, Cumberland County, Illinois, and shall be in full force and effect after its passage, approval and publication as provided by law

Read, Passed, Signed and Approved this 10<sup>th</sup> day of January, 2025

Thomas Bauguss

Thomas Bauguss  
Mayor, Village of Greenup

Attest:

Jeil Kemble  
Clerk

PASSED: 1/09/2025  
SIGNED: 1/10/2025  
PUBLISHED: 1/10/2025

STATE OF ILLINOIS                    )  
  )  
COUNTY OF CUMBERLAND         )

I, Jill Kimble, certify that I am the acting Municipal Clerk of the Village of Greenup, Cumberland County, Illinois.

I further certify that on the 9<sup>th</sup> day of January, 2025 the corporate authorities of such municipality passed and approved Ordinance No. 738, entitled “An Ordinance Regulating Encroachment on Public Right-of-Way in the Village of Greenup, Cumberland County, Illinois” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 738, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Municipal Building, commencing on January 10<sup>th</sup>, 2025 and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated this 10<sup>th</sup> day of January 2025.

(SEAL)

  
\_\_\_\_\_  
Jill Kimble, Village Clerk