

ORDINANCE NUMBER 04 - 34

**ORDINANCE AMENDING THE EAST DUNDEE CODE OF
ORDINANCES, TITLE XV, LAND USAGE, CHAPTER 155,
SUBDIVISIONS, SECTION 155.049, LANDSCAPING,
AND TITLE IX, GENERAL REGULATIONS,
CHAPTER 91, STREETS, ALLEYS, SIDEWALKS,
SECTION 91.04, ENCROACHMENTS ON STREETS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that the East Dundee Code of Ordinances, Title XV, **Land Usage**, Chapter 155, **Subdivision**, Section 155.049, **Landscaping** be amended; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that the East Dundee Code of Ordinances, Title IX, **General Regulations**, Chapter 91, **Streets, Alleys, Sidewalks**, Section 91.04, **Encroachment on Streets** be amended.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the East Dundee Code of Ordinance, Title XV, **Land Usage**, Chapter 155, **Subdivisions**, Section 155.049, **Landscaping** be deleted in its entirety and insert in lieu thereof the following:

- (A) All unpaved areas within street rights-of-way shall be seeded or sodded with Kentucky Bluegrass mixture or with such other grass mixture as approved by the Village Engineer.
- (B) No improvements other than Village approved landscaping, sidewalks and mailboxes shall be placed within the street right-of-way. Low voltage lighting may be placed in the street right-of-way with permission of the Village public works department. All landscaping, decorative landscape, decorative fencing and the like placed in the street right-of-way shall be at the owners risk and may be removed by the Village and replaced with grass seed or sod in conjunction with Village repair and maintenance of the public street and utilities
- (C) The subdivider shall prepare a landscape plan for the subdivision in accordance with the standards and specifications for landscaping on file with the Village.
- (D) Protective screen planting may be required to secure a reasonable effective physical barrier between residential properties and adjoining uses to minimize adverse conditions of sight and sound. The screen planting plan shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.

Section Two. That the East Dundee Code of Ordinance, Title IX, **General Regulations**, Chapter 91, **Streets, Alleys, Sidewalks**, Section 91.04, **Encroachments on Streets**, be deleted in its entirety and insert in lieu thereof the following:

§ 91.04 ENCROACHMENTS ON STREETS.

- (A) (1) No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public way, except by permit from the Board of Trustees.
- (2) Application for the permit or license shall describe the nature

- of the encroachment in the detail as the Board shall require.
- (3) The Board, in its discretion, may issue or deny the permit and may impose any conditions to the permit it deems appropriate.
- (B) Awnings made of a pliable substance attached to a building and extending not less than eight feet above the surface of the sidewalk may be erected and maintained without a permit.
- (C) Any encroachment on any street, alley, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.
- (D) No improvements other than Village approved landscaping, sidewalks and mailboxes shall be placed within the street right-of-way. Low voltage lighting may be placed in the street right-of-way with permission of the Village public works department. All landscaping, decorative landscape, decorative fencing and the like placed in the street right-of-way shall be at the owners risk and may be removed by the Village and replaced with grass seed or sod in conjunction with Village repair and maintenance of the public street and utilities
- (E) Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the Village.
(1981 Code, § 5.04) Penalty, see § 10.99

Section Three. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Four. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 20th day of September, 2004, pursuant to a roll call vote as follows:

AYES: Zaeske, ~~Ruffalo~~, Bartels, Schock, Van Esterbroeke, Scarpelli, President
NAYES: None
ABSENT: Ruffalo

Ahrens

Approved by me this 20TH day of September, 2004.

Roger Ahrens
ROGER AHRENS, President

Published in pamphlet form this 23rd day of September, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on September 23rd, 2004.

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