

Ordinance No. 2020-01

An Ordinance Prohibiting Obstructions in the Right Of Way of Barrington Township Roads

WHEREAS, Barrington Township (the "Township") exists as a unit of local government in the County of Cook and the State of Illinois;

WHEREAS, the Illinois Township Code further provides that the Township shall have charge of the township roads;

WHEREAS, the Township has general charge of the roads in the Township, and the Township Board has determined it is necessary to regulate obstructions in the road right of way in the Township, to promote the general health, safety, and welfare of the residents;

WHEREAS, the Township has certain right of ways and easements along its roads which could result in potential liability to the Township;

WHEREAS, the Township has determined it is necessary to prohibit any obstruction within the Township road right of ways or easements;

NOW, THEREFORE, BE IT ORDAINED by the Barrington Township, on behalf of and for the Barrington Township, located in the County of Cook and the State of Illinois, as follows:

1. **RECITALS:** The recitals set forth above in this Ordinance are incorporated fully here, as if set forth here.

2. **PURPOSE:** The purpose of this Ordinance is to promote the public's safety and welfare and to preserve the roads under the jurisdiction of the Township for the use by the general public and to ensure that obstructions of any nature are not allowed in the Township roads right of way or easement.

3. **OBSTRUCTIONS.** It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any Township right of way, except as may be specified by ordinance or by the Township. Obstructions shall be any man made structure or natural structure located in the right of way. The Township in its sole discretion may determine if the obstruction should be immediately removed and order such removal. Obtrusions shall include but are not limited to the following:

- Trees with trunks in excess of 1 inch in diameter
- Bushes or shrubs with trunks or stems in excess of 1 inch in diameter
- Rocks or stones in excess of 6 inches in diameter
- Mail boxes which are not designed to break away
- Stone or masonry mail boxes
- Lawn equipment of any type
- Landscaping which includes boulders or rocks in excess of 6 inches in diameter

4. AUTHORIZED MAILBOX DESIGN.

A. Definitions: For purposes of this section, the following terms are defined:

MAILBOX: Any standard mailbox structure which is placed, located or maintained in, on or over any portion of the right of way.

PERMITTED MAILBOX: Standard mailbox installation installed in accordance with subsection B.

PUBLIC RIGHT OF WAY: Those areas existing or acquired by dedication, by easement or by fee simple by a public body for highway, pedestrian, bicyclist or public utility purposes.

B. Permitted Mailboxes: The following mailboxes upon the public right of way shall be allowed as permitted mailboxes: Standard mailboxes installed in accordance with the applicable design criteria established by the local United States post office and with the following safety standards. Standard mailbox installations shall: a) be constructed to promote breakaway, bending or otherwise yield in order to minimize damage and harm to motor vehicles and their occupants in the event of a collision or impact with the support and b) utilize one of the following support structures or such other similar structure as may be approved by the Township Supervisor or her/his designee as comparably safe:

1. Wooden post (minimum of 4 inches by 4 inches and a maximum of 6 inch by 6 inches)
2. Light gauge hollow cast iron, galvanized steel or painted steel pipe (maximum of 3 inch diameter)

C. Maintenance Requirements: All permitted mailboxes shall be maintained by the property owner in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare, including but not limited to maintaining all structural elements, exterior elements and surface coatings such as paint.

5. VIOLATIONS:

a) The Township Supervisor his/her its discretion determine if an obstruction is in the right of way and is in violation of this ordinance. The Township Board in its discretion may determine if the obstruction must be immediately removed and remove the obstruction.

b) In the event that the Township Board determines there is not a need for the immediate removal of the obstruction, the Township Board or one of his employees shall attempt to notify the property owner of the obstruction and request the obstruction be removed. The Township Board shall also send notice to the property owner by Certified U.S. Mail Return Receipt Requested, notifying the property owner of the violation and requesting the

obstruction be removed within 10 days and that failure to remove the obstruction will result in the Township Board removing the obstruction with all cost of the removal of the obstruction to be borne by the property owner. Said notice shall also state that the property owner may appeal the decision of the Township Board.

c) In no event shall any provision of this Ordinance impair the absolute right of the Township Board to remove any obstruction from the right of way with or without notice.

6. **APPEAL:** Property owners may appeal the decision of the Township Board that there is an obstruction in the right of way ordered to be removed by contacting the Township Board prior to the date given for the removal of the obstruction, and request a hearing. The Township Board shall then set a hearing within 10 days of the property owner's appeal. The Township Board shall then hear the property owner's complaint and determine if the obstruction may be allowed to remain in the right of way or must be removed.

7. **INVALIDITY:** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

8. **CONFLICT:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

9. **EFFECTIVE DATE:** This Ordinance shall be in full force and effect upon its approval.

IT IS HEREBY ORDAINED UNDER MY HAND ON THIS 14th Day of April 2020.

APPROVED:

Barrington Township