

VILLAGE OF BRADLEY

ORDINANCE NO. O-5-17-3

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE V, SECTION 10-330
OF THE BRADLEY CODE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 12 DAY OF JUNE, 2017

Published in pamphlet form by the order and authority of the Board of Trustees of the Village of
Bradley, Kankakee County, Illinois, this 12 day of JUNE, 2017.

CERTIFICATE:



Michael J. LaGessee, Village Clerk

ORDINANCE NO. O-5-17-3

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE V, SECTION 10-330
OF THE BRADLEY CODE**

WHEREAS, the Board of Trustees of the Village of Bradley, Kankakee County, Illinois, has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village wishes to allow fences within platted drainage easements, subject to certain conditions as set forth hereinafter; and

WHEREAS, the Board of Trustees of the Village of Bradley has previously adopted ordinances which regulate fences in rights-of-way, utility and drainage easements; and

WHEREAS, all hearings required to be held before agencies of the Village took place pursuant to proper legal notice, including the public hearing before the Village of Bradley Planning and Zoning Committee, to consider the proposed amendment; and

WHEREAS, the Board of Trustees concurs with said recommendation based on the record, the findings of the Village Planning and Zoning Committee, and it has been deemed to be in the best interest of the citizens of the Village of Bradley to amend the provisions of Chapter 10, Buildings and Building Regulations, of the Bradley Code, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. That the President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct and complete, and further declare that the same are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That Chapter 10, Article V, Section 10-330 is hereby amended as follows:

Sec. 10.330. – Regulations; inspections.

- (f) *Fences located in rights-of-way and utility and drainage easements.* No private fences shall be allowed or constructed on a public street, highway or alley right of way. Fences may, by permit, be placed on public utility easements, so long as the structures do not interfere in any way with the existing underground, ground or over ground utilities. The village or any utility that has authority to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue due to the lawful use of an easement. Fences shall not be located in any platted drainage easement containing a Channel as defined in Sec. 42-5. Care shall be taken to construct fencing such that it does not block the normal flow of surface waters

from rainfall runoff in a Drainage Easement or any other location. The village reserves the authority to remove or cause to be removed any fence placed in a Drainage Easement in a manner that blocks the normal flow of surface waters from rainfall runoff. Inspection notwithstanding, the village shall not be liable for any damage by virtue of a fence placed or adjusted in a manner that blocks the normal flow of surface waters from rainfall runoff. It shall be the sole responsibility of the property owner to determine the fence is placed in a manner that does not block the normal flow of surface waters from rainfall runoff.

SECTION 3. That in the event that any section, paragraph, clause, or provision of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining sections, paragraphs, clauses, or provisions of this Ordinance that may be given effect without such invalid or unenforceable section or sections, paragraph or paragraphs, clause or clauses, or provision or provisions.

SECTION 4. That all resolutions, ordinances, motions, or parts thereof conflicting with any of the sections, paragraphs, clauses, or provisions of this Ordinance shall be and are hereby repealed to the extent of the conflict.

SECTION 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 12 day of JUNE, 2017.

TRUSTEES:

| | | | |
|-------------------|---|--------------------------------|-----------------------------------|
| GERALD BALTHAZOR | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| ROBERT REDMOND | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| LORI GADBOIS | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| MICHAEL WATSON | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| JACLYN DUGAN-ROOF | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| DONALD BARBER | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |

VILLAGE PRESIDENT

| | | | |
|-------------|--------------------------------|--------------------------------|-----------------------------------|
| BRUCE ADAMS | Aye - <input type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
|-------------|--------------------------------|--------------------------------|-----------------------------------|

| | | | |
|----------------|----------------|----------------|-------------------|
| TOTALS: | Aye - <u>6</u> | Nay - <u>0</u> | Absent - <u>0</u> |
|----------------|----------------|----------------|-------------------|

ATTEST:

Michael J. Tolson

MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 12 day of JUNE, 2017.

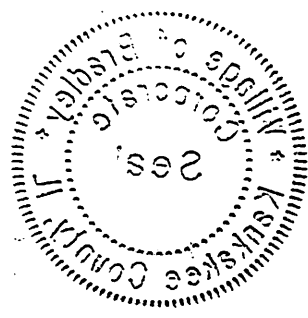

BRUCE ADAMS, VILLAGE PRESIDENT



ATTEST:


MICHAEL J. LAGESSE, VILLAGE CLERK

Handwritten scribble or signature.



STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) SS

I, Michael J. LaGesse, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number O-5-17-3, "AN ORDINANCE AMENDING AN ORDINANCE AMENDING CHAPTER 10, ARTICLE V, SECTION 10-330 OF THE BRADLEY CODE", which was adopted by the Village President and Board of Trustees at a meeting held on the 12 day of JUNE, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this the 12 day of JUNE, 2017.


MICHAEL J. LAGESSE, VILLAGE CLERK



