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**Ordinance No. 2 -2016**  
**An Ordinance Requiring a Right of Way Entry Permit**

WHEREAS, the Highway Commissioner of the Monticello Township Road District has determined that utilities and other entities have been placing underground cables, wires and culverts into the Township Right of Ways without notifying the Highway Commissioner.

WHEREAS, this creates a hazard for the employees of the Monticello Township Road District when they have to make repairs in the Township Right of Ways and contributes to increased expense in repairs and maintenance.

WHEREAS, "highway" is defined, in part, as any public way for vehicular travel which has been laid out in pursuant to State law and includes rights of way. 605 ILCS 5/2-202.

WHEREAS, "right of way" is defined as the land, or interest therein, acquired for or devoted to a highway. 605 ILCS 5/2-217

WHEREAS, the Highway Commissioner of the Monticello Township Road District has general charge of the highways in his district, to keep them in repair and well maintained. 605 ILCS 5/6-201.8.

WHEREAS, 605 ILCS 5/9-113 (a) requires any entity seeking to do work in a Township Right of Way must secure the consent of the Township Highway Commissioner.

WHEREAS, the Highway Commissioner of the Monticello Township Road District has the authority to require a permit pursuant to 605 ILCS 5/9-113 (a).

WHEREAS, pursuant to 605 ILCS 5/9-113 (b) the Piatt County Highway Authority has the sole authority to determine the content of the permit application and what information must be provided before granting a permit.

WHEREAS, the Highway Commissioner of the Monticello Township has determined that it is necessary to institute a Right of Way Entry Permit process in order to maintain the highways and protect the employees of the Monticello Township Road District.

THEREFORE BE IT ORDAINED, that any entity seeking to enter a Monticello Township Right of Way in order to any work of any kind must have an approved permit application as described below:

### **SECTION 1 -DEFINITIONS**

1. RIGHT OF WAY- Right of Way is defined as land, or interest therein, acquired for or devoted to a highway and measures approximately 33 feet on both sides from the center of the road.
2. HIGHWAY- any public way for vehicular travel, which includes rights of way.
3. HIGHWAY COMMISSIONER- the duly elected individual performing the functions as described in 605 ILCS 5/6-201.1 thru 605 ILCS 5/6-202
4. PERSON- any person, firm, partnership, association, public or private corporation, organization, or business or charitable trust.
5. RIGHT OF WAY ENTRY PERMIT- the document signed by the Highway Commissioner of the Monticello Road District allowing a person to enter a Monticello Township Right of Way to do work as described in Section of the Monticello Township Right of Way.

### **SECTION 2 -PERMIT REQUIRED**

No ditches, drains, track rails, poles, wires, pipe line or other equipment of any public utility company, municipal corporation or other public or private corporation, association or person shall be located, placed or constructed upon, under or along any highway or upon any township or district road without first obtaining the written consent from Highway

Commissioner of the Monticello Township Road District.

**SECTION 3 -PERMIT APPLICATION**

Applications for a Right of Entry Permit shall be located at the office of the Monticello Township Road District.

**SECTION 4 -PERMIT REQUIREMENTS**

The requirements for a Right of Way Entry Permit shall be promulgated by the Piatt County Highway Department.

**SECTION 5 -DUTY TO OBEY THE TERMS OF THE PERMIT**

Any person granted a Right of Way Entry Permit has a duty to strictly abide by the terms of said permit.

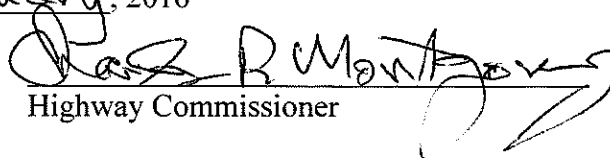
**SECTION 6 -PENALTY**

Any person that enters a Monticello Township Right of Way in order to do work without an approved Right of Way Entry Permit shall be prosecuted under all applicable laws of the State of Illinois.

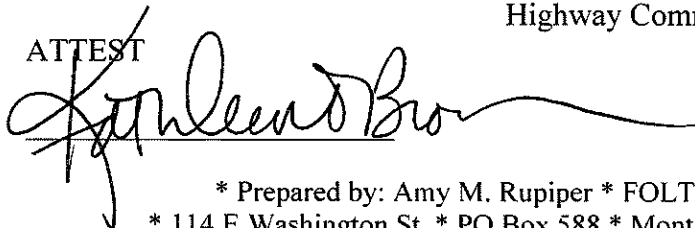
**SECTION 7 -PUBLICATION**

This Ordinance shall be published once in the newspaper in general circulation in Monticello Township, Piatt County, Illinois.

Dated this 29 day of February, 2016

  
Highway Commissioner

ATTEST



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