

UTILITY SETBACK ORDINANCE

WHEREAS, public interest demands the establishment of a utility setback policy in Clay County, Illinois, on or along all of the public roads included in the system of State Highways in Clay County, Illinois, and

WHEREAS, current projects in Clay County to relocate public and private utility lines have shown a need for the establishment of regulations for the placement of utilities,

NOW, THEREFORE, BE IT ORDAINED that the following public and private utility setback policy shall be in effect in Clay County, Illinois, on or along all public roads included in the system of State Highways in Clay County, Illinois, with the exception of roads in the Federal Aid Primary System or State bond issue roads and roads within any incorporated city, town or village;

1. Such setback policy shall apply to all private and public utility companies and cooperatives or other companies or individuals placing pipes, cables or other conduits along public roadways as indicated hereinabove, which shall include but shall not be limited to telecommunications (telephone and cable television); providers of electricity; providers of water; and, providers of petroleum or petroleum-based products;

2. All pipes, cables or other conduits shall be set back not less than sixty (60) feet from the centerline of all public roadways described herein;

3. A public or private utility or cooperative or other companies or individuals may make a written request of the County Engineer for placement of pipes, cables or conduits between the existing right-of-way line and within sixty (60) feet from the centerline of all public roadways described herein; provided, however, that should such a request be granted and it thereafter becomes necessary to relocate those utility facilities between the existing right-of-way line and the sixty-foot setback line, such public or private utility or cooperative or other company or individual shall be responsible for payment of all expense associated with relocating those utility facilities;

4. Should the County or township require any relocation of utility facilities which are placed beyond the sixty-foot setback line, such relocation beyond the sixty-foot setback line would be made at the expense of Clay County or the township requiring the relocation;

5. The County Engineer is hereby designated the enforcing officer with respect to this Ordinance;

IT IS HEREBY FURTHER ORDAINED that all public or private utility facilities currently in place beyond the existing right-of-way shall be exempted from this Ordinance; provided, however, that should it become necessary to relocate any such existing utility facility, such relocation shall be done in compliance with this Ordinance;

BE IT HEREBY FURTHER ORDAINED that this Ordinance shall be in full force and effect beginning on the 11th day of January, 1994.

CLAY COUNTY BOARD,

By: Tony Whitehead
TONY WHITEHEAD, CHAIRMAN

ATTEST:

Robert L. Vandyke
ROBERT L. VANDYKE,
CLAY COUNTY CLERK