

Sec. 6-51. - Structures on utility easements prohibited.

No structure of any kind or nature, including but not limited to buildings and outbuildings, shall be placed upon any utility easement in the city shown or recorded in the public records of Wabash County, Illinois. Such prohibition shall not apply to fences. However, where a fence is located upon a utility easement, there shall be a gate or sufficient opening to allow access to such utility easement.

Violation of this section shall cause the landowner of the land upon which such utility easement is located to be subject to a fine of not less than \$25.00 nor more than \$100.00 for each day of violation of this section.

In addition to other penalties prescribed herein, the city may abate such structure or encroachment upon such utility easement by obtaining an order of the circuit court of the second judicial circuit, Wabash County, Illinois, for the removal of such encroachment or structure. The costs incurred by the city, including court costs, attorney's fees and costs of removal, shall be paid by the landowner of the real estate upon which such structure and utility easement are located, and shall become a lien upon such real estate.

Any structure currently in violation of this section may be continued, even though a structure may be located upon a utility easement. However, once such structure is moved or removed from upon such easement, there shall be no further encroachments and this section shall apply to any such future placement or encroachment upon a utility easement.

(Ord. No. 773, 2-19-02)