

1 AN ACT in relation to highways.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Highway Code is amended by
5 changing Section 9-117 as follows:

6 (605 ILCS 5/9-117) (from Ch. 121, par. 9-117)

7 Sec. 9-117. If any person injures or obstructs a public
8 highway by felling a tree or trees in, upon or across the
9 same, or by placing or leaving any other obstruction thereon,
10 or encroaching upon the same with any fence, or by plowing or
11 digging any ditch or other opening thereon, or by turning a
12 current of water so as to saturate, wash or damage the same,
13 or by plowing in or across or on the slopes of the side
14 gutters or ditches, or by placing any material in such
15 ditches, or in any way interfering with the free flow of
16 water therein, or leaves the cuttings of any hedge thereon
17 for more than 10 days, without the permission of the highway
18 authority having jurisdiction over such highway, he shall be
19 guilty of a petty offense and fined for every such offense
20 not less than \$50 ~~\$10~~ nor more than \$500 ~~\$100~~; and in case of
21 placing any obstruction on the highway, an additional sum of
22 not exceeding \$50 ~~\$10~~ per day for every day he allows such
23 obstruction to remain after he has been ordered to remove it
24 by the highway authority having jurisdiction over such
25 highway. Any person feeling himself aggrieved or any such
26 highway authority may make a complaint under this Section.

27 The highway authority having jurisdiction over such
28 highway, after having given 10 days' notice to the owners of
29 the obstruction or person so obstructing, or plowing, or
30 digging ditches upon such highway or interfering with the
31 free flow of water in the side gutters or ditches, of the

1 obstruction, plowing or digging of ditches, interfering with
2 drainage, or of the encroachment of any fence, may remove any
3 such fence or other obstruction, fill up any ditch or
4 excavation except ditches necessary to the drainage of an
5 adjoining farm emptying into a ditch upon the highway, or
6 regrade such side gutters or ditches, and recover the
7 necessary cost of such removal or filling of any such ditch
8 or excavation, or regrading of such side gutters or ditches
9 from such owner or other person obstructing or damaging such
10 highway aforesaid, to be collected by the highway authority
11 having jurisdiction of the highway whereon such offense was
12 committed. Any such cost recovered shall be deposited in the
13 road fund of the political division having jurisdiction over
14 the highway adjudged to have been obstructed or injured, and
15 shall be used only for maintenance or construction of public
16 highways under the jurisdiction of that division.

17 The 10 day notice requirement of this Section is not
18 required for any obstruction to traffic flow including
19 non-adherence to the provisions of a permit issued by the
20 highway authority having jurisdiction under Section 4-209,
21 5-413, or 9-113 of this Code.

22 However, this section shall not apply to any person who
23 shall lawfully fell any tree for use and shall immediately
24 remove the same out of the highway, nor to any person through
25 or along whose land a public highway may pass, who shall
26 desire to drain his land, and who shall give due notice to
27 the proper highway authority of such intention, and who shall
28 first secure from such highway authority written permission
29 for any work, ditching or excavating he proposes to do within
30 the limits of the highway.

31 (Source: P.A. 88-233.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.