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**CITY OF TROY
ORDINANCE 2026-25**

**AN ORDINANCE OF THE CITY OF TROY, ILLINOIS,
AMENDING CHAPTER 92, STREETS AND SIDEWALKS,
SECTION 92.011, ENCROACHMENTS WITHIN PUBLIC
RIGHTS OF WAY OF THE CODE OF ORDINANCES**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS,
THIS 20TH DAY OF APRIL 2026**

ORDINANCE NO. 2026-25

AN ORDINANCE OF THE CITY OF TROY, ILLINOIS, AMENDING CHAPTER 92 STREETS AND SIDEWALKS, SECTION 92.011 ENCROACHMENTS WITHIN PUBLIC RIGHTS OF WAY OF THE CODE OF ORDINANCES

WHEREAS, the City of Troy, Illinois, is a non-home rule municipality organized under the laws of the State of Illinois; and

WHEREAS, pursuant to its authority under the Illinois Municipal Code, including 65 ILCS 5/11-80 and related provisions, the City has the authority to regulate the use of streets and public rights-of-way; and

WHEREAS, the City Council finds it necessary to establish clear licensing, accessibility, and enforcement standards for encroachments within the public right-of-way.

WHEREAS, a public hearing was held in accordance with law and notice was duly published.

WHEREAS, as a result of said hearing, the Planning Commission issued Recommendation PCRec2026-09 to the City Council that they enact said amendments to the Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS AS FOLLOWS:

1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and hereby adopted as part of this Ordinance.
2. The Troy Municipal Code, Title XV: Land Usage, Chapter 92: Streets and Sidewalks, Section 92.011 Encroachments Within the Public Right of Way of the Code of Ordinances shall be amended to read in its entirety, as follows:

§ 92.011 ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

(A) License Required

1. No person or entity shall erect, place, construct, maintain, or permit any structure, improvement, equipment, object, or private use within, upon, above, or beneath any public street, sidewalk, alley, parkway, or other public right-of-way without first obtaining an Encroachment License from the City.

2. An Encroachment License is revocable at will, conveys no property interest in the public right-of-way, and is subject to conditions necessary to protect public health, safety, and welfare.

(B) Application Requirements

An applicant shall submit a completed application form, site plan, legal description of benefitted property, certificate of insurance naming the City as additional insured, executed indemnification agreement, accessibility compliance certification (if applicable), and applicable fee as set by resolution.

(C) Accessibility Compliance (ADA / PROWAG)

All encroachments shall comply with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.), 28 CFR Part 35, Public Right-of-Way Accessibility Guidelines (PROWAG), and Illinois Accessibility Code where applicable.

A minimum continuous pedestrian access route of 60 inches (48 inches min only when maximum extent practical with City approval) shall be maintained, with cross slope not exceeding 2.0%, firm and stable surfaces, and minimum 80-inch vertical clearance. Encroachments shall not obstruct curb ramps, detectable warnings, accessible parking, transit stops, hydrants, or emergency access routes.

(D) Existing Encroachments

Encroachments existing prior to this Ordinance shall apply for a License within 180 days. The City may approve, require modification, or require removal. Failure to apply constitutes a violation. No encroachment shall be deemed lawful absent issuance of a License.

(E) Insurance and Indemnification

Licensee shall maintain commercial general liability insurance of not less than \$1,000,000 per occurrence, name the City as additional insured, and indemnify and hold harmless the City from claims arising from the encroachment.

(F) Revocation

The City may revoke a License for violation, safety concerns, failure to maintain insurance, interference with public use, or necessity for public improvements. Removal shall occur within 30 days or sooner if required for safety.

(G) Removal and Restoration

Upon termination or revocation, Licensee shall remove the encroachment at its expense and restore the right-of-way. The City may remove and assess costs against the property if Licensee fails to do so.

(H) Covenant Running With the Land

An Encroachment License shall run with the land and bind all successors and assigns. The property owner shall record the fully executed License with the Madison County Recorder of Deeds within 30 days and provide proof of recording. The License remains revocable and conveys no property interest.

1. If any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.
2. This Ordinance shall be effective upon its passage, signing and publication as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 20th day of April, 2026.

Aldermen Vote:

Dan Dawson	<u>✓</u>	Sam Italiano	<u>✓</u>	Ayes:	<u>7</u>
Tim Flint	<u>✓</u>	Debbie Knoll	<u>ABSENT</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>✓</u>	Heather Stirling	<u>✓</u>	Absent:	<u>1</u>
Nathan Henderson	<u>✓</u>	Troy Turner	<u>✓</u>	Abstain:	<u>0</u>



APPROVED:

David Nonn

 DAVID NONN, Mayor
 City of Troy, Illinois

ATTEST:

Kimberly Thomas

 KIMBERLY THOMAS, Clerk
 City of Troy, Illinois

EXHIBIT A

ENCROACHMENT LICENSE AGREEMENT

Prepared By & Return To:

City of Troy
116 E. Market Street
Troy, Illinois 62294

Property Owner: _____

Property Address: _____

Legal Description: (Attach Exhibit A-1)

Description of Encroachment: (Attach Site Plan – Exhibit A-2)

This License constitutes a covenant running with the land and shall bind the property and all successors and assigns. The License is revocable at will and conveys no property interest.

PROPERTY OWNER: _____
Signature

CITY OF TROY: _____
Authorized Official

ATTEST: _____
City Clerk

STATE OF ILLINOIS)
COUNTY OF MADISON)

I, a Notary Public, certify that _____ appeared before me and acknowledged execution of the foregoing instrument.

Notary Public
My Commission Expires: _____

RECOMENDATION 2026-09PC

ORDINANCE OF THE CITY COUNCIL AMENDING CHAPTER 92 STREETS AND SIDEWALKS, SECTION 92.011 ENCROACHMENTS WITHIN PUBLIC RIGHTS OF WAY

WHEREAS, the City of Troy Planning Commission has reviewed the proposed ordinance amending Chapter 92 Streets and Sidewalks, Section § 92.011 Encroachments within Public Rights-of-Way; and

WHEREAS, the proposed amendments are intended to establish a clear and consistent regulatory framework governing encroachments within public rights-of-way, including licensing, accessibility compliance, insurance requirements, and enforcement provisions; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing in accordance with applicable ordinances and state law; and

WHEREAS, the Commission finds that the proposed ordinance reflects established municipal practices by reinforcing that the public right-of-way remains under City control, while allowing limited private use through a revocable license structure; and

WHEREAS, the Commission further finds that the inclusion of accessibility standards consistent with the Americans with Disabilities Act (ADA) and PROWAG guidelines ensures continued public access and aligns with federal and state requirements; and

WHEREAS, the ordinance provides a practical framework for addressing both new and existing encroachments, including reasonable timelines for compliance and clear authority for revocation and removal when necessary;

WHEREAS, the Planning Commission has reviewed the amendment for compliance with the provisions of Chapter 154 Zoning Code and the City of Troy, Illinois Comprehensive Plan and voted as recorded below:

Bogue	<u>Y</u>	Lybarger	<u>ABSENT</u>	Patton	<u>ABSENT</u>	Yeas	<u>5</u>
Compton	<u>Y</u>	McBride	<u>Y</u>	Reiter	<u>ABSENT</u>	Nays	<u>0</u>
Curtis	<u>Y</u>	Niermann	<u>Y</u>	Stone	<u> </u>	Abstains	<u>0</u>

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the amendment to Title XV: Land Usage, Chapter 154 of the Troy City Code concerning the powers and duties of the Zoning Hearing Officer and Planning Commission; and

Is Not Recommended Is Recommended -with the following stipulations:

A copy of this recommendation is presented to the City Council; the original shall be filed with the Code Administrator.

DATED this 9th day of April, 2026.

By: 

Chairman, Planning Commission

Attest: 
Secretary, Planning Commission