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TROY, IL 62294**

**CITY OF TROY
ORDINANCE 2026-32**

**AN ORDINANCE OF THE CITY OF TROY, ILLINOIS, AMENDING TITLE XI:
BUSINESS REGULATIONS AND TITLE XV: LAND USAGE OF THE CITY
CODE OF THE CITY OF TROY, ILLINOIS, TO ESTABLISH REGULATIONS
FOR OUTDOOR SEATING WITHIN THE PUBLIC RIGHT-OF-WAY**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS
ON THIS 18TH DAY OF MAY 2026**

ORDINANCE 2026-32

AN ORDINANCE OF THE CITY OF TROY, ILLINOIS, AMENDING TITLE XI: BUSINESS REGULATIONS, TITLE XV: LAND USAGE, TITLE XI: ALCOHOL REGULATIONS, AND TITLE IX: STREETS AND SIDEWALKS OF THE CITY CODE TO ESTABLISH REGULATIONS FOR OUTDOOR SEATING WITHIN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the corporate authorities of the City of Troy adopted a Code of Ordinances and have made revisions thereto; and

WHEREAS, the City Council finds it necessary and desirable to establish uniform regulations governing outdoor seating, outdoor dining, and related encroachments within the public right-of-way in order to protect public health, safety, accessibility, and welfare; 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. Title XI: Business Regulations, Chapter 120 Outdoor Seating; Title XV: Land Usage, §154.73 Outdoor Seating; Title XI: Alcohol Regulations, §§116.001, 116.005, and 116.023; and Title IX: Streets and Sidewalks, §92.011 of the Troy City Code are hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein by reference.
3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and shall not affect the validity of the remaining portions of this Ordinance.
4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided 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 18th day of May, 2026.

Aldermen Vote:

Dan Dawson	<u>ABSENT</u>	Sam Italiano	<u>✓</u>	Ayes:	<u>6</u>
Tim Flint	<u>✓</u>	Debbie Knoll	<u>✓</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>✓</u>	Heather Stirling	<u>✓</u>	Absent:	<u>2</u>
Nathan Henderson	<u>ABSENT</u>	Troy Turner	<u>✓</u>	Abstain:	<u>0</u>

APPROVED:


DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:


KIMBERLY THOMAS, Clerk
City of Troy, Illinois



EXHIBIT A
AMENDMENT TO TITLE XI: BUSINESS REGULATIONS

**CHAPTER 120, OUTDOOR SEATING PERMIT REQUIRED FOR USE OF PUBLIC
RIGHT-OF-WAY**

§ 120.01 PURPOSE.

The purpose of this Ordinance is to establish regulations for outdoor seating areas located within the public right-of-way, including sidewalks and similar public areas, and to provide related standards for liquor licensing, public safety, pedestrian access, accessibility, and encroachments.

The City finds that outdoor seating within the public right-of-way can enhance the business environment and pedestrian activity in commercial areas when properly regulated. The City further finds that such use must remain secondary to pedestrian travel, emergency access, public accessibility, and the safe operation of adjacent businesses.

§ 120.02 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OUTDOOR SEATING AREA. Any area used for portable or transient/temporary/moveable tables, chairs, benches, or similar furnishings intended for outdoor customer seating.

OUTDOOR DINING AREA. Any outdoor seating area where food or beverages are served or consumed.

ENCROACHMENT. Any table, chair, barrier, planter, umbrella, sign, heater, railing, or similar object located within a public sidewalk, right-of-way, or public property.

PORTABLE FURNISHINGS. Furniture or related items that are not permanently attached to the ground, sidewalk, building, or other structure.

TEMPORARY BARRIER. A movable railing, planter, fence, or similar device used to separate an outdoor seating area from adjacent pedestrian or vehicular areas.

PUBLIC RIGHT-OF-WAY. Any public street, sidewalk, alley, easement, or similar area owned or controlled by the City.

§ 120.03 LICENSE REQUIRED.

No person or business shall place or maintain tables, chairs, barriers, planters, umbrellas, heaters, or similar furnishings for outdoor seating, dining, or beverage service within any public sidewalk, public right-of-way, or other public area without first obtaining any required City approvals, licenses, permits, and liquor approvals.

§ 120.04 Outdoor Dining and Chairs.

Food and beverage establishments may obtain a license for tables, chairs, barriers, and related furnishings within the right-of-way provided the required pedestrian clear width is maintained, furnishings are removable unless approved otherwise, and no accessibility barriers or hazards are created. Alcohol service must comply with City liquor regulations.

§ 120.05 Outdoor Seating Permit Required.

- (A) No outdoor seating or outdoor dining area shall be operated without a valid permit issued by the City.
- (B) Outdoor seating permits shall be reviewed and approved by the Building and Zoning Administrator, with review and comment from the City Engineer, Fire Department, Police Department, and Mayor acting as Local Liquor Commissioner when alcohol service is proposed.
- (C) Outdoor seating permits shall be issued annually and may be conditioned for seasonal operation.
- (D) The City may establish annual permit fees, reduced mid-season fees, inspection fees, removal charges, and fines by resolution or fee schedule.
- (E) The permit shall be posted or maintained on-site and made available upon request.
- (F) Outdoor seating permits shall not be transferable to a new owner, tenant, operator, or business without prior City approval. The use of public sidewalks, public plazas, or other public areas for seating shall be considered a revocable privilege and not a property right.
- (G) Permit Application Requirements
 - (1) An applicant seeking approval for outdoor seating within the public right-of-way shall submit the following:
 - (a) A completed permit application.
 - (b) A scaled site plan showing all tables, chairs, barriers, fencing, planters, umbrellas, heaters, and similar features.
 - (c) Identification of pedestrian travel routes and ADA-compliant clearances.
 - (d) Proof of liability insurance as referenced in § 120.08.
 - (e) If alcohol service is proposed, a diagram identifying the proposed liquor service area.
 - (f) Any required encroachment agreement, license agreement, or indemnification agreement required by the City.
- (H) Unless otherwise approved by the City, seasonal outdoor seating permits shall be valid from March 1 through October 31.
- (I) Permit applications and renewals may be denied if the applicant has unpaid City fees, delinquent taxes, unresolved code violations, or outstanding enforcement matters.
- (J) The City may establish annual renewal deadlines for permit applications and renewals.
- (K) Approval of an outdoor seating permit shall not waive compliance with any other applicable City, County, State, health, fire, building, liquor, or accessibility requirements.
- (L) Outdoor seating within the public right-of-way shall only be permitted in conjunction with an existing lawfully operating restaurant, café, bar, tavern, bakery, coffee shop, or similar food or beverage establishment.

(M) The City may impose additional conditions, restrictions, barriers, hours of operation, or design standards based upon the location, sidewalk width, traffic patterns, adjacent uses, or other site-specific considerations.

(N) Any false, misleading, or incomplete information contained in a permit application may be grounds for denial, suspension, or revocation of the permit.

(O) Outdoor seating areas shall post the maximum occupancy and shall generally be limited to one person per ten (10) square feet of seating area unless otherwise approved by the Building Official, Fire Chief, Mayor as Liquor Commissioner, or City Administrator.

§ 120.06 Liquor Service in Outdoor Areas.

(A) Any establishment serving alcoholic beverages in an outdoor seating area shall hold a valid underlying liquor license and obtain approval for the outdoor area from the Mayor, acting as Local Liquor Commissioner.

(B) The outdoor area must be adjacent to and operated as part of the principal licensed premises, located at street level, and designed as an open-air space that is not enclosed except by approved fencing, barriers, or temporary seasonal canopies. The area must be clearly shown on the approved site plan and liquor licensed premises diagram and must be enclosed or otherwise controlled in a manner approved by the City. **Alcoholic beverages are not permitted to leave the approved licensed area.** The license holder must maintain compliance with all local and State liquor laws and adhere to all conditions imposed by the Local Liquor Control Commissioner.

(C) Outdoor alcohol service shall not continue beyond the maximum serving hours allowed under the underlying liquor license or 11:00 p.m., whichever is earlier.

(D) Tents shall be prohibited. Temporary canopies, umbrellas, or similar shade structures may be permitted between April 1 and October 31, subject to compliance with applicable building, fire, and electrical codes.

(F) The City may impose additional conditions on liquor service areas within the public right-of-way, including:

- (1) Required fencing or barriers.
- (2) Limitations on hours of operation.
- (3) Security staffing requirements.
- (4) Restrictions on entertainment or amplified sound.
- (5) Special event limitations.

(G) The licensee shall be responsible for preventing violations of liquor laws and maintaining orderly conduct within the outdoor area.

(H) Any violation occurring within the outdoor liquor service area may be grounds for suspension, revocation, or modification of the local liquor license.

§ 120.07 General Standards.

(A) All outdoor seating areas shall comply with the following requirements:

(1) A minimum unobstructed pedestrian path of at least four (4) or five (5) feet if the length of the reduced width is not longer than 40' shall be maintained at all times.

(2) Outdoor seating shall not obstruct building entrances or exits, driveways, crosswalks, curb ramps, fire hydrants, utilities, loading zones, transit stops, or sight distance areas.

(3) All furnishings shall be portable, stable, maintained in good condition, and removed when required by the City.

(4) Outdoor areas shall be maintained in a clean, sanitary, and safe condition.

(5) No outdoor seating area shall create an ADA accessibility barrier or interfere with emergency access.

(8) Outdoor lighting, electrical service, extension cords, portable heaters, propane-fueled devices, and similar equipment shall comply with all applicable building, fire, electrical, and mechanical codes. Temporary electrical cords shall not obstruct pedestrian travel areas. The City may prohibit the use of any equipment determined to create a safety hazard.

(9) Noise, music, and outdoor operations shall comply with all City nuisance and noise regulations.

(10) The City and utility providers retain the right to access the area at any time.

(11) Outdoor seating areas shall be kept free of litter, snow, ice, standing water, damaged pavement conditions, and trip hazards.

(12) Unless otherwise approved by the City, all tables, chairs, portable barriers, umbrellas, and similar furnishings located within the public right-of-way shall be removed or secured at the close of business each day.

(13) Permanent anchors, bolts, chains, posts, or similar attachments shall not be installed into sidewalks, curbs, streets, or public infrastructure without separate City approval.

(14) Seasonal outdoor seating furnishings shall be removed from the public right-of-way outside the approved permit period unless otherwise authorized by the City.

(15) The City may require immediate temporary or permanent removal of outdoor seating furnishings during festivals, parades, special events, street closures, utility work, emergencies, or similar public activities.

(16) Outdoor seating areas serving alcohol may be required to provide barriers, fencing, or controlled access points as determined by the Mayor acting as Local Liquor Commissioner.

§ 120.08 Insurance and Indemnification.

(A) The Owner(s)' General Liability Insurance policy shall endorse the City, its officers, boards, commissions, elected and appointed officials, agents, and employees as Additional Insureds. The insurance policy (Certificate of Insurance attached hereto as Exhibit B) shall provide a minimum of \$1,000,000 general liability per occurrence and \$2,000,000 aggregate. If the Owner(s) employ contractors, subcontractors, or independent contractors to install or maintain the Improvement, the

Owner(s) shall ensure that these contractors maintain appropriate levels of insurance and that the City is named as an additional insured under each policy. The insurance policies required under this Section shall be occurrence-based and maintained by the Owner(s). Proof of such insurance shall be submitted to the City prior to installation of the Improvement. Each policy of insurance shall provide that it not be canceled or materially changed without sixty (60) days' written notice to the City Administrator.

(B) The Owner(s) shall indemnify and hold harmless the City, its agents, officers, and employees, against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs, and expenses that may arise directly or indirectly from the use, existence, condition, installation, repair, operation, or maintenance of the Improvement.

§ 120.09 Revocation, Penalties, and Removal.

(A) The City Administrator, Mayor, Liquor Commissioner, or their designee may suspend or revoke any permit or license for violation of this Chapter or to protect public health, safety, or welfare.

(B) Violations of this Chapter may result in one or more of the following:

- (1) Written notice of violation;
- (2) Administrative fines;
- (3) Inspection fees;
- (4) Suspension of the permit;
- (5) Revocation of the permit;
- (6) Removal of furnishings by the City at the owner's expense;
- (7) Denial of future permit applications.

(C) Upon expiration, suspension, or revocation of a permit, all furnishings shall be removed within forty-eight (48) hours.

(D) Failure to remove furnishings may result in City removal at the owner's expense and denial of future permits.

(E) Any applicant or permit holder whose application is denied or whose permit is suspended or revoked may appeal the decision to the City Council within ten (10) days of written notice.

(F) Outdoor seating areas shall remain subject to all applicable nuisance, noise, liquor, sign, building, fire, special event, and right-of-way regulations of the City Code.

TITLE XV: LAND USAGE

§ 154.73 Outdoor Seating

(A) Outdoor Dining Areas.

- (1) Outdoor seating and outdoor dining areas accessory to a permitted restaurant, café, bakery, bar, brewery, winery, coffee shop, or similar food and beverage establishment shall

be permitted in commercial and mixed-use zoning districts, subject to compliance with this Code.

- (2) Outdoor seating areas extending into the public sidewalk or right-of-way shall require an Outdoor Seating license.
- (3) Outdoor seating areas may be reviewed administratively unless the City determines that Planning Commission or City Council review is required due to the scale, location, alcohol service, impacts to neighboring properties, or requested exceptions.
- (4) Outdoor seating areas shall comply with all applicable parking, landscaping, accessibility, storm water, lighting, sign, liquor, and building requirements.
- (5) Outdoor seating areas shall not be located within required sight triangles, obstruct required parking spaces, or interfere with pedestrian or vehicular circulation.
- (6) Outdoor seating areas located adjacent to residential uses may be subject to additional buffering, fencing, hours of operation, or noise limitations.

(B) Outdoor Seating Encroachments within the Public Right-of-Way

- (1) Outdoor seating areas located within sidewalks, public plazas, or similar public areas shall be considered as Outdoor Seating in the public right-of-way.
- (2) No person or business shall place, maintain, or operate any outdoor seating area, table, chair, planter, barrier, railing, umbrella, heater, sign, menu board, or similar furnishing within a public sidewalk, alley, street, or other public right-of-way without first obtaining an Outdoor Seating permit, license, or other approval required by the City.
- (3) Any encroachment associated with outdoor seating shall:
 - (a) Maintain a minimum unobstructed pedestrian path of (4) or five (5) feet if the length of the reduced width is no longer than 40’;
 - (b) Comply with ADA accessibility requirements.
 - (c) Provide proof of liability insurance as referenced in §120.08.
 - (d) Not obstruct building entrances or exits, curb ramps, crosswalks, fire hydrants, utility access points, driveways, loading areas, or required sight distance areas.
 - (e) Be removed upon request by the City.
 - (f) Be maintained in good condition and free from hazards.
 - (g) Restore any damaged public improvements at the owner’s expense.
- (4) Outdoor seating encroachments shall not create a public nuisance or interfere with pedestrian or vehicular circulation.
- (5) Outdoor seating encroachments shall also remain subject to any other applicable City right-of-way, obstruction, encroachment, sidewalk use, and public safety regulations contained elsewhere in the City Code.
- (6) The City may require barriers, fencing, planters, reflective devices, or other safety measures where necessary to protect the public.

(7) Any existing right-of-way encroachment, obstruction, or license provisions in the City Code shall be interpreted to include outdoor seating areas, barriers, railings, planters, umbrellas, and related furnishings.

(8) Approval of an encroachment for outdoor seating within the public right-of-way shall not create a permanent right and may be revoked by the City at any time when necessary for public use, maintenance, construction, or safety.

§ 116.001 DEFINITIONS.

OUTDOOR SEATING AREA IN THE PUBLIC RIGHT-OF-WAY.

An area located within a public sidewalk, street, plaza, or other public right-of-way used for portable or temporary tables, chairs, benches, or similar furnishings intended for customer seating, including any associated barriers, planters, railings, umbrellas, heaters, or related appurtenances. Such areas shall be considered encroachments into the public right-of-way and shall be subject to applicable permitting, licensing, and operational requirements of this Code, including but not limited to Chapter 120 Outdoor Seating, § 154.73 Outdoor Seating, and § 92.011 Encroachments Into the Public Right-of-Way.

§ 116.005 RESTRICTIONS ON PUBLIC CONSUMPTION OF ALCOHOL.

(X) Exception – Outdoor Seating Areas in the Public Right-of-Way.

Notwithstanding the foregoing restrictions, the consumption of alcoholic beverages may be permitted within an approved outdoor seating area located in the public right-of-way, provided that:

1. The outdoor seating area is approved by the City and is operated in conjunction with a validly licensed establishment;
2. The area is designed as an open-air space and is not enclosed except by approved barriers, railings, planters, or temporary seasonal enclosures as authorized by the City;
3. The area is clearly defined on an approved site plan and, where applicable, included within the licensed premises approved by the Local Liquor Commissioner; and
4. The establishment complies with all applicable provisions of this Code, including Chapter 120 (Outdoor Seating), § 154.73 Outdoor Seating, and § 92.011 Encroachments into the Public Right-of-Way.
5. Alcoholic beverages shall not be removed from the approved outdoor seating area into any other public right-of-way or public place.

§ 116.023 FEES. Cross-reference: Schedule A

§ 92.011 ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

(I) Outdoor Seating Encroachments

1. Outdoor seating areas, including tables, chairs, barriers, planters, umbrellas, heaters, and similar furnishings located within the public right-of-way, shall be considered encroachments subject to the requirements of this Section.
2. Such outdoor seating encroachments shall also comply with all applicable provisions of Title XI: Business Regulations, Chapter 120 Outdoor Seating and Title XV: Land Usage, § 154.73 Outdoor Seating, as may be amended.