
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 102
ARTICLE II OF THE ROCHELLE MUNICIPAL CODE PERTAINING
TO THE TRIMMING OF TREES OR SHRUBS

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**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 102
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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle (“City”), Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City of Rochelle, in Chapter 102, Article II, currently regulates the trimming and/or removal of trees and shrubs; and,

WHEREAS, the City Code does not require the removal by a property owner of dead trees upon the owners’ property that may not interfere with or fall upon a sidewalk, street or public place; and,

WHEREAS, dead and/or dying trees and shrubs are unsightly, serve no purpose, and pose a public safety concern; and,

WHEREAS, the City of Rochelle Community Development Department recommends that the Rochelle Municipal Code be amended requiring the removal of dead trees, shrubs, and bushes within the City; and,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Chapter 102, Article II Section 102.35 entitled “- TREES OR SHRUBS OVERHANGING OR LIABLE TO FALL ON STREET OR OTHER PUBLIC PLACE” of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language:

Sec. 102-35. - Trees or shrubs overhanging or liable to fall on street, other public place, or otherwise posing a safety concern to the public.

(a) *Trimming required.*

- (1) Any tree or shrub which hangs over any sidewalk, street or other public place in the city in such a way as to impede or interfere with traffic or travel shall be trimmed by the owner of the premises abutting or of the premises on which such tree or shrub grows so that the obstruction shall cease.
- (2) Any tree or limb of a tree which has become likely to fall on or across any public way or place, or which has become likely to fall on or across public property shall be removed by the owner of the premises on which such tree grows or stands.
- (3) Any dead bush or shrub located upon private property must be removed and disposed of by the property owner. For the purposes of this section, a bush or shrub is considered dead if, during the spring or summer months, more than 50 percent of the leaves or needles are missing from the limbs or have turned brown in color.

(b) *Trimming by city.* The director of public works may trim any tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be done away with.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS ____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 102 ARTICLE II OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO THE TRIMMING OF TREES OR SHRUBS” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2018.

CITY CLERK