
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING THIRD AMENDMENT TO RESTATED HOST
AGREEMENT FOR THE OPERATION AND DEVELOPMENT OF ROCHELLE
MUNICIPAL LANDFILL #2 (MULFORD ROAD CONSTRUCTION)**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM MCDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUEBN
DON BURKE

City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

ORDINANCE NO. _____

Date Passed: April 8, 2013

AN ORDINANCE APPROVING THIRD AMENDMENT TO RESTATED HOST AGREEMENT FOR THE OPERATION AND DEVELOPMENT OF ROCHELLE MUNICIPAL LANDFILL #2 (MULFORD ROAD CONSTRUCTION)

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, 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 (as Owner) and Rochelle Waste Disposal, LLC (as Operator), have heretofore entered into a Restated Host Agreement for the operation and development of Rochelle Municipal Landfill #2; and

WHEREAS, by ordinance adopted on April 8, 2008, the City Council approved certain amendments to the Restated Host Agreement, including an amendment to Section 3.12 consisting of a new Section 3.12(c), which provided that the Operator would complete construction of improvements to Mulford Road in two stages, as follows (1) from Route 38 to the existing landfill entrance; and (2) from the existing landfill entrance to Creston Road; and

WHEREAS, on June 25, 2018 the City Council approved a Second Amended to the Restated Host Agreement for the Operation and Development of Rochelle Municipal Landfill #2 with Ordinance No. 18-4864; and

WHEREAS, the City and the Operator have agreed that additional time is needed to complete the improvements to Mulford Road; and

WHEREAS, a draft of the proposed third amendment to the Restated Host Agreement, incorporating the foregoing changes, has been presented to the City Council for approval and is attached hereto as Exhibit A;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, as follows:

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

SECTION TWO: The Third Amendment to the Restatement of Host Agreement for Operation/Development of City of Rochelle Landfill #2 (Mulford Road Improvements), in the form attached to this Ordinance as Exhibit A, is hereby approved and the Mayor and/or City Manager are hereby authorized to execute said Agreement, subject to review and revision as to form by the City Attorney.

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 _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2019.

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 APPROVING THIRD AMENDMENT TO RESTATED HOST AGREEMENT FOR THE OPERATION AND DEVELOPMENT OF ROCHELLE MUNICIPAL LANDFILL #2 (MULFORD ROAD CONSTRUCTION)”, which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2019.

CITY CLERK

_____ City Clerk