
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF
ROCHELLE PERTAINING TO CHAPTER 14 ARTICLE 1 SECTION 36 ENTITLED
“IMPOUNDMENT AUTHORIZED; DESTRUCTION OF IMPOUNDED ANIMALS”**

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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ORDINANCE NO. _____

Date Passed: _____, 2019

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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, 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 (“City”) desires to amend certain sections of Chapter 14, Article I, Section 36 of the Rochelle Municipal Code entitled “Impoundment authorized; destruction of impounded animals,” to remove references to the euthanasia of certain animals (“Amendments”); and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve said Amendments; and

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

SECTION TWO: Chapter 14 Article I Section 36 of the Municipal Code of the City of Rochelle entitled “IMPOUNDMENT AUTHORIZED; DESTRUCTION OF IMPOUNDMENT ANIMALS” shall be hereby amended by deleting the following strikethrough language:

CHAPTER 14 - ANIMALS
ARTICLE I. – IN GENERAL

Sec. 14-36. - Impoundment authorized; destruction of impounded animals.

Any police officer or other officer designated by the city is authorized to impound any dog or cat found within the city which is in violation of the provisions of this article. Any unlicensed dog or cat which appears to be suffering from rabies or affected by hydrophobia, mange or other infectious disease shall not be released, but shall be destroyed forthwith. ~~Any dog or cat not registered and unclaimed after three days may be destroyed. Any dog or cat registered and unclaimed seven days after notice is mailed to the person designated on the registration as the owner, by regular mail, may be destroyed.~~

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 Ordinance 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 AMENDING THE MUNICIPAL CODE OF THE CITY OF ROCHELLE PERTAINING TO CHAPTER 14 ARTICLE 1 SECTION 36 ENTITLED “IMPOUNDMENT AUTHORIZED; DESTRUCTION OF IMPOUNDED ANIMALS”” 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