
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CHAPTER 82 OF THE ROCHELLE
MUNICIPAL CODE PERTAINING TO SNOW REMOVAL**

JOHN BEARROWS, Mayor
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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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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed: _____, 2021

**AN ORDINANCE AMENDING CHAPTER 82 OF THE ROCHELLE
MUNICIPAL CODE PERTAINING TO SNOW REMOVAL**

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 Corporate Authorities recognize that regulations regarding snow removal are important to the health and safety of the community; 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 amend Chapter 82 of the Rochelle Municipal Code to strengthen the City’s snow removal regulations; 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 82, “STREETS, SIDEWALKS AND OTHER PLACES”, Article I, “IN GENERAL”, of the Municipal Code of the City of Rochelle shall be hereby amended by deleting the following strikethrough language and adding the following underlined language:

Sec. 82-4. – Removal of snow from sidewalks.

It is unlawful for any owner or lessee of property abutting a public sidewalk within the area of the city bordered by Sixth Avenue on the north, Main Street on the east, Second Avenue on the

south, and Sixth Street on the west to fail to remove accumulations of snow, ice, sleet, or freezing rain that result in an unsafe condition for pedestrians within 24 hours ~~after the accumulation of two or more inches~~. Accumulated precipitation shall be placed next to the head of the curb for collection by the Street Department. Accumulated precipitation shall not be placed in the gutter or street.

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 ____nd day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____nd day of _____, 2021.

ATTEST:

MAYOR

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 CHAPTER 82 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO SNOW REMOVAL” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____nd day of _____, 2021.

CITY CLERK