
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY CODE
PERTAINING TO STREET PERFORMANCES**

CHET OLSON, Mayor
BRUCE MCKINNEY, City Clerk

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

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**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY CODE
PERTAINING TO STREET PERFORMANCES**

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 desires to amend certain sections of the Rochelle Municipal Code (“Code”) to create a permit classification pertaining to street performers; and

WHEREAS, pursuant to 65 ILCS 5/11-42-5 of the Illinois Municipal Code, the City is granted the authority to license and regulate amusements, which include street performers; and

WHEREAS, Section 26-44 of the Code requires that all businesses, trades, and occupations shall first obtain a license, permit, or registration certificate prior to operation in the section; and

WHEREAS, the City desires to amend Section 26-44 to provide that street performers shall obtain a permit prior to operating in the City; and

WHEREAS, the City believes creating a street performer permit classification is in the best interest of the City and its residents and that said permits are designed to protect the public.

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 THREE: That Section 26-44 of the Rochelle Municipal Code entitled “SCHEDULE OF LICENSE, PERMIT OR REGISTRATION FEES,” is hereby amended by adding the following underlined language:

<u>Street Performers</u>	<u>\$10.00</u>	<u>Annual</u>
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SECTION FOUR: 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 FIVE: 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 SIX: The City Clerk shall publish this ordinance in pamphlet form.

SECTION SEVEN: 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 ____th day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____th 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 THE CITY CODE PERTAINING TO STREET PERFORMANCES” which was adopted by the Mayor and City Council of the City of Rochelle on _____th, 2018.

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

CITY CLERK