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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE AUTHORIZING THE DISPOSAL OF SURPLUS STREET LIGHTS  
THAT HAVE REACHED A USEFUL LIFESPAN**

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**CHET OLSON, Mayor**  
**SUE MESSER, City Clerk**

**TOM MCDERMOTT**  
**BIL HAYES**  
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**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
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**City Council**

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

**CITY OF ROCHELLE**  
Ogle County, Illinois

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF SURPLUS STREET LIGHTS  
THAT HAVE REACHED A USEFUL LIFESPAN**

**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**, Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), provides that the corporate authorities then holding office may determine by simple majority that personal property is no longer necessary or useful to, or in the best interest of the municipality; and

**WHEREAS**, the City of Rochelle (“City”), pursuant to Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), declares that surplus personal property consisting of outdated street light fixtures (“Street Lights”) are no longer necessary or useful for the City to retain ownership of said Street Lights; and

**WHEREAS**, said Street Lights have not been used recently by the City and has minimal value to resale to be used for its intended purposes; and

**WHEREAS**, in disposing of said Street Lights, the City has determined that each Street Light shall be sold in an amount not greater than \$200.00; 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 dispose of said Street Lights; 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: Pursuant to 65 ILCS 5/11-76-4, the Corporate Authorities of the City of Rochelle find that said Street Lights are no longer necessary or useful to the City, and that it is in the best interest to dispose of said Street Lights.

SECTION THREE: Pursuant to 65 ILCS 5/11-76-4, the City Manager and/or his designee shall be and is hereby authorized and directed by the Corporate Authorities of the City of Rochelle to dispose of said Street Lights in an amount not greater than \$200.00 per Street Light.

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 \_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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MAYOR

ATTEST:

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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 AUTHORIZING THE DISPOSAL OF SURPLUS STREET LIGHTS THAT HAVE REACHED A USEFUL LIFESPAN” 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