
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
ROCHELLE AND THE VILLAGE OF CRESTON PERTAINING TO THE
MAINTENANCE OF A SANITARY SEWER SYSTEM**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
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DAN McDERMOTT
JOHN GRUBEN
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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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, Article VII, Section 10 of the 1970 Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) provide that units of local government may contract with one another to perform any activity authorized by law; and

WHEREAS, the City of Rochelle (“City”) and the Village of Creston (“Creston”) have previously entered into an Intergovernmental Sewer Maintenance Agreement (“Agreement”) pertaining to the City’s assistance towards the maintenance of a sanitary sewer collection system (“Sewer System”) in the Village; and

WHEREAS, the City and Creston desire to amend said Agreement (“Amendment”) wherein the City will provide personnel and equipment to further assist in the maintenance of the Sewer System, further described in the attached Exhibit 1; and

WHEREAS, the Corporate Authorities of the City of Rochelle have determined that it is in the best interests of City its residents to approve said Amendment with Creston; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

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

SECTION TWO: The Corporate Authorities of the City of Rochelle hereby authorize the City Manager to execute said Amendment pertaining to the City's assistance in providing personal and equipment to maintain said Sewer System in Creston, further described in the attached Exhibit 1, 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 10th day of June, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10th day of June, 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 AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ROCHELLE AND THE VILLAGE OF CRESTON PERTAINING TO THE MAINTENANCE OF A SANITARY SEWER SYSTEM” which was adopted by the Mayor and City Council of the City of Rochelle on June 10, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 10th day of June, 2019.

CITY CLERK