
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II, SECTION 6-52
OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO A
LOCAL MANAGER OF A CORPORATE LICENSEE**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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DAN McDERMOTT
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City Council

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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 its Alcoholic Beverages Ordinance pertaining to local managers of establishments with a corporate liquor license; and

WHEREAS, the City has determined that it would like to amend Chapter 6, Article II, Section 6-52 by extending the distance allowed for a manager of a corporate liquor licensee from residing within a ten-mile radius of the city limits to residing within a fifty-mile radius of the city limits;

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that the above mentioned amendment to Chapter 6, Article II, Section 6-52 is in the best interest of the City and its residents.

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: That Chapter 6, Article II, Section 6-52 “Change of local manager of corporate licensee” is hereby amended by striking through the following language, and adding the following underlined language:

Sec. 6-52. - Change of local manager of corporate licensee.

If a corporation holding a liquor license modifies the license by naming a new local manager, a fee of \$50.00 shall be assessed to offset the additional cost of investigating the manager's qualifications. The manager of the holder of a corporate liquor license must reside within a ~~ten~~ fifty-mile radius of the city limits.

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 24th day of June, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24th 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 AMENDING CHAPTER 6, ARTICLE II, SECTION 6-52 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO A LOCAL MANAGER OF A CORPORATE LICENSEE” which was adopted by the Mayor and City Council of the City of Rochelle on June 24th, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of June, 2019.

CITY CLERK