
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE TEMPORARILY SUSPENDING LATE FEES AS
IDENTIFIED IN CHAPTER 98 ARTICLE I OF THE ROCHELLE
MUNICIPAL CODE**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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

City Council

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Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125, Chicago, IL 60606

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. ____

AN ORDINANCE TEMPORARILY SUSPENDING LATE FEES AS IDENTIFIED IN CHAPTER 98 ARTICLE I OF THE ROCHELLE MUNICIPAL CODE

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, the City of Rochelle (“City”) has previously enacted Chapter 98 Article I Section 98-6 of the Rochelle Municipal Code (“Code”) entitled “Payment of Bills” pertaining to payment for utility services by Rochelle Municipal Utility (“RMU”) customers and late fees associated with the failure to pay utility bills within the time frame set therein; and

WHEREAS, the City and RMU acknowledge that recent developments with the COVID 19 virus (a/k/a Coronavirus) has had an adverse impact on communities throughout the State of Illinois, including on the restriction of travel and operations of certain businesses; and

WHEREAS, the City believes that it is in the best interest of its residents to waive the late fees for residents previously in Section 98-6 of the Code, which incorporates certain payment procedures, plans, and penalties for RMU customers that do not promptly pay amounts owed through April 30, 2020; 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 temporarily waive the late payment fees assessed for RMU residential customers in the Section of the Code pertaining to Payment of Bills; 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: That all late fees set forth in Chapter 98 Article I Section 98-6 entitled “Payment of Bills” will be temporarily waived through April 30, 2020 and that the City Manager may approve a one time extension of an additional 30 days.

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 ____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2020.

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 TEMPORARILY SUSPENDING LATE FEES AS IDENTIFIED IN CHAPTER 98 ARTICLE I OF THE ROCHELLE MUNICIPAL CODE” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2020.

CITY CLERK