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

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

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**AN ORDINANCE AMENDING CHAPTER 98 OF THE ROCHELLE  
MUNICIPAL CODE PERTAINING TO SEWER AND SEWAGE  
DISPOSAL**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
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**DAN McDERMOTT**  
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**DON BURKE**  
**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. \_\_\_\_\_  
Date Passed: February 22, 2021**

**AN ORDINANCE AMENDING CHAPTER 98 OF THE ROCHELLE  
MUNICIPAL CODE PERTAINING TO SEWER AND SEWAGE  
DISPOSAL**

**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 Rochelle Municipal Code requires that maintenance of all building sewers, from the center point of the public collector sewer, located on the public right-of-way, to and including the owner’s property, shall be the responsibility of the building/property owner; and

**WHEREAS**, to mitigate the hardship upon residents during backup sewer events, the City seeks to assume responsibility for certain costs of repair to the sanitary service line in the City’s right-of-way; 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 amend Section 98-152 of the Rochelle Municipal Code to assume responsibility for certain sanitary service line costs; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

**SECTION ONE:** The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

SECTION TWO: Chapter 98, “UTILITIES”, Article IV, “SEWERS AND SEWAGE DISPOSAL”, of the Municipal Code of the City of Rochelle shall be hereby amended by adding the following underlined language:

**Sec. 98-152. – General POTW use requirements.**

...

(d) *Construction, connections, and maintenance.*

...

(9) Maintenance of all building sewers, from the center point of the public collector sewer, located on the public right-of-way, to and including the owner's property, shall be the responsibility of the building/property owner. RMU will be responsible for the total cost of repairs to the sanitary service line in the ROW where a certified plumber is not able to break through a blockage and, if there are structural problems with the sanitary service line and repairs have to be made, all costs associated with restoration within the City's ROW.

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 Ordinance 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 22<sup>nd</sup> day of January, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22<sup>nd</sup> day of January, 2021.

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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 AMENDING CHAPTER 98 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO SEWER AND SEWAGE DISPOSAL” which was adopted by the Mayor and City Council of the City of Rochelle on February 22, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 22<sup>nd</sup> day of January, 2021.

\_\_\_\_\_  
CITY CLERK