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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 10 AND CHAPTER 26 OF THE  
ROCHELLE MUNICIPAL CODE EXPIRATION DATES OF RAFFLE  
AND BUSINESS LICENSES**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, City Clerk**

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

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

**Date Passed: \_\_\_\_\_, 2022**

**AN ORDINANCE AMENDING CHAPTER 10 AND CHAPTER 26 OF THE  
ROCHELLE MUNICIPAL CODE EXPIRATION DATES OF RAFFLE  
AND BUSINESS LICENSES**

**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**, certain license categories have inconsistent expiration dates with regard to the remainder of the Rochelle Municipal Code; and

**WHEREAS**, the Mayor and City Council have determined that it is appropriate and in the best interest of the welfare of City and its residents to amend Chapter 10 and Chapter 26 of the Rochelle Municipal Code clarify that raffle licenses and business licenses expire on December 31st;

**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 10, “AMUSEMENTS AND ENTERTAINMENTS”, Article III, “RAFFLES”, of the Rochelle Municipal Code shall be hereby amended by deleting the following strikethrough language and adding the following underlined language:

**Sec. 10-65. - Issuance of license.**

- (a) The city clerk shall receive all raffle applications and, if the organization and application meet the requirements of this article, issue a raffle license to the applicant. In the event the city clerk believes that the requirements for a raffle application have not been met, the raffle application shall be submitted to the city council at its next regular meeting. The city council shall decide whether the requirements have been met and whether a license should be issued. The decision of the city council shall be final. A single raffle license shall be issued for a specified period of time not to exceed one year. A raffle license for a specified number of multiple raffles shall be issued for up to one year expiring on ~~April 30~~ December 31 of each year.

\* \* \*

SECTION THREE: Chapter 26, “BUSINESSES AND BUSINESS REGULATIONS”, Article II, “LICENSING GENERALLY”, of the Rochelle Municipal Code shall be hereby amended by deleting the following strikethrough language and adding the following underlined language:

Sec. 26-36. - Expiration of license.

- (a) All annual licenses, except for liquor licenses, required under the provisions of this chapter or other ordinances of the city shall terminate on ~~April 30~~ December 31 of each year.

\* \* \*

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 Ordinance 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 24<sup>th</sup> day of January, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24<sup>th</sup> day of January, 2022.

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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 10 AND CHAPTER 26 OF THE ROCHELLE MUNICIPAL CODE EXPIRATION DATES OF RAFFLE AND BUSINESS LICENSES,” which was adopted by the Mayor and City Council of the City of Rochelle on January 24, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24<sup>th</sup> day of January, 2022.

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CITY CLERK