
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**ORDINANCE LIMITING THE NUMBER OF CLASS B LIQUOR LICENSES AND
PLACING A MORATORIUM ON THE ISSUANCE OF ANY NEW CLASS B LIQUOR
LICENSES**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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BEN VALDIVIESO
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, there are currently ten (10) existing Class B liquor licenses allowed for in Chapter 6, Article I, Section 6-46 "Number Limitations" of the City's Municipal Code; and

WHEREAS, the Mayor and Liquor Commissioner, John Bearrows, has determined that it is in the best interest of the City and its residents to have a moratorium until May 1, 2025, on the issuance of any new Class B liquor licenses, unless a current Class B is revoked or relinquished, and limit the number of Class B liquor licenses to ten (10) total Class B liquor licenses; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle find that it is in the best interest of the City and its residents to have a moratorium until May 1, 2025, on the issuance of any new Class B liquor licenses, unless a current Class B is revoked or relinquished, and limit the number of Class B liquor licenses to ten (10) total Class B liquor licenses.

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 the Mayor and the City Council Corporate Authorities of the City of Rochelle find that it is in the best interest of the City and its residents to have a moratorium until

May 1, 2025, on the issuance of any new Class B liquor licenses, unless a current Class B is revoked or relinquished, and limit the number of Class B liquor licenses to ten (10) total Class B liquor licenses.

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 22nd day of May, 2023.

AYES:

NAYS:

ABSENT:

APPROVED THIS 22nd day of May, 2023.

CITY 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. _____
"ORDINANCE LIMITING THE NUMBER OF CLASS B LIQUOR LICENSES AND PLACING A
MORATORIUM ON THE ISSUANCE OF ANY NEW CLASS B LIQUOR LICENSES"
which was adopted by the Mayor and City Council of the City of Rochelle on May 22, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 22nd day of May, 2023.

CITY CLERK