
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE CREATING AN ADDITIONAL CLASS R-2 LIQUOR LICENSE FOR
BARRIO AGAVE LLC D/B/A BARRIO AGAVE AT 1310 N 7th STREET

JOHN BEARROWS, Mayor
ROSE HUÉRAMO, City Clerk

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ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray, LLC, City Attorneys
1301 W. 22nd Street – Ste. 500 Oak Brook, Illinois 60523

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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, an application has been received from Jennifer Gonzalez and Alejandra Gonzalez, owners of Barrio Agave LLC, located at 1310 N 7th Street, Rochelle, Illinois, for a Class R-2 liquor license; and

WHEREAS, the Mayor and Liquor Commissioner, John Bearrows, has reviewed the request and has no objection to the creation of one additional class R-2 liquor license to accommodate the request of Barrio Agave; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that an amendment Section 6-46 of The Municipal Code of the City of Rochelle creating one R-2 liquor license 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: The Mayor and City Council have determined that the creation of one additional Class R-2 Liquor License for the owners of Barrio Agave, is in the best interest of the City and its residents is in the best interest of the City and its residents.

SECTION THREE: That Chapter 6, Article I, Section 6-46 “Number Limitations” is hereby amended as follows:

Classification	Number of Licenses
Class B	10
Class P-1	2
Class P-2	2
Class C	2
Class R-1	0
Class R-2	3 4
Class R-3	9
Class S	3
Class E	0
Class M-1	1
Class M-2	1
Class T	3
Class U	0

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 elsewhere 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 28th day of May, 2024.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28th day of May, 2024.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Huéramo, 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 CREATING AN ADDITIONAL CLASS R-2 LIQUOR LICENSE FOR
BARRIO AGAVE LLC D/B/A BARRIO AGAVE AT 1310 N 7th STREET” which was adopted
by the Mayor and City Council of the City of Rochelle on May 28, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 28th day of May, 2024.

CITY CLERK