
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CHAPTER 74, ARTICLE II, SECTION 31, RELATING
TO THE PLANNING AND ZONING COMMISSION MEMBERSHIP, TERMS AND
VACANCIES**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
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

ORDINANCE NO: _____

Date Passed:

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE II, SECTION 31, RELATING TO THE PLANNING AND ZONING COMMISSION MEMBERSHIP, TERMS AND VACANCIES

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, Chapter 74, Article II, Section 31 relates to the creation, membership, term and vacancies of the Planning and Zoning Commission; and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City and its residents to update and amend Section 31, Article II, of Chapter 74 to reduce the current five-year term of members to a three-year terms.

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

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Section 31, Article II of Chapter 74 shall be amended by deleting the stricken language and adding the underlined language as follows:

Sec. 74-31. - Created; membership; terms; vacancies.

There is created a planning and zoning commission for the city. The planning and zoning commission shall consist of a chairman and six other members appointed by the mayor and confirmed by the city council. Initially, three members shall be appointed for two-year terms and four members for three-year terms. Thereafter, members shall be appointed to three~~five~~-year terms to begin on July 1. The schedule of appointments shall be on file with the city clerk. The successor of each member appointed under this section shall serve for a term of three~~five~~ years. Vacancies shall be filled by the mayor, subject to confirmation by

the city council, for the unexpired term. Members may be removed by the mayor for cause after written charges have been filed and after a public hearing has been held, if demanded by the member so charged.

Additionally, there shall be four non-voting members of the commission appointed by the mayor and confirmed by the city council, who may reside more than one and one-half miles outside the city. The non-voting members shall be chosen on the basis of expertise and/or experience in matters which are under the jurisdiction of the planning and zoning commission.

SECTION THREE: If any provision of this Ordinance 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 AND APPROVED this 28th day of May 2024.

ATTEST:

City Clerk

Mayor

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, 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 74, ARTICLE II, SECTION 31, RELATING TO
THE PLANNING AND ZONING COMMISSION MEMBERSHIP, TERMS AND
VACANCIES” 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