
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING SECTION 57, "PAYMENT OF FEES" OF
ARTICLE II, OF CHAPTER 86 OF THE ROCHELLE MUNICIPAL
CODE**

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City Council

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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed:

**AN ORDINANCE AMENDING SECTION 57, “PAYMENT OF FEES” OF
ARTICLE II, OF CHAPTER 86 OF THE ROCHELLE MUNICIPAL
CODE**

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 86, “SUBDIVISIONS,” of the Rochelle Code of Ordinances governs the subdivision of lots, tracts and parcels; and

WHEREAS, Section 57 of Article II, of Chapter 86 states that the subdivider is responsible for reporter fees, recording fees and costs of non-employees, attorneys, engineers, and consultants, required for the project; and

WHEREAS, Section 57 currently provides that fees are deposited and refundable; and

WHEREAS, tracking the individual fees is time consuming for staff and therefore it would increase efficiency and time management to amend the ordinance to make the fees paid non-refundable; and

WHEREAS, it is in the best interest of the City of Rochelle to amend Section 57 “Payment of Fees” of Article II of Chapter 86 to make fees for the subdivision of lots, tracts and parcels non-refundable.

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: Section 57, "Payment of Fees" of Article II, of Chapter 86, of the Municipal Code of the City of Rochelle shall be hereby amended by deleting the stricken language and adding the underlined language as follows:

Sec. 86-57. Payment of fees.

(a) *Generally.* The subdivider and those making land improvements shall pay all filing, review, and inspection fees per the schedule of fees established by the city council, and shall ~~reimburse pay all the city for the costs of~~ court reporter fees, recording fees, and all fees of attorneys, engineers, and other consultants that may be required by the city pertaining to the submitted applications. Fees associated with the work of individuals (not employees of the city), corporations, or other entities shall have five percent added to the fee charged to the city.

(b) *Reimbursement for staff review time.* Every applicant for rezoning, special use permit, planned unit development, concept plan, preliminary plat or plan, final plat or plan, land banking for future public use, site plan reviews to include, but not limited to, new parking facilities, utility improvements, and stormwater management and drainage facilities in any commercial or industrial district, and any land improvements as defined in this Code, shall ~~reimburse pay the city for~~ estimated expenses ~~to be~~ incurred by the city in connection with all legal, engineering, land planning, and other professional services required during the review of applications required by the city or its consultants and to assure compliance with the standards contained in this Code.

(1) With the exception of a single-family residential lot previously subdivided, the applicant shall provide a retainer to be deposited into a specified account with the city at the time of the first application affecting the applicant's project, in an amount not less than \$1,000.00 and not more than \$10,000.00. The amount shall be determined by the city manager or his designee and shall be based upon the expected complexity of the proposed applicant and the anticipated of time required by the city staff and its consultants to review the ~~applicant~~application and supporting documentation. The final fee billed to the applicant may be more ~~of less~~ than the city manager's initial estimate.

(2) Such expenses shall include, but are not limited to, the following:

- a. Meetings with the applicant will be charged at the prevailing hourly charges of all staff members and consultants deemed necessary by the city. However, charges will not be made for a first "introductory" meeting with the city staff and consultants.
- b. The prevailing hourly charges of all city staff members and consultants deemed necessary by the city, for time spent on reviewing applications.
- c. Any and all filing and other fees that affect the applicant's project that are required by the city.

(3) All proceedings in connection with the rezoning, special use permit, planned unit development, or land improvement shall be stayed until such sum so designated is paid to deposited with the city as required.

(4) Upon submission of bills by the city attorney, city engineer, city planner or other consultant hired to review the application, the city shall pay these fees out of the specified account. At such time the balance of the account reaches one-fourth of the original amount deposited, the city manager or his designee may demand from the applicant an additional sum of money that, in addition to the balance of the account, will reasonably cover the remaining costs and expenses necessary for staff, consultants and attorneys to complete their review of any remaining materials associated with completion of the project. shall equal the amount originally required by the city, or such lesser fraction thereof that the city manager or his designee may in such case determine.

a. All proceedings with regard to such rezoning, special use permit, planned unit development, or land improvement shall be stayed until said subsequent demands for payment of fees shall be deposited in said account.

b. Any demand or subsequent demand of the city not deposited paid by the applicant within ten working days of the date of the demand shall, at the discretion of the city council and upon written notice to the applicant, terminate and render null and void the application for the proposed rezoning, special use permit, planned unit development, or land improvement.

(5) The city shall present a final statement by the city attorney, city engineer, city planner or other consultant hired to review the application within 60 days of the approval of the application. If there are any outstanding fees the manager will issue a subsequent demand or final bill for payment to the applicant. If, upon payment of these fees, any balance is remaining in the specified account, said balance shall be repaid to the applicant.

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 11th day of March 2024

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of March, 2024

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. _____, “AN ORDINANCE AMENDING SECTION 57, “PAYMENT OF FEES” OF ARTICLE II OF CHAPTER 86 OF THE ROCHELLE MUNICIPAL CODE” which was adopted by the Mayor and City Council of the City of Rochelle on March 11, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11th day of March, 2024.

CITY CLERK