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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 98, ARTICLE I, SECTION 5, PERSON  
RESPONSIBLE FOR CHARGES**

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

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**ROSAELIA ARTEAGA**  
**BEN VALDIVIESO**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Law Offices of Peterson, Johnson, & Murray—Chicago, City Attorneys  
200 W. Adams, Ste. 2125, Chicago, IL 60606

**ORDINANCE NO:** \_\_\_\_\_

**Date Passed:**

**AN ORDINANCE AMENDING CHAPTER 98, ARTICLE I, SECTION 5, PERSON RESPONSIBLE FOR CHARGES**

**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 98, Article I, Section 5 defines who is responsible for paying utility charges; and

**WHEREAS**, situations have arisen where tenants are trying to avoid paying utility charges despite being the consumer of the utilities; 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 5, Article I, of Chapter 98.

**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 5, Article I of Chapter 98 shall be amended by adding the underlined language as follows:

**Sec. 98-5. - Person responsible for payment of charges.**

The owner and the consumer of the utility service shall be jointly and severally liable to pay for the service to such premises, and the service is furnished to the premises by the city only upon the condition that the owner and the consumer of the service are jointly and severally liable therefor to the city.

Anyone residing at the premises, or named on the lease for the premises shall be considered a consumer.

If the consumer is not the owner of the property serviced by the RMU utilities, then the consumer shall consent to the owner of the property obtaining a copy of all unpaid utility bills and a copy of any utility disconnection notice, as a condition precedent to receiving any services from the RMU.

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 11<sup>th</sup> day of March 2024.

ATTEST:

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City Clerk

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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 98, ARTICLE I, SECTION 5, PERSON  
RESPONSIBLE FOR CHARGES” 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 11<sup>th</sup> day of March 2024.

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CITY CLERK