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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING ARTICLE III “WATER” OF CHAPTER  
98 OF THE ROCHELLE MUNICIPAL CODE TO ADD SECTION 108  
“WATER LEAK CREDIT”**

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**JOHN BEARROWS, Mayor**  
**ROSE HUÉRAMO, 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  
Peterson, Johnson, and Murray LLC, City Attorneys  
1301 W. 22nd Street, Ste. 500 Oak Brook, Illinois 60523

**CITY OF ROCHELLE**  
**Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed:**

**AN ORDINANCE AMENDING ARTICLE III “WATER” OF CHAPTER  
98 OF THE ROCHELLE MUNICIPAL CODE TO ADD SECTION 108  
“WATER LEAK CREDIT”**

**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**, the City provides utility services including electric, water, sewer, wastewater treatment, and advanced communications to the greater Rochelle Community through the Utility Department, which is commonly referred to as Rochelle Municipal Utilities (RMU); and

**WHEREAS**, the RMU staff seeks to amend the utilities ordinance to allow water customers to receive a water leak credit once every five years, when they repair a water leak and meet other criteria; and

**WHEREAS**, the Mayor and City Council have determined that it is appropriate and in the best interest of the welfare of City and its residents to amend Article III of Chapter 98 to create Section 108, and adopt a water leak credit policy.

**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: Article III, “WATER” of Chapter 98, “UTILITIES” 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. 98-108. – Water Leak Credit**

- (a) Applying for a credit. If a residential customer experiences a water leak, the customer may apply for a water leak credit. In order to qualify for a water leak credit, the customer must:
- (1) Fill out the Water Leak Credit Request Form and provide the necessary documentation to the Customer Service Office; and
  - (2) Have new meter installed that complies with the City’s automated leak alert system; and
  - (3) Be enrolled to receive Leak Alerts on the customer portal; and
  - (4) Provide proof that the leak has been repaired.
- (b) Calculating the credit. Credits will be issued based upon the customer’s average monthly usage. The City will credit one hundred percent (100%) of the water and water reclamation charges above the user’s monthly average. A maximum of two months will be considered for purposes of the credit.
- (c) Limits to credits. Accounts are only eligible for one credit every five years.
- (d) Authorization of Credit. Water leak credits must be signed off on by the Superintendent of Water/Water Reclamation and City Manager before being applied to a customer’s account. The City Manager may also in his/her sole discretion approve credits on a case-by-case basis including situations involving extenuating circumstances or unmet qualifications.

Secs. 98-1089—98-150. - Reserved.

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

AYES:

NAYS:

ABSENT:

APPROVED THIS 11<sup>th</sup> day of March, 2024

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MAYOR

ATTEST:

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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 ARTICLE III “WATER” OF CHAPTER 98 OF THE ROCHELLE MUNICIPAL CODE TO ADD SECTION 108 “WATER LEAK CREDIT”,” 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.

\_\_\_\_\_  
CITY CLERK