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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 OF THE ROCHELLE  
MUNICIPAL CODE**

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

**TOM McDERMOTT**  
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**DAN McDERMOTT**  
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**City Council**

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

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed: November 14, 2022**

**AN ORDINANCE AMENDING CHAPTER 98 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**, the City of Rochelle, through Rochelle Municipal Utilities (“RMU”), one of its departments, provides electric, water, and sewage utility services; and

**WHEREAS**, the Rochelle Municipal Code contains Chapter 98, entitled “Utilities”; and

**WHEREAS**, certain Sections of Chapter 98 of the Rochelle Municipal Code should be amended to allow the implementation of an efficiency program; and

**WHEREAS**, RMU staff recommends the amendments below; 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 a section of Chapter 98 of the Rochelle Municipal Code; and

**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 of Chapter 98, “UTILITIES”, Article I, “IN GENERAL”, of the Municipal Code of the City of Rochelle shall be hereby amended by adding the following underlined language, as follows:

**Sec. 98-4. - Establishment of charges and rates.**

Charges and rates for utility service including electric, water, sewer, wastewater treatment, and advanced communications, and other selective services performed and/or provided by the utility department shall be established and modified from time to time by city council resolution, unless otherwise provided in this chapter. Except as otherwise provided in this chapter, utility bills shall be based on actual usage and current rates for the billing period.

RMU may offer customers a budget payment plan for the purpose of increasing predictability of utility bills over an entire year, with a periodic adjustment based on actual usage and current rates. When the customer elects to use the budget payment plan, monthly bills based on the plan shall be due when indicated on the bill, and shall be subject to late charges, interest and any other penalties for nonpayment as set forth in this chapter.

RMU may also offer to qualified customers a residential appliance and home efficiency incentive program, and a commercial/industrial lighting incentive program, providing monetary benefits to qualified customers. The incentive amounts shall be calculated based on the annual baseload savings and the expected life of the product. The remaining terms of the incentive programs, including customer qualification requirements and approved home efficiency upgrades, appliances and/or lighting fixtures, shall be determined by RMU.

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 14<sup>th</sup> day of November, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14<sup>th</sup> day of November, 2022.

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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 CHAPTER 98 OF THE ROCHELLE MUNICIPAL CODE,” which was adopted by the Mayor and City Council of the City of Rochelle on November 14, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14<sup>th</sup> day of November, 2022.

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CITY CLERK