
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING SECTION 225 OF CHAPTER 94 OF THE
ROCHELLE MUNICIPAL CODE**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
ROSAELIA ARTEAGA
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125, Chicago, IL 60606

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed: June 27, 2022

**AN ORDINANCE AMENDING SECTION 225 OF CHAPTER 94 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 (“City”), 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, City staff has been reviewing parking prohibitions in the City’s downtown area; and

WHEREAS, Section 225 of Chapter 94 of Rochelle’s Municipal Code currently prohibits parking between the hours of 3 a.m. and 5 a.m. on Cherry Avenue, between Lincoln Highway and Main Street on either side of the street; and

WHEREAS, City staff believes that this parking prohibition adversely impacts businesses and residents who rely upon street parking; and

WHEREAS, City staff recommends limiting the parking prohibition on Cherry Avenue, between Lincoln Highway and Main Street on either side of the street only from 4 a.m. to 6 a.m. on each Monday throughout the year; and

WHEREAS, the amended parking prohibition on Cherry Avenue will still allow the City to maintain and regularly utilize a street sweeper on Cherry Avenue; and

WHEREAS, the Mayor and City Council wishes to adopt the amendments to Section 225 of Chapter 94 of the Rochelle Municipal Code in accordance with this Ordinance’s terms;

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 225 of Chapter 94, "TRAFFIC AND VEHICLES", Article IV, "STOPPING, STANDING AND PARKING", of the Municipal Code of the City of Rochelle shall be hereby amended by adding the following underlined language and deleting the language that is struck through, as follows:

Sec. 94-225. - Night parking prohibited on certain streets.

(a) In accordance with section 94-210, no person shall park a vehicle between 2:00 a.m. and 5:00 a.m. on any of the following streets:

- (1) Fourth Avenue, between Seventh Street and Third Street on either side of the street.
- (2) Fifth Avenue, between Seventh Street and Lincoln Highway on either side of the street.
- (3) Lincoln Avenue, between Seventh Street and Sixth Street on either side of the street.
- (4) Lincoln Highway, between Sixth Avenue and Cherry Avenue on either side of the street.
- (5) Main Street, between Sixth Avenue and Second Avenue on either side of the street.

(b) In accordance with section 94-210, no person shall park a vehicle between 3:00 a.m. and 5:00 a.m. on any of the following streets:

- ~~(1) Cherry Avenue, between Lincoln Highway and Main Street on either side of the street.~~
- ~~(12)~~ (1) Lincoln Avenue, between Sixth Street and Lincoln Highway on either side of the street.
- ~~(23)~~ (2) Lincoln Highway, between Cherry Avenue and Second Avenue on either side of the street.

(c) In accordance with section 94-210, no person shall park a vehicle between 4:00 a.m. and 6:00 a.m. on each Monday, all year long, on any of the following streets:

- (1) Cherry Avenue, between Lincoln Highway and Main Street on either side of the street.

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 27th day of June, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 27th day of June, 2022.

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 225 OF CHAPTER 94 OF THE ROCHELLE MUNICIPAL CODE ,” which was adopted by the Mayor and City Council of the City of Rochelle on June 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 27th day of June, 2022.

CITY CLERK