
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**ORDINANCE AMENDING SECTION 6-46 OF THE MUNICIPAL CODE OF THE CITY
OF ROCHELLE TO DELETE ONE CLASS R-1 LIQUOR LICENSE, ONE CLASS R-2
LIQUOR LICENSE, AND ONE CLASS B LIQUOR LICENSE**

JOHN BEARROWS, Mayor
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City Council

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OF ROCHELLE TO DELETE ONE CLASS R-1 LIQUOR LICENSE, ONE CLASS R-2
LIQUOR LICENSE, AND ONE CLASS B LIQUOR LICENSE**

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, three businesses in Rochelle are not going to renew their liquor licenses for 2022; and

WHEREAS, the Holiday Inn Express, located at 1240 Dement Road, Rochelle, Illinois, was issued a Class R-1 liquor license; and

WHEREAS, El Tapatio, located at 1310 N. 7th Street, Rochelle, Illinois, was issued a Class R-2 liquor license; and

WHEREAS, the Rusty’s Slots, located at 901 S. 7th Street, was issued a Class B liquor license; and

WHEREAS, the Mayor and Liquor Commissioner, John Bearrows, has determined, based upon the non-renewal of these three liquor licenses, that it is prudent to delete one Class R-1 Liquor License, one Class R-2 Liquor License, and one Class B liquor license; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that an amendment Section 6-46 of The Municipal Code Of The City Of Rochelle creating one R-3 liquor license and deleting one R-1 liquor license is in the best interest of the City and its residents.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Chapter 6, Article I, Section 6-46 “Number Limitations” is hereby amended by removing the following language:

| <u>Classification</u> | <u>Number of Licenses</u> |
|-----------------------|---------------------------|
| Class B | 44 10 |
| Class P-1 | 2 |
| Class P-2 | 2 |
| Class C | 2 |
| Class R-1 | 109 0 |
| Class R-2 | 4 3 |
| Class R-3 | 9 |
| Class S | 3 |
| Class E | 0 |
| Class M-1 | 1 |
| Class M-2 | 1 |
| Class T | 3 |
| Class U | 0 |

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 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 THIS 10th day of January 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10th day of January, 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. _____, “ORDINANCE AMENDING SECTION 6-46 OF THE MUNICIPAL CODE OF THE CITY OF ROCHELLE TO CREATE ONE CLASS R-3 LIQUOR LICENSE AND TO DELETE ONE CLASS R-1 LIQUOR LICENSE” which was adopted by the Mayor and City Council of the City of Rochelle on January 10, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 10th day of January, 2022.

CITY CLERK