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

**ORDINANCE
NO. _____**

**AN ORDINANCE AMENDING SECTION 6 OF CHAPTER 6 TO ALLOW 18 YEAR OLDS TO
SERVE ALCOHOL AS WAITERS, WAITRESSES OR SALE CLERKS**

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

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ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council**

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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ORDINANCE NO: _____
Date Passed:

AN ORDINANCE AMENDING SECTION 6 OF CHAPTER 6 TO ALLOW 18 YEAR OLDS TO SERVE ALCOHOL AS WAITERS, WAITRESSES OR SALE CLERKS

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 Illinois Liquor Control Act of 1934 grants local municipalities the power to license and regulate alcohol within their boundaries; and

WHEREAS, the Rochelle Liquor Code is codified in “Chapter 6 – Alcoholic Beverages” of the Rochelle Municipal Code; and

WHEREAS, the current language of the Code prohibits the service of alcohol by anyone who is eighteen years of age; and

WHEREAS, the City is seeking to allow individuals who are at least eighteen years old to serve alcohol as a waiter, stockperson or waitress and to serve as sale clerks in establishments selling liquor for off premises consumption; and

WHEREAS, the proposed amendment to Section 6, of “Chapter 6 – Alcoholic Beverages,” is as follows:

Sec. 6-6. - Employment of persons under 21 years of age on licensed premises.

No licensee, his agent or employee shall permit any person under the age of 21 years to work behind the bar or to pour or mix any alcoholic liquor as an employee of such license. No licensee, his agent or employee shall permit any person under the age of 21 years to tend bar, to serve or dispense or in any other way to handle alcoholic liquor upon his licensed premises, provided that persons ~~of the ages of 19 years and 20 years~~ at least 18 years of age may serve alcoholic liquor in such establishments as waiters, stockpersons or waitresses and serve as sale clerks in establishments selling liquor for consumption off the premises. Notwithstanding anything set forth above, no holder of a class B liquor license may employ any person who would be present in the licensed premises during its operating hours who is under the age of 21 years.

WHEREAS, the Mayor and the City Council find that it is in the best interest of the City and its residents to update and amend section 6, of “Chapter 6 – Alcoholic Beverages,” to allow individuals who are at least eighteen years old to serve alcohol as a waiter, stockperson or waitress and serve as sale clerks in establishments selling liquor for off premises consumption.

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: Section 6, of “Chapter 6 – Alcoholic Beverages,” is hereby amended as reflected as follows:

Sec. 6-6. - Employment of persons under 21 years of age on licensed premises.

No licensee, his agent or employee shall permit any person under the age of 21 years to work behind the bar or to pour or mix any alcoholic liquor as an employee of such license. No licensee, his agent or employee shall permit any person under the age of 21 years to tend bar, to serve or dispense or in any other way to handle alcoholic liquor upon his licensed premises, provided that persons ~~of the ages of 19 years and 20 years~~ at least 18 years of age may serve alcoholic liquor in such establishments as waiters, stockpersons or waitresses and serve as sale clerks in establishments selling liquor for consumption off the premises. Notwithstanding anything set forth above, no holder of a class B liquor license may employ any person who would be present in the licensed premises during its operating hours who is under the age of 21 years.

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 with the approval of the City Manager, is authorized to correct any non-substantive drafting or formatting issues in Chapters 6 that may result from the adoption of this Ordinance. 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 8th day of June 2026.

ATTEST:

City Clerk

Mayor

