
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. 22-

**AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF BRUNS
CONSTRUCTION, INC. FOR THE DEMOLITION OF 300 CHERRY AVENUE,
ROCHELLE, ILLINOIS**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

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City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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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 (“City”) obtained a demolition order for the building located at 300 Cherry Avenue, Rochelle, Illinois on December 9, 2021 in case number 21MR44 captioned, *The City of Rochelle v. Pedro A. Pasqua, et al.*; and

WHEREAS, the City has conducted an asbestos inspection, as required by Illinois law, which was negative; and

WHEREAS, the City sought bids from certain demolition companies to demolish 300 Cherry Avenue, Rochelle, Illinois; and

WHEREAS, the City obtained two quotes and the lowest proposal was from Bruns Construction, Inc. in the amount of \$60,150.00, attached hereto as Exhibit 1; and

WHEREAS, the City desires to waive competitive bidding requirements and authorize the City Manager to accept the proposal of Bruns Construction, Inc. for the demolition of 300 Cherry Avenue in an amount not to exceed \$60,150.00; and

WHEREAS, the City may waive competitive bidding requirements by a two-thirds vote of the City Council pursuant to 65 ILCS 5/8-9-1 of the Illinois Municipal Code and Section 2-371 of the Rochelle Municipal Code; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to waive competitive bidding and accept the proposal of Bruns Construction, Inc. in an amount not to exceed \$60,150.00; and

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: The Mayor and City Council of the City of Rochelle hereby waive competitive bidding and accept the proposal of Bruns Construction, Inc., attached hereto Exhibit 1, in an amount not to exceed \$60,150.00 for the demolition of 300 Cherry Avenue, and authorize the City Manager is hereby authorized to execute any and all agreements related said demolition, subject to the review by the City Attorney.

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 14th day of March, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14th day of March, 2022.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Susan L. Messer, 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. 21-5228,
“AN ORDINANCE WAIVING THE COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF BRUNS
CONSTRUCTION, INC. FOR THE DEMOLITION OF 300 CHERRY AVENUE, ROCHELLE,
ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on February
28, 2022.

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

CITY CLERK