
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING SECTION 47 OF CHAPTER 6 RELATING TO ELIGIBILITY FOR A
LIQUOR LICENSE**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

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BEN VALDIVIESO
City Council

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2441 Warrenville Road, Suite 310
Lisle, Illinois 60532

ORDINANCE NO: _____

Date Passed:

AN ORDINANCE AMENDING SECTION 47 OF CHAPTER 6 RELATING TO ELIGIBILITY FOR A 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, 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 City is seeking to expand the eligibility for liquor licenses to owners who live within seventy five (75) miles of the City of Rochelle; and

WHEREAS, a proposed amendment to Section 47, of “Chapter 6 – Alcoholic Beverages,” is attached herein as Exhibit A; and

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 47, of “Chapter 6 – Alcoholic Beverages,” to allow for liquor licenses to be granted to owners who live within seventy five (75) miles of the City.

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 47, of “Chapter 6 – Alcoholic Beverages,” is hereby amended as reflected in the attached Exhibit A.

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 14th day of October 2025.

ATTEST:

City Clerk

Mayor

EXHIBIT A

Sec. 6-47. Ineligibility for license.

No license authorized by this chapter shall be issued to:

- (1) *Proximity. ~~Nonresidents of city.~~* A person or, in the case of a partnership, a partner who does not live within seventy five (75) miles of the City of Rochelle. ~~who is not a resident of the city.~~
- (2) *Persons not of good character.* A person who is not of good character and reputation in the community in which he resides.
- (3) *U.S. citizenship or residency.* A person who is not a citizen of the United States or a legal resident alien.
- (4) *Persons convicted of felony.* A person who has been convicted of a felony under the laws of the state or of the United States, unless the local liquor control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- (5) *Persons convicted of keeping house of ill fame.* A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (6) *Persons convicted of certain crimes.* A person who has been convicted of any other crime or misdemeanor opposed to decency and morality.
- (7) *Revocation of former license.* A person whose license issued under this chapter has been revoked for any cause.
- (8) *Ineligibility for renewal.* A person who at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon a first application.
- (9) *Copartnerships.* A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license.
- (10) *Corporations generally.* A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this chapter for any reason other than citizenship and residence within the city.
- (11) *Foreign corporations.* A corporation unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983, 805 ILCS 5/1.01 et seq., to transact business in the state.
- (12) *Business conducted by manager, agent, or bartender.* A person whose place of business is conducted by a manager or agent or bartender unless the manager, agent, or bartender possesses the same qualifications required by the licensee.
- (13) *Former conviction of federal or state law relative to alcoholic liquor.* A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to July 12, 1937, or has forfeited his bond to appear in court to answer charges for any such violation.
- (14) *Ownership or lease of premises.* A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- (15) *City officials.* Any law enforcing public official, the local liquor control commissioner, the city manager or members of the city council and any other such official except as permitted under 235 ILCS 5/6-2(a)(14).

- (16) *Ineligibility for state license.* Any person not eligible for a state retail liquor license.
- (17) *Failure to furnish information.* A person who fails to furnish the information or to make the statements required in the application for license as set forth in section 6-42.

STATE OF ILLINOIS)
) SS.
COUNTY OF OGLE)

CERTIFICATE

I, Rose Huéramo, 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 47 OF CHAPTER 6 RELATING TO ELIGIBILITY FOR A
LIQUOR LICENSE" which was adopted by the Mayor and City Council of the City of Rochelle on
October 14, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 14th day of October 2025.

CITY CLERK