
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING SECTION 12 OF CHAPTER 98 OF THE
ROCHELLE MUNICIPAL CODE REGARDING LIMITATIONS ON
TERMINATION OF SERVICE**

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City Council

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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed:

**AN ORDINANCE AMENDING SECTION 12 OF CHAPTER 98 OF THE
ROCHELLE MUNICIPAL CODE REGARDING LIMITATIONS ON
TERMINATION OF SERVICE**

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, Rochelle Municipal Utilities (“RMU”) provides electric, water, and sewage services; and

WHEREAS, the Rochelle Municipal Code provides that RMU may terminate utility service for a customer’s violations of its rules and procedures, including failure to pay utility bills; and

WHEREAS, the Rochelle Municipal Code provides certain limitations on termination of service, including where low or high temperatures are forecast; and

WHEREAS, the RMU staff seeks to amend the ordinance to modify the “high” temperature from 92 degrees to 90 degrees; and

WHEREAS, the RMU staff also seeks to amend the ordinance to reflect that service will not be terminated for outstanding balances of less than two-hundred dollars (\$200.00); and

WHEREAS, the Mayor and City Council have determined that it is appropriate and in the best interest of the welfare of City and its residents to amend Chapter 98 of the Rochelle Municipal Code to make these changes; and

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 12, "Limitations on termination of service" of Chapter 98, "UTILITIES" of the Municipal Code of the City of Rochelle shall be hereby amended by deleting the stricken language and adding the underlined language as follows:

Sec. 98-12. – Limitations on termination of service.

- (a) RMU shall not discontinue service at the meter subsequent to 2:00 p.m. unless prepared to reconnect the same day at the standard reconnection charge, if any. No disconnection of service will be made on a holiday or weekend day unless prepared to reconnect on the holiday or weekend day.
- (b) Termination of utility service to all residential users, including all tenants of apartment buildings, for nonpayment of bills shall not be done:
 - (1) On any day when the National Weather Service forecast for the following 24 hours covering the area of RMU in which the residence is located includes a forecast that temperatures will be 32 degrees Fahrenheit or below or 92-90 degrees Fahrenheit or higher, ~~including a heat index of 92 degrees Fahrenheit or higher~~;
 - (2) On any day preceding a holiday or a weekend when such a forecast indicated that the temperature will be 32 degrees Fahrenheit or below or 92-90 degrees Fahrenheit or higher, ~~including a heat index of 92 degrees Fahrenheit or higher~~.
 - (3) For an outstanding balance of less than two-hundred dollars (\$200.00).
- (c) RMU shall not discontinue electric service if such action will aggravate an existing serious illness of any person who is a permanent resident of the premise where service is rendered if the customer complies with the following requirements regarding such illness:
 - (1) The illness must be certified to RMU by a registered physician. The certification shall be in writing and shall include the name of the ill person, a statement that he is a resident of the premises in question, the name, business address and telephone number of the certifying party, the nature of the illness and the period of time during which termination will aggravate the illness.
 - (2) Initial certification by the certifying party may be by telephone if written certification is forwarded to the RMU within five days.
 - (3) Initial certification shall prohibit discontinuance of service for 30 days. Certification may be renewed by the customer for an additional 30 days by

providing another certificate to RMU. Failure to renew the certificate shall entitle RMU to initiate discontinuance procedures.

- (4) The customer must enter into an agreement for the retirement of the unpaid balance of the account within the first 30 days and keep the current account paid during the period that the unpaid balance is to be retired. Notice of discontinuance of service must be sent to residential customers.
- (5) In the event service is terminated within 14 days prior to certification of illness, by or for a qualifying resident, service shall be restored to that residence if a proper certification is thereafter made in accordance with the foregoing provisions.
- (6) Nothing in this section shall be construed to prevent discontinuance of service for reasons of safety, health, or cooperation with civil authorities.

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 12th day of June 2023

AYES:

NAYS:

ABSENT:

APPROVED THIS 12th day of June, 2023

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 12 OF CHAPTER 98 OF THE ROCHELLE MUNICIPAL CODE REGARDING LIMITATIONS ON TERMINATION OF SERVICE,” which was adopted by the Mayor and City Council of the City of Rochelle on June .

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 12th day of June, 2023.

CITY CLERK