
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**ORDINANCE DELETING ONE CLASS R-3 LIQUOR LICENSE FOR THE RACK BAR
& GRILL AND CREATING ONE CLASS R-3 LIQUOR LICENSE FOR BREWSKI'S
BAR & GRILL**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM MCDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
ROSAELIA ARTEAGA
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. ____

**ORDINANCE DELETING ONE CLASS R-3 LIQUOR LICENSE FOR THE RACK BAR
& GRILL AND CREATING ONE CLASS R-3 LIQUOR LICENSE FOR BREWSKI'S
BAR & GRILL**

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, a request has been received from Albert Giannini and Jenna King on behalf of A.S. Gian Corporation, d/b/a The Rack Bar & Grill (“The Rack”), located at 406 Cherry Avenue, Rochelle, Illinois, to tender its Class R-3 liquor license, upon the closing of the sale of The Rack, as the business is being sold to a new owner; and

WHEREAS, the new owners of the business, Joshua & Robin Blunt, on behalf of A.S. Corporation, have applied for a Class R-3 Liquor License under the name of Brewski’s Bar & Grill, which will operate in the same location as The Rack; and

WHEREAS, the Mayor and Liquor Commissioner, John Bearrows, has reviewed the request and has no objection to the deletion of one Class R-3 liquor license and the creation of one Class R-3 liquor license to accommodate the request of Brewski’s Bar & Grill; and

WHEREAS, the issuance of the new Class R-3 liquor license will have no impact on the total number of Class R-3 liquor licenses as set forth in Section 6-46 of the Municipal Code of the City of Rochelle; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that the deletion of one Class R-3 Liquor License for the Rack Bar & Grill, upon the closing of the sale of the business, and the creation of one Class R-3 Liquor License for Brewski’s Bar & Grill 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: The Mayor and City Council have determined that the deletion of one Class R-3 Liquor License for the Rack Bar & Grill, upon the closing of the sale of the business, and the creation of one Class R-3 Liquor License for Brewski's Bar & Grill is in the best interest of the City and its residents is in the best interest of the City and its residents.

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 11th day of April, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of April, 2022.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, 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 DELETING ONE CLASS R-3 LIQUOR LICENSE FOR THE RACK BAR &
GRILL AND CREATING ONE CLASS R-3 LIQUOR LICENSE FOR BREWSKI’S BAR &
GRILL” which was adopted by the Mayor and City Council of the City of Rochelle on April 11,
2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 11th day of April, 2022.

CITY CLERK