
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE CONTINUING THE SMALL BUSINESS PERMIT FEE
WAIVER PROGRAM FOR 2021**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
DON BURKE
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. _____
Date Passed: August 10, 2020

**AN ORDINANCE CONTINUING THE SMALL BUSINESS PERMIT FEE
WAIVER PROGRAM FOR 2021**

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”) previously approved the creation of the Small Business Permit Fee Waiver Program (“Program”) pursuant to Ordinance 19-5086, which was passed on December 9, 2019, in order to assist small businesses within the City open and/or expand by reducing the fees associated with small business growth; and

WHEREAS, staff believes that Program fostered the creation local jobs, encouraged investment, and promoted the rehabilitation of existing structures within the City; and

WHEREAS, staff believes that a continuation of the Program through December 31, 2021 is necessary for continued economic growth; and

WHEREAS, the continued program will have all of the same requirements, in that a small business shall qualify for said Program, if a business has 30 or less full-time employees on site, is not a licensed franchise, and completes the application attached hereto as Exhibit 1; 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 continue said Program; 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: The Corporate Authorities of the City of Rochelle hereby continue the Small Business Permit Fee Waiver Program to begin on January 1, 2021, for one additional year, which shall remain in place to encourage the growth of small businesses within the City, and that the City Manager and/or his designee is hereby authorized promote, develop, and administer said Program.

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 10th day of August, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10th day of August, 2020.

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 CONTINUING THE SMALL BUSINESS PERMIT FEE WAIVER PROGRAM FOR 2021” which was adopted by the Mayor and City Council of the City of Rochelle on August 10, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 10th day of August, 2020.

CITY CLERK