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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE APPROVING THE DISPOSAL OF SURPLUS  
PERSONAL PROPERTY OWNED BY THE CITY OF ROCHELLE**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**DON BURKE**  
**City Council**

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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 APPROVING THE DISPOSAL OF SURPLUS  
PERSONAL PROPERTY OWNED BY THE CITY OF ROCHELLE**

**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 is the owner of certain personal property described in detail in Exhibit A, attached to and, by this reference, made a part of this Ordinance (“Surplus Property”); and

**WHEREAS**, pursuant to the City’s power under applicable law, including Section 11-76-4 of the Illinois Municipal Code, 65 ILCS 5/11-76-4, , the Mayor and the City Council have determined that the Surplus Property is no longer necessary or useful to, or for the best interests of the City and the Surplus Property should be disposed of in the manner set forth in this Ordinance;

**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:** Pursuant to Section 11-76-4 of the Illinois Municipal Code, 65 ILCS 5/11-76-4, the City Council declares that the Surplus Property, attached hereto as Exhibit A, is no longer necessary or useful to, or in the best interests of, the City.

SECTION THREE: The City Administrator is hereby authorized to dispose of the Surplus Property by an auction conducted by Bearrows Real Estate and Auction Co.

SECTION FOUR: The City Administrator is authorized to execute, on behalf of the City, the documents necessary to complete the disposition of the Surplus Property authorized pursuant to Section 3 of this Ordinance.

SECTION FIVE: 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 SIX: 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 SEVEN: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION EIGHT: 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 10<sup>th</sup> day of August, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 10<sup>th</sup> day of August, 2020.

ATTEST:

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MAYOR

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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 APPROVING THE DISPOSAL OF SURPLUS PERSONAL PROPERTY OWNED BY THE CITY OF ROCHELLE” 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 10<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
CITY CLERK

**EXHIBIT A**  
**List of Surplus Property**