
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY
OF ROCHELLE PERTAINING TO CHAPTER 98 ARTICLE 1 SECTION
8 ENTITLED “DEFERRED PAYMENT AGREEMENTS”**

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CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed: August 10, 2020

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY
OF ROCHELLE PERTAINING TO CHAPTER 98 ARTICLE 1 SECTION
8 ENTITLED “DEFERRED PAYMENT AGREEMENTS”**

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”) has created a deferred payment program for customers that are indebted to the Rochelle Municipal Utilities (“RMU”), allowing them to make arrangements to retire the debt by periodic payments; and

WHEREAS, the City of Rochelle (“City”) desires to amend certain sections of Chapter 98, Article I, Section 8 of the Rochelle Municipal Code entitled “Deferred payment agreements” to temporarily reduce the down payment requirement and permit an extension of the term of the deferred payment agreements (“Amendments”); and

WHEREAS, in light of the ongoing COVID-19 pandemic, the City desires to provide additional repayment assistance to customers that have been negatively impacted by the pandemic; 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 approve said Amendments;

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: Chapter 98 Article I Section 8 of the Municipal Code of the City of Rochelle entitled "DEFERRED PAYMENT AGREEMENTS" shall be hereby amended by deleting the following strike through language and adding the following underlined language:

CHAPTER 14 - UTILITIES
ARTICLE I. – IN GENERAL

Sec. 98-8. – Deferred payment agreements.

* * *

(c) An applicant shall pay a minimum of ~~one seventh~~ five percent (5%) of the amount past due and owing at the time of entering into the deferred payment agreement during the pendency of a statewide declaration of emergency due to COVID-19, and thereafter twenty-five percent (25%) of the amount past due and owing at the time of entering into the deferred payment agreement, with the remainder to be paid according to the terms defined in the agreement. RMU shall allow an additional six months for payment to be made under a deferred payment agreement; however, RMU shall allow an additional twelve months for payment for deferred payment agreements entered into through June 2021 at the discretion of the City Manager. Late payment charges may be assessed against the amount owing which is the subject of a deferred payment agreement. However, so long as a customer has established a deferred payment agreement and pays the prearranged balance prescribed by the terms of the agreement, all late fees that accrue during the life of the deferred payment agreement shall be waived upon successful completion of the deferred payment agreement. Exceptions to the above may be made on a case-by-case basis as determined by RMU and approved by the City Manager.

(e) Customers requesting the deferred payment program must ~~come to~~ contact the RMU business office and make application.

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 AMENDING THE MUNICIPAL CODE OF THE CITY OF ROCHELLE PERTAINING TO CHAPTER 98 ARTICLE 1 SECTION 8 ENTITLED “DEFERRED PAYMENT AGREEMENTS” 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

