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

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**ORDINANCE**  
**NO. 21-5271**

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**AN ORDINANCE AMENDING CHAPTER 98 OF THE ROCHELLE  
MUNICIPAL CODE PERTAINING TO ELECTRIC VEHICLES  
CHARGING STATIONS**

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**JOHN BEARROWS, Mayor**  
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**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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**CITY OF ROCHELLE**  
**Ogle County, Illinois**

**ORDINANCE NO. 21-5271**  
**Date Passed: August 9, 2021**

**AN ORDINANCE AMENDING CHAPTER 98 OF THE ROCHELLE  
MUNICIPAL CODE PERTAINING TO ELECTRIC VEHICLES  
CHARGING STATIONS**

**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”) recently installed two electric vehicle (“EV”) charging stations, which are available to the public; and

**WHEREAS**, as electric vehicle infrastructure expands and becomes more commonplace, there exists a need to establish regulations concerning City-owned EV charging stations; 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 City Code to establish regulations regarding EV charging stations;

**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, “UTILITIES”, Article V, “Electric Service”, of the Municipal Code of the City of Rochelle shall be hereby amended by adding the following underlined language:

**Sec. 98-259. – Electric Vehicles.**

- (a) Electric Vehicle: Any vehicle that is licensed and registered on public and private highways, roads, and streets that contains original, stock equipment from the vehicle manufacturer to accept charging from an electric vehicle charging station and that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via battery for motive purpose. "Electric vehicle" includes: (1) a battery powered electric vehicle operated solely by electricity; and (2) a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.
- (b) Electric vehicle charging station an electrical component assembly or cluster of component assemblies designed specifically to charge batteries located within electric vehicles. The charging station may also contain appurtenances for the purposes of customer payment.
- (c) Electric vehicle parking space: Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- (d) Non-electric vehicle: Any motor vehicle that does not meet the definition of electric vehicle.
- (e) Charging.

  - 1. Electric vehicle charging stations and electric vehicle parking spaces are reserved for charging electric vehicles only.
  - 2. The use of an electric vehicle parking space shall be limited to electric vehicles for no more than (5) hours of continuous charging per day. For purposes of this subsection, "charging" means that an electric vehicle is connected to an electric vehicle charging station.
  - 3. No person shall park any non-electric vehicle in an electric vehicle parking space. A non-electric vehicle parked in an electric vehicle parking space is subject to a fine and tow, per Section 94-296.
  - 4. Electric vehicles may park in any space designed for public parking, subject to the same restrictions that apply to non-electric vehicles.
- (f) Permitted locations, the location of electric vehicle charging stations and electric vehicle parking spaces are subject to approval by the City Engineer.
- (g) Usage fee for the EV charging shall be according RMU rate schedule.
- (h) Signage, electric vehicle parking spaces shall be posted with signage indicating the space is to be used exclusively for electric vehicle charging purposes and that violators are subject to a fine and tow of the offending vehicle.
- (i) Disclaimer: The City of Rochelle is not liable or responsible for the failure to operate or for any damage caused by an electrical vehicle charging station.

**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 9th day of August, 2021.

AYES: 7

NAYS: 0

ABSENT: 0

APPROVED THIS 9th day of August, 2021.

  
MAYOR

ATTEST:

  
CITY CLERK

STATE OF ILLINOIS       )  
                                      )  
COUNTY OF OGLE       )       SS.

CERTIFICATE

I, Susan L. Messer, 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. 21-5271, "AN ORDINANCE AMENDING CHAPTER 98 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO ELECTRIC VEHICLES CHARGING STATIONS," which was adopted by the Mayor and City Council of the City of Rochelle on August 9, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 9th day of August, 2021.

  
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*Susan L. Messer*  
CITY CLERK