
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. 21-5282

**AN ORDINANCE AMENDING CHAPTER 110 OF THE ROCHELLE
MUNICIPAL CODE PERTAINING TO BUILDING PERMITS**

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City Council

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**CITY OF ROCHELLE
Ogle County, Illinois**

**ORDINANCE NO. 21-5282
Date Passed: August 23, 2021**

**AN ORDINANCE AMENDING CHAPTER 110 OF THE ROCHELLE
MUNICIPAL CODE PERTAINING TO BUILDING PERMITS**

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, Chapter 110 of the Rochelle Municipal Code provides for the issuance of building permits pursuant to the approval of the Zoning Administrator; 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 110 of the Rochelle Municipal Code to require work to be performed within three (3) months after issuance of a building permit and to clarify that code violations continue until the violation is abated, regardless of whether a building permit is issued;

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 110, “ZONING ORDINANCE”, Article I, “ADMINISTRATION AND ENFORCEMENT”, of the Municipal Code of the City of Rochelle shall be amended by deleting the following strikethrough language and adding the following underlined language:

Sec. 110-27. Building Permits.

* * *

(3) Approval. The Zoning Administrator shall issue or refuse to issue a Building Permit within thirty (30) days after receipt of a complete application, except in the case of utility permits for work within the right-of-way. Refusal to issue a Building Permit shall be given in writing, detailing the reasons for such refusal to the applicant. Unless otherwise stated in this Chapter, a Building Permit shall be valid for one (1) year, except for a commercial new construction permit which shall be valid for two (2) years from the date of issuance. In the event that construction has not started within three (3) months after the issuance of the building permit, the permit shall be deemed invalid.

(4) Regardless of the issuance of building permit, violations of the Rochelle Municipal Code shall continue to be enforced until such violations are abated.

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 23rd day of August, 2021.

AYES: 7

NAYS: 0

ABSENT: 0

APPROVED THIS 23rd 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. 21-5282, "AN ORDINANCE AMENDING CHAPTER 110 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO BUILDING PERMITS," which was adopted by the Mayor and City Council of the City of Rochelle on August 23, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 23rd day of August, 2021.



Susan L. Messer
CITY CLERK