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ORDINANCE NO. F -0786

**AN ORDINANCE AMENDING SECTION 42-17 POSTING BILLS OR
ADVERTISEMENTS OF THE CODE OF ORDINANCES
OF THE CITY OF WHEATON**

WHEREAS, The United States Supreme Court in the case of Members of the City Council of the City of Los Angeles vs. Taxpayers For Vincent, 466 U.S. 789, 104 Sup.Ct. 2118, 80 Lawyers Ed. 772 (1984) provided First Amendment guidance pertaining to the rights of municipalities to prohibit the posting of signs on public property; and

WHEREAS, the Mayor and City Council of the City of Wheaton adopt this Ordinance to control visual blight, conserve and stabilize the value of property, lessen congestion on streets, facilitate adequate access to public property for all and to promote the health, safety and general welfare; and

WHEREAS, the Mayor and City Council of the City of Wheaton desire to amend Section 42-17 of the Wheaton City Code to bring such Section into conformance with the requirements of the Vincent case.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois that Section 42-17 of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Section 42-17 which shall provide:

"Section 1: Section 42-17 Handbills, Signs-Public Places and Objects

- a. It shall be unlawful for any person to paint, mark or write on, or to post or otherwise affix any handbill or sign to or upon any publicly owned right-of-way, sidewalk, crosswalk, curb, curbstone, parkway, lamppost, hydrant, tree, shrub, tree stake or guard, appurtenants to any public utility, street sign or traffic sign.
- b. Any handbill or sign found posted or otherwise affixed on any public property contrary to the provisions of Section a of this Ordinance, may be removed by the Police Department or the Public Works Department. The person or entity responsible for any such illegal posting shall be liable for the costs incurred in the removal thereof and the City Administration is authorized to affect the collection of such costs.
- c. Nothing in this section shall apply to the posting by the City of Wheaton on public properties of traffic signs, signs pertaining to public ordinances, or directional signs pertaining to public services.
- d. In addition to reimbursement for costs incurred by the City for removal, any person or organization violating this Ordinance shall pay a fine of not less than \$100.00 or more than \$500.00."

Section 2: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 3: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 4: This ordinance shall become effective after its passage, approval and publication in pamphlet form in the manner described by law.

AYES: Councilman Mork; Councilman Mouhelis; Councilman Gesk; Councilman Johnson; Mayor Carr; Councilwoman Johnson

NAYS: None

ABSENT: None

Motion Carried Unanimously

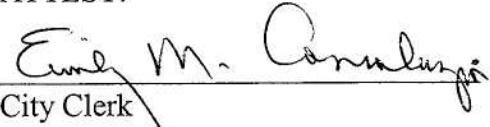
PASSED AND APPROVED this 6th day of January, 2003.

PUBLISHED in pamphlet form this 7th day of January, 2003.



Mayor C. James Carr

ATTEST:



Emily M. Annenberg
City Clerk