

ORDINANCE NO. F-2011

**AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION); CHAPTER 18 (ANNEXATION); CHAPTER 26 (BUSINESSES); CHAPTER 58 (STREETS, SIDEWALKS AND OTHER PUBLIC PLACES); AND CHAPTER 62 (SUBDIVISIONS) OF THE WHEATON CITY CODE**

**WHEREAS**, the City of Wheaton, Illinois (“City”) is an Illinois home rule municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, 1970, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, certain sections of the Wheaton City Code specify extra majority voting requirements as it relates to certain matters brought before the Wheaton City Council; and

**WHEREAS**, the corporate authorities of the City wish to clarify and reaffirm extra majority voting requirements as referenced in Chapters 2, 18, 26, 58 and 62 of the Wheaton City Code; and

**WHEREAS**, the corporate authorities of the City wish to clarify that the “city council” is made up of seven members as a result of the Mayor’s voting authority.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois pursuant to its home rule authority, as follows:

**SECTION 1:** That Chapter 2 (Administration), Article II – City Council, Division 1 – Generally, Section 2-31(a) is hereby repealed and rescinded in its entirety and replaced with a new Subsection (31)(a) as follows:

(a) The city shall be divided into four city council election districts; and the membership of the city council shall be seven members, with one councilmember being elected from each district commencing in 1993 and thereafter, for a term of four years and the mayor and two councilmembers being elected at large commencing in 1995 and thereafter, each for a term of four years.

**SECTION 2:** That Chapter 2 (Administration), Division 3 - City Manager, Section 2-142 “Powers and Duties,” Subsection (7)(a) of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Subsection (7)(a) as follows:

(a) Contracts which by their nature are not adapted to award by competitive bidding, such as, but not limited to, contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; contracts for, and purchases of, supplies, materials, parts, or equipment which are available only from a

single source; contracts for utility services such as waste disposal, water, light, heat, telephone, and such other purchases and contracts determined and authorized by resolution by a vote of five (5) members of the city council.

**SECTION 3:** That Chapter 18 (Annexation), Section 18-6 “Execution of Agreement” of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Section 18-6 as follows:

Section 18-6 – Execution of agreement.

The execution of any annexation agreement shall be authorized by an ordinance passed by a vote of five (5) members of the city council.

**SECTION 4:** That Chapter 26 (Businesses), Article VI – Group Care Homes, Section 26-174 “Appeals,” Subsection (c) of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Section 26-174, Subsection (c) as follows:

(c) *Notice requirements; action by council.* Notice of the time and place of the meeting of the city council to consider any appeal under this section shall be given by the city clerk, not more than 30 days or less than 15 days before the meeting, to the owners of the real estate immediately adjacent to, and across the street from, the property on which the group care home is requested or the applicant, whichever the case may be. The city council may, upon the majority vote of the members of the city council qualified to vote, affirm, reverse, wholly or in part, or modify, the action of the group care home commission. The city council shall render a written decision to the applicant of the appeal within 30 days of its meeting authority.

**SECTION 5:** That Chapter 58 (Streets, Sidewalks and Other Public Places), Article VI – Vacation Procedure, Section 58-142 “Final determination,” of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Section 58-142 as follows:

Sec. 58-142 – Final determination.

Upon the determination of the city council that the vacation of the street, alley or right-of-way which is the subject of a petition filed under this article is in the best interests of the citizens of the city, and upon an affirmative vote of five (5) members of the city council, an ordinance shall be passed by the city council vacating the subject street, alley or right-of-way.

**SECTION 6:** That Chapter 62 (Subdivision), Article II – Plat Approval Procedure, Section 62-52 “Approval of plats by city council,” of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Section 62-52 as follows:

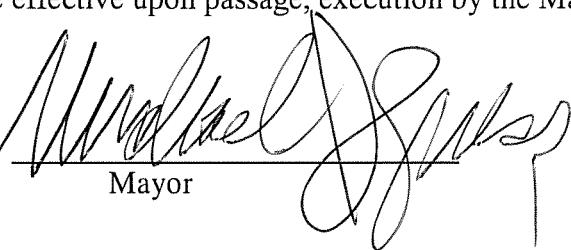
Sec. 62-52 – Approval of plats by city council.

No plat of subdivision shall be valid or entitled to be recorded unless and until it has been approved by the city council. A plat of subdivision shall not be valid or entitled to be recorded unless and until it has been approved by a majority vote of the members of the city council qualified to vote.

**SECTION 7:** If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

**SECTION 8:** Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

**SECTION 9:** This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Michael Gresk

ATTEST:



Alan Bennett Hagan

City Clerk

Roll Call Vote:

Ayes: Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Suess  
Councilman Barbier

Nays: None  
Absent: Councilwoman Fitch

Motion Carried Unanimously

Passed: May 15, 2017

Published: May 16, 2017

