

ORDINANCE NO. O-2019-11

**AN ORDINANCE AMENDING CHAPTER 6 (ALCOHOLIC BEVERAGES), CHAPTER 18 (ANNEXATION),
CHAPTER 30 (FIRE PREVENTION AND PROTECTION), CHAPTER 38 (LAW ENFORCEMENT),
CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE WHEATON CITY CODE**

BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois as follows:

Section 1: That Chapter 6 (Alcoholic Beverages), Article III (Retail Licenses), Sec. 6-87.5 (Outdoor special event liquor license), Subparagraph (j) of the Wheaton City Code is hereby amended as follows:

“(j) The applicant shall contract with the city police department for city services by having at least two off-duty officers present at the outdoor special event at all times during the hours of operation. At its discretion, the city council may require that the applicant contract for additional city services based on the size, location, and the anticipated number of persons attending the outdoor special event. Fifty percent of the estimated cost of these services shall be paid to the city prior to the issuance of an outdoor special event license. The balance, reflecting the actual cost of city services provided shall be due within 30 days of invoicing. The city services required under this provision shall not be subject to city assistance as described in section 10-4.”

Section 2: That Chapter 18 (Annexation), Sec. 18-5 (Fees, costs) of the Wheaton City Code is hereby amended as follows:

“Any petition for an annexation agreement or amendment thereto shall be accompanied by a fee of \$400.00. Any further costs for city services, in accordance with appendix B to this Code, shall be borne by the petitioner.”

Section 3: That Chapter 30 (Fire Prevention and Protection) of the Wheaton City Code is hereby amended by adding the following Article VII (Reimbursement of Actual Costs for Fire Department Services):

“Article VII: Reimbursement of Actual Costs for Fire Department Services

Sec. 30-117. Reimbursement of Actual Costs for Fire Department Services.

The actual costs for services provided by the city fire department within the city which are in addition to and in excess of the normal services provided by the fire department as a direct result of a specific request for such services, shall be reimbursed by the requesting individual or entity in accordance with appendix B to this Code. The city shall submit an invoice to the requesting individual or entity which shall be due within 30 days of invoicing.”

Section 4: That Chapter 38 (Law Enforcement) of the Wheaton City Code is hereby amended by adding the following Article V (Reimbursement of Actual Costs for Police Department Services):

"Article V: Reimbursement of Actual Costs for Police Department Services

Sec. 38-87. Reimbursement of Actual Costs for Police Department Services.

The actual costs for services provided by the city police department within the city which are in addition to and in excess of the normal services provided by the police department as a direct result of a specific request for such services, shall be reimbursed by the requesting individual or entity in accordance with appendix B to this Code. The city shall submit an invoice to the requesting individual or entity which shall be due within 30 days of invoicing."

Section 5: That Chapter 42 (Offenses and Miscellaneous Provisions), Sec. 42-23 (Damage to city property) of the Wheaton City Code is further amended with the addition of new Subparagraph (e) as follows:

"(e) *Reimbursement for city services.* When city services are required to repair damage to city property, the person responsible for the damage to city property shall reimburse the city for actual costs of city services to repair said damage in accordance with appendix B to this Code."

Section 6: That Chapter 42 (Offenses and Miscellaneous Provisions), Sec. 42-28 (Fireworks) of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with the following:

"Sec. 42-28. - Fireworks.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fireworks means and includes any explosive composition, or substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; however, the term "fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms"; sparklers, toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing 0.25 grain or less of explosive compound are used, provided they are so

constructed that the hand cannot come into contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than 0.25 grain of explosive mixture; the sale and use of which shall be permitted at all times.

(b) *Unlawful for possession or sale.* Except as provided in Chapter 10, Article V, it shall be unlawful for any person to offer for sale, sell at retail or possess any fireworks within the city.

(c) Permit applications.

(1) ~~Public exhibitions of fireworks may be given if a permit is granted by the city council. Such exhibitions shall be given subject to the supervision of the fire chief or some person designated by him.~~

(2) ~~Applications for a permit to exhibit fireworks shall be made in writing at least 30 days in advance of the date of the date of the display. The fee for such permit shall be \$50.00 if such privilege shall be granted. The sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose stated in this section only. No permit granted hereunder shall be transferable.~~

(d) Liability insurance.

(1) ~~Each person applying for a permit must file or cause to be filed with the city clerk a policy of insurance in which the city, its officials, agents and employees are insured against the liability that may be imposed upon them by the law for damages because of bodily injury, sickness or disease, and/or death, at any time resulting therefrom, sustained by any person, and injury to or destruction of property, including the loss of use thereof, arising out of any fireworks display. In lieu of filing the policy of insurance, a certificate evidencing the issuance of such insurance, executed by a duly authorized agent, servant or employee of the carrier, may be so filed, provided that such insurance shall be written by an insurance carrier authorized to conduct such business in the state.~~

(2) ~~The insurance policy required by this section shall be written for at least the following minimum coverage:~~

a. ~~A limit of \$1,000,000.00 for all damages arising out of bodily injury, sickness or disease, including death, at any time resulting therefrom sustained by any person or persons.~~

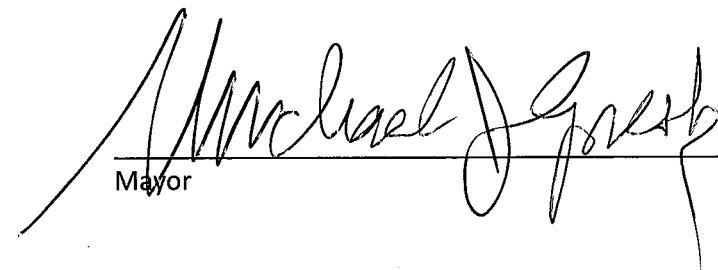
b. ~~A limit of \$1,000,000.00 for damages arising out of injury or destruction of all property of one or more persons as a result of any one accident.~~

c. ~~The policy shall contain a provision that it shall not be cancelled by the carrier until at least ten days' notice thereof by mail shall have been given to the city by mailing such notice to the city clerk.~~

(c) *Violations.* Any permit issued under the provisions of this article may be revoked by the city manager for a violation of the provisions of this article, and the revocation of a permit shall not preclude the imposition of a penalty under the provisions of section 1-8.

Section 7: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 8: This Ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael J. Gresk
Mayor

Attest:



Shann Bennett Hagn
City Clerk

Roll Call Vote:

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

Nays: None
Absent: Councilwoman Fitch
Councilman Scalzo

Passed: March 18, 2019
Published: March 19, 2019