

ORDINANCE NO. O-2021-34

**AN ORDINANCE AMENDING SECTION 2-142 "POWERS AND DUTIES" OF DIVISION 3, "CITY MANAGER" OF ARTICLE III, "OFFICERS" OF CHAPTER 2, "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF WHEATON (CONSTRUCTION, USE, AND INDEMNIFICATION AGREEMENTS)**

**WHEREAS**, the City receives a substantial number of requests for license agreements to install irrigation systems and for other uses in the public rights-of-way of the City; and

**WHEREAS**, the management of the public rights-of-way of the City has traditionally been established by ordinances which are administered by the City Manager in conjunction with the City's Engineering Department; and

**WHEREAS**, it is reasonable that construction, use, and indemnification agreements for the installation of irrigation systems and snow melt systems and other temporary sidewalk occupancy uses in the public right-of-way be managed by the City Manager in conjunction with the City's Engineering Department; and

**WHEREAS**, authorizing the City Manager to approve and sign construction use and indemnification agreements for the installation of irrigation systems and snow melt systems and other temporary sidewalk occupancy uses in public rights of way improves the efficiencies of City government.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, that Section 2-142 "Powers and Duties" of Division 3, "City Manager" of Article III, "Officers" of Chapter 2, "Administration" of the Wheaton City Code is hereby amended by the addition of a new subsection (15), which shall read as follows:

**SECTION 1:** (15) Execute on behalf of the City, with attestation by the City Clerk, and after review and approval by the City Engineer's office, construction use and indemnification agreements (hereinafter "Agreement") for irrigation systems and snow melt systems and other temporary sidewalk occupancy uses consistent with the template Agreement on file with the City Clerk's office.

**SECTION 2:** The Agreement attached hereto as Exhibit 1 shall be maintained in the office of the City Clerk with the original of this ordinance, but shall not be included in the published codification of this amendment.

**SECTION 3:** In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

**SECTION 4:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**SECTION 5:** This ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

  
Philip Suess  
Mayor

ATTEST:

  
Karen Brattager  
City Clerk

**Roll Call Vote:**

Ayes: Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess  
Councilwoman Fitch

Nays: None

Absent: None

**Motion Carried Unanimously**

Passed: June 21, 2021  
Published: June 22, 2021