

ORDINANCE NO. O-2022-43

AN ORDINANCE REPEALING ARTICLE III, "FOREIGN FIRE INSURANCE COMPANIES", AND ARTICLE V, "FOREIGN FIRE INSURANCE TAX BOARD" OF CHAPTER 30, "FIRE PREVENTION AND PROTECTION" OF THE WHEATON CITY CODE

WHEREAS, the City of Wheaton (the "City") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, Article III of Chapter 30 of the Wheaton City Code levies a tax on foreign fire insurance companies and provides for the payment of that tax by such companies to the City of Wheaton; and

WHEREAS, Article V of Chapter 30 of the Wheaton City Code regulates the foreign fire insurance tax board associated with the Wheaton Fire Department; and

WHEREAS, on May 6, 2022, the Governor of Illinois signed into law, bill number SB1571 which amends the Illinois Municipal Code to create the Foreign Fire Insurance License Fee Act; and

WHEREAS, effective January 1, 2023, the Foreign Fire Insurance License Fee Act preempts home rule municipalities from regulating foreign fire insurance boards and foreign fire insurance license fees (formerly referred to as a "tax") and provides the State of Illinois with the exclusive power to regulate foreign fire insurance boards and foreign fire insurance license fees; and

WHEREAS, based upon the enactment of the Foreign Fire Insurance License Fee Act, the City Council of the City of Wheaton finds that it is necessary to repeal Article III and Article V of Chapter 30 of the Wheaton City Code; and

WHEREAS, Ordinance No. O-2022-34 repealed Division 10, "Foreign Fire Insurance Tax Board" of Article V, "Boards, Commissions and Committees" of Chapter 2, "Administration" of the Wheaton City Code, effective January 1, 2023.

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

Section 1. Article III, "Foreign Fire Insurance Companies" of Chapter 30, "Fire Prevention and Protection" of the Wheaton City Code be and is hereby repealed in its entirety.

Section 2. Article V, "Foreign Fire Insurance Tax Board" of Chapter 30, "Fire Prevention and Protection" of the Wheaton City Code be and is hereby repealed in its entirety.

Section 3. Article III and Article V of Chapter 30 are hereby reserved.

Section 4. This ordinance shall take effect on January 1, 2023.

Philip J. Suess
Mayor

ATTEST:

Andrea Rosedale

City Clerk

Roll Call Vote:

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

Nays: None

Absent: Councilwoman Fitch
Motion Carried Unanimously

Passed: October 17, 2022

Published: October 18, 2022