

ORDINANCE NO. O-2023-41

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON
CHAPTER 2 (ADMINISTRATION)**

WHEREAS, the City of Wheaton ("City") is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

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

WHEREAS, the Mayor and City Council and City Staff have carefully evaluated the City Code and believe certain amendments are appropriate in order to be consistent with state law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois by its home rule authority, that the Wheaton City Code, Chapter 2 "Administration", is hereby amended to provide as follows:

SECTION 1: That Chapter 2 (Administration), Article II (City Council), Division 2 (Rules of Procedure), Sec. 2-57 (Citizens to be heard), Sec. 2-58 (Same – To remain quiet; requests to leave), Sec. 2-59 (Same- Addressing council) and Sec. 2-60 (Same – Addressing council without consent) are hereby repealed and replaced with a new Sec. 2-57 as follows:

Sec. 2-57. – Public comment at City meetings

- (1) Persons attending city council meetings must maintain decorum, not engage in behavior that interferes with the meeting, and refrain from noisy outbursts or other distracting actions such as applauding, cheering, booing, or use of signs or banners during or at the conclusion of any remarks made by any speaker, staff member, or City Council members. The presiding officer may, or upon a majority vote of the council shall, request any person who violates any provision of this division to leave the council chambers, and such person shall thereupon leave.
- (2) The presiding officer shall recognize any person requesting to speak to the city council. Prior to making comments, speakers shall state their name. Speakers shall address their remarks to the city council as a whole, not to any individual council member, nor city staff; nor shall they ask questions. Public comment is not intended to require individual council members nor city staff to provide answers to the speaker or engage in debate.
- (3) Speakers shall not speak longer than five minutes during the "citizens to be heard" portion of the meeting and/or on an item on the regular agenda and shall be allowed to speak only once on each item. If a member of the city council has questions of any person who has previously addressed the city council, persons may answer and address the specific question even though they had previously addressed the city council. For city council planning sessions, speakers may only speak for a period of three minutes during the public comment portion of the agenda and only related to an item that is on the agenda.

- (4) Groups of speakers should, whenever possible, consolidate their comments and avoid repetition through the use of representative speakers.
- (5) Persons may submit written comments to a city council member or the city clerk. The city clerk shall record the name of the person and general subject matter into the minutes of a meeting and keep a copy of the written comment with the minutes only if the city receives the written comment no later than 5:00pm on the date of the meeting. Written comments shall not be read into the record.
- (6) Public comments shall be allowed in a similar manner at all committee, commission or board meetings of the city.

SECTION 2: That Chapter 2 (Administration), Article II (City Council), Division 2 (Rules of Procedure), Sec. 2-76 (Public comment – City council planning sessions), Sec. 2-77 (Same – To remain quiet; requests to leave), and Sec. 2-78 (Same- Addressing council) are hereby repealed.

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 hereby repealed.

SECTION 5: In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

 Philip J. Sauer

ATTEST:

Andrea Rosedale

City Clerk

Roll Call Vote:

Ayes: Councilman Barbier
 Councilman Brown
 Mayor Suess
 Councilwoman Robbins
 Councilman Weller

Nays: Councilwoman Bray-Parker
Absent: Councilman Clousing
Motion Carried

Passed: November 6, 2023
Published: November 7, 2023

(

(

(