

ORDINANCE NO. O-2025- 34

**AN ORDINANCE AMENDING THE WHEATON CITY CODE,
CHAPTER 10 – SPECIAL EVENTS, AMUSEMENTS AND ENTERTAINMENTS,
ARTICLE II – SPECIAL EVENTS AND CHAPTER 42 – OFFENSES AND MISCELLANEOUS PROVISIONS,
ARTICLE IV – CITY PARKS**

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

WHEREAS, the City owns, operates and maintains City Parking Lot 3 (“Lot 3”) and the Pavilion located thereon; and

WHEREAS, currently under Chapter 10, Article II of the Wheaton City Code any person or organization can apply for a special event permit to use Lot 3 and the Pavilion; and

WHEREAS, the City leases the parking spaces in Lot 3 to be used from 6:00 a.m. to 5:00 p.m. Mondays – Fridays, except legal holidays; and

WHEREAS, the City has a Market License Agreement with Bensidoun USA, Inc. for Bensidoun to use Lot 3 and the Pavilion for a French Market that operates from 7:00 p.m. on Fridays through 6:00 p.m. on Saturdays for the time period of April 1 through November 30 each year; and

WHEREAS, given the limited availability for the use of Lot 3/Pavilion, the City has determined it to be in the best interests of the City and its residents to limit who can apply for a special event permit for use of Lot 3/Pavilion and times when it can be used; and

WHEREAS, the City Council has determined the public plaza areas located at the northeast and northwest corners of the intersection of Main Street and Liberty Drive were originally established as public spaces intended for the enjoyment and use by the general public and as such should be treated as City parks.

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: That Sec. 10-4 Definitions of Chapter 10, Article II is hereby amended as follows:

Sec. 10-4. - Definitions

Special event means any organized activity including a fair, carnival, amusement, circus, festival, concert, demonstration, march, rally, performance, show, parade, run/walk/cycle, motion photography, public firework displays or similar event that:

- (1) Is held in whole or in part upon city property, streets, sidewalks, trails, walkways, parking lots or on other public rights-of-way;
- (2) Occurs on private property, which may affect, impact or interfere with the standard, ordinary and normal use of public property, streets, rights-of-way, walkways, or sidewalks by the general public within the vicinity of such special event; or

(3) Requires the use of city services.

Section 2: That a new Section 10-11.5 is hereby added to Chapter 10, Article II which shall read as follows:

Sec. 10-11.5 Limitations on issuance of a special event permit for use of City Parking Lot 3/Pavilion.

- (a) A unit of local government or an association funded by local taxes which are not partnered with a non-exempt organization may apply for a special event permit to use City Parking Lot 3/Pavilion.
- (b) An owner of property and/or a business tenant within an established Special Service Area approved by the City for the benefit of the downtown may apply for a special event permit, provided such application shall not be for a personal event. If no such Special Service Area is in place, an owner of property and/or business tenant located in the following area may apply for a special event permit: an area bounded by Wesley Street on the north, West Street on the west, Willow Avenue on the south, and Cross Street on the east.
- (c) The use of City Parking Lot 3/Pavilion for a special event is limited to Saturday evenings from 7:00 p.m. to 11:00 p.m., and Sundays and legal holidays from 8:00 a.m. to 9:00 p.m., from April 1 through November 30. From December 1 through March 31, a special event is limited to Saturdays from 8:00 a.m. to 11:00 p.m., and Sundays and legal holidays from 8:00 a.m. to 9:00 p.m. Exceptions may be made to these restrictions by the special event review group for extraordinary community events.

Section 3: That the following City parks are hereby added to Section 42-106 of Chapter 42, Article IV:

- (a) Prairie Path Plaza (northwest corner of the intersection of Main Street and Liberty Drive on the east side of City Parking Lot 4).
- (b) Downtown Plaza (northeast corner of the intersection of Main Street and Liberty Drive on the west side of City Parking Lot 3).

Section 4: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

Section 6: 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 7: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

Attest:



City Clerk

Roll Call Vote:

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

Nays: None
Absent: None
Motion Carried Unanimously

Passed: July 21, 2025
Published: July 22, 2025