

ORDINANCE NO. F-1430

AN ORDINANCE AMENDING SECTION 42-71, ARTICLE III. WEAPONS, CHAPTER 42 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE WHEATON CITY CODE

WHEREAS, the Corporate Authorities for the City of Wheaton have been made aware that persons are shooting arrows or bolts from bows and crossbows within the corporate limits of the City of Wheaton; and

WHEREAS, the Police Department has reported that those arrows and bolts are at times shot over fences landing in other persons property when the shooter is unable to discern what persons or property may be within a fenced area; and

WHEREAS, the Corporate Authorities of the City of Wheaton have concluded that the discharge of arrows, bolts or other projectiles from crossbows or standard bows create hazards similar to the discharge of firearms or air guns and compromise the health, safety and welfare of residents of the City of Wheaton.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule authority that Section 42-71 "Discharging firearms, air guns.", of Article III, Weapons, Division 1, Generally, of the Wheaton City Code, as amended, is hereby repealed and rescinded in its entirety and replaced with a new Section 42-71 which shall read as follows:

Section 1: "Sec. 42-71. Discharging weapons.

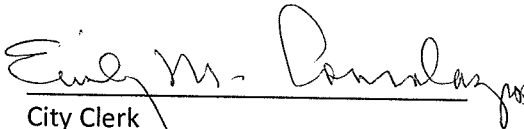
It shall be unlawful to discharge or shoot any firearm, air gun, crossbow, or standard bow in the city; provided that this Section shall not be construed to prohibit any officer of the law from discharging a weapon in the performance of his duty nor any citizen from discharging a weapon when lawfully defending his person or property."

Section 2: That if any part of or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

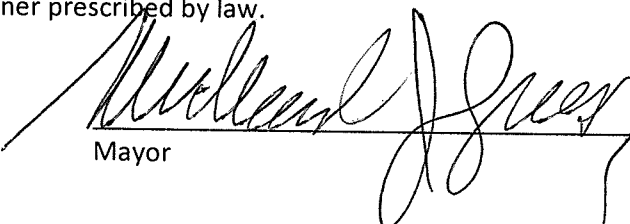
Section 3: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict of inconsistency.

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Attest:


City Clerk

Ayes:


Mayor

Roll Call Vote:

Councilman Prendiville
Councilman Scalzo
Councilwoman Corry

Councilman Levine
Mayor Pro Tem Mouhelis

Nays:

None

Absent:

Mayor Gresk

Councilman Suess

Motion Carried Unanimously

Passed: June 1, 2009

Published: June 2, 1009