

ORDINANCE NO. F-1722

AN ORDINANCE AMENDING SECTION 30-2(c)(2) "FIRE LANES - GENERALLY" OF CHAPTER 30 "FIRE PREVENTION AND PROTECTION" OF THE WHEATON CITY CODE

WHEREAS, Subsection (c)(2) of Section 30-2 "Fire Lanes – Generally" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of Wheaton provides that the fire lane agreements shall not exceed a period of 20 years; and

WHEREAS, the Corporate Authorities of the City of Wheaton have determined that the 20 year period is not legally necessary;

WHEREAS, the Corporate Authorities of the City of Wheaton have determined that the maximum 20 year period is not necessary from a policy standpoint.

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 Subsection 30-2(c)(2) "Fire Lanes – Generally" of Chapter 30 "Fire Prevention and Protection" of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Subsection 30-2(c)(2) which shall read as follows:

**SECTION 1:** Section 30-2(c)(2): By written agreement between the City, through the City Manager, and any school board, hospital, church, condominium complex owner's association, commercial or industrial facility, shopping center or apartment complex owner, which controls a parking area within the City's corporate boundaries, empowering the City to designate and enforce fire lanes on such area. The terms of the agreement shall be determined by the City Manager, shall be recorded in the office of the Recorder of Deeds and shall be subject to rescission in the sole discretion of the City Manager. The agreement shall be recorded at the owner's expense.

**SECTION 2:** If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

**SECTION 3:** Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

**SECTION 4:** This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

Roll Call Vote

Ayes: Councilman Scalzo  
Councilman Suess  
Councilman Prendiville  
Councilman Rutledge  
Mayor Gresk  
Councilwoman Pacino Sanguinetti

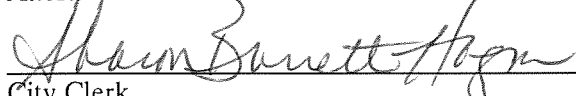
Nays: None

Absent: Councilman Saline

Motion Carried Unanimously

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Passed: July 15, 2013

Published: July 16, 2013