

**ORDINANCE NO. F-1808**

**AN ORDINANCE AMENDING CHAPTER 58 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES,” ARTICLE I “IN GENERAL,” SECTION 58-20 “DRIVEWAY APPROACHES – MAINTENANCE” AND SECTION 58-26 “DEPOSITING OF SNOW, ICE AND/OR MATERIALS ON PUBLIC PROPERTY” OF THE WHEATON CITY CODE**

BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, as follows:

**Section 1:** That Section 58-20 “Driveway Approaches – Maintenance” of Article I “In General” of Chapter 58 “Streets, Sidewalks and Other Public Places” of the Wheaton City Code, 1996, as amended, is hereby repealed and rescinded in its entirety and replaced with the following:

**Sec. 58-20. Driveway and Driveway approaches—Maintenance.**

No driveway or driveway approach shall be permitted to be in a condition or to deteriorate to the extent that loose gravel or other material from the driveway or driveway approach may be carried into the City's storm sewer system or onto its roadways. Upon notice from the City to repair a driveway or driveway approach having such condition, the owner of the property shall cause the area to be reconstructed or resurfaced within a reasonable period of time after having first obtained a permit, if required, to do so.

**Section 2:** That Section 58-26 “Depositing of snow, ice and/or materials on public property” of Article I “In General” of Chapter 58 “Streets, Sidewalks and Other Public Places” of the Wheaton City Code, 1996, as amended, is hereby repealed and rescinded in its entirety and replaced with the following:

**Sec. 58-26. Depositing of snow, ice and/or other materials**

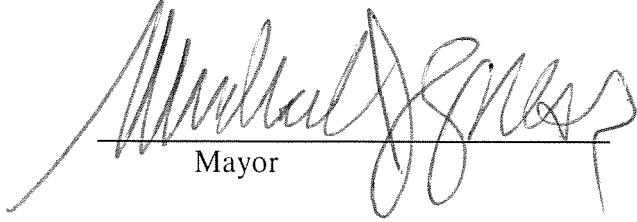
- (a) Except as to snow and or ice removal and stockpiling of snow and or ice by the City, or its authorized contractors, or by a property owner on a parkway immediately contiguous to the owner's property, it shall be unlawful to deposit by any means snow and or ice upon any private property or drive approach of another, or on any public street or parkway, public parking lot, sidewalk, curb, gutter or fire hydrant. Parkway across the street from an owner's property shall not be considered to be contiguous for purposes of this ordinance.

In addition to the penalty provided for violation of this section, the City may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice had been removed.

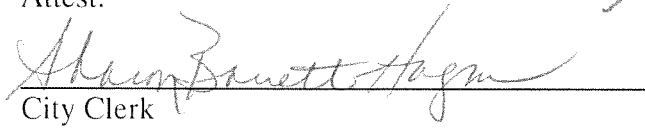
- (b) *Depositing other material.* It shall be unlawful for any person to sweep, throw, place, deposit or cause to be swept thrown, placed, or deposited any material on any public street, sidewalk or alley which may be harmful to or obstruct the pavement, curbing or sidewalk thereof or which may do injury to any person or property. Materials shall include, but are not limited to, any waste material, petroleum products, chemicals, glass, other particles, landscaping materials such as stone or mulch, pallets, piping, plantings or landscape waste such as grass clippings and leaves. The prohibition regarding stone and like materials shall not apply to permitted road or right of way work where material is being incorporated into the public work.
- (c) *Enforcement.* The Director of Public Works and/or his or her designees are hereby authorized and directed to enforce the provisions of this section.
- (d) *Continued violations.* Each 24-hour period where a violation occurs shall constitute a separate offense under this section for enforcement purposes. Repeated violations shall not nullify any pending notice issued under this section.
- (e) *Notice to remove snow, ice or other material.* If the owner of any parcel or lot deposits snow/ice or other material in violation of this Section 58-26 the Director of Public Works shall cause the issuance of a written notice to the owner requiring the snow, ice or material be removed immediately after the delivery of the notice.
- (f) *Filing of notice of lien.* Upon the City's removal of deposited snow, ice or material after failure of the owner to do so, the cost of such removal shall be paid to the City by the property owner within ten days after mailing of a statement of such costs to the owner. Within sixty (60) days after such cost and expense is incurred and upon failure of the owner to reimburse the city for expenses in removal, the City Clerk shall file a notice of lien in the office of the recorder of deeds of the county, which shall be a lien against the real estate superior to all other liens and encumbrances except tax liens. However, such lien shall not be valid as to any mortgagee, judgment creditor or other lien or whose rights in and to such real estate arise prior to the filing of such notice. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when such cost and expense was incurred.
- (g) *Penalty.* In addition to the provisions set forth in this section, any person, firm or corporation who or which violates the provisions of this section shall be subject to the general penalty provision of this Code.

**Section 3:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be repealed.

**Section 4:** 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

Ayes: Roll Call Vote:  
Councilwoman Pacino Sanguinetti  
Councilman Scalzo  
Councilman Prendiville  
Councilman Rutledge  
Councilman Saline  
Mayor Pro Tem Suess

Nays: None  
Absent: Mayor Gresk

Motion Carried Unanimously

Passed: August 18, 2014  
Published: August 19, 2014

