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ORDINANCE NO. 2014-O-04

**FALSE ALARM ORDINANCE ESTABLISHING FINES
AND OTHER PENALTIES FOR FALSE ALARMS AND AMBULANCE CALLS**

WHEREAS, the West Chicago Fire Protection District is a fire protection district duly organized under the laws of the State of Illinois; and

WHEREAS, the Board of Trustees of the District has express power pursuant to 70 ILCS 705/11, to adopt and enforce fire prevention codes and standards parallel to national standards to promote fire prevention; and

WHEREAS, the Board of Trustees ("the Board") of the District has express power, pursuant to 70 ILCS 705/6(h), to impose civil penalties on individuals who repeatedly cause false fire alarms; and

WHEREAS, the Board also has full power, pursuant to 70 ILCS 705/6(i), to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the Board of Trustees of the District for carrying into effect the objects for which the District was formed; and

WHEREAS, the Board of Trustees of the District also has express power pursuant to 740 ILCS 115/4 to enforce liability imposed under Parental Responsibility Law against the parent or legal guardian of an un-emancipated minor who resides with such parent or legal guardian for actual damages for the willful or malicious acts of such minor which cause injury to a person or property not to exceed actual damages as provided by the Parental Responsibility Law; and

WHEREAS, many homes, business establishments and public buildings within the District are equipped with systems, including automatic detection devices and signaling devices that transmit alarms or signals of a fire or medical emergency to the District; and

WHEREAS, a variety of circumstances result in false alarms being transmitted, which endangers the life safety of innocent people and result in the expenditure of substantial amounts of money for personnel and equipment sent to respond to such false alarms; and

WHEREAS, the Board desires to create a schedule of fines and penalties for false alarms in order that the District may be adequately compensated for the cost of responding to false alarms and to provide incentives to building owners within the District to maintain their private fire alarm systems in good working order and repair, while penalizing those who fail to do so; and

WHEREAS, the Board desires to rescind all other prior False Alarm Ordinances previously enacted by this District and to adopt this Ordinance in their place; and

WHEREAS, the District desires to modify an ordinance imposing liability under the Parental Responsibility Law to impose service charges for false fire alarms and ambulance calls in order that the District may be reasonably compensated for the cost of responding to false fire alarms or ambulance calls and to discourage an un-emancipated minor from willfully or maliciously giving a false fire alarm or ambulance call.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the West Chicago Fire Protection District as follows:

Section One: Definitions. For the purpose of this section, the following words and phrases shall have the meanings ascribed to them in this section.

A. False Alarm. An alarm signal which indicates the existence of any emergency situation when in fact, no such emergency exists, and shall include any alarm signal generated by any fire protection system by whatever means.

B. Improper Installation or Design: Under the scope of this definition when a new System is installed in a negligent or faulty manner, or when a System is designed in

a substandard or faulty manner, either of which results in a False Alarm activation in a non-emergency situation.

C. Improper Maintenance: Under the scope of this definition when existing Systems have not been properly maintained by the property owner, which results in a False Alarm activation in a non-emergency situation. This definition includes, but is not limited to, the proper maintenance of all components within any System.

D. Improper Use: Under the scope of this definition when an action of a User results in a False Alarm activation in a non-emergency situation due to the User's carelessness or negligence.

E. Intentional False Alarms: Those False Alarms that are purposely and non-accidentally activated in non-emergency situations without prior notification to the West Chicago Fire Protection District.

F. Malicious False Alarms: Those false alarms activated by unauthorized, untrained individuals who create a primary or subsequent incident due to the invasive action(s) to any portion of any System regardless of the situation or circumstance(s).

G. Out of Service System: A System that has been disabled by an Alarm Technician or Fire District Personnel when it cannot currently operate as required.

H. System: Includes all fire alarm systems, sprinkler systems and other automated systems that transmit or sound alarms or signals that require a response by the Fire District.

I. Three-month Period: The Three-month Period shall be the three calendar months immediately preceding the date of the False Alarm for which the citation was issued.

J. User: The owner of the property from which the False Alarm originates and any individual, partnership, corporation, organization or other entity on the property shall be included in this definition.

Section Two: Schedule of Fines: The schedule of fines for False Alarms is as follows:

A. Type of False Alarms Charged: A User shall be cited for each False Alarm if such False Alarm is:

1. an Intentional False Alarm;
2. a Malicious False Alarm;
3. due to or caused by Improper Installation or Design;
4. due to or caused by Improper Maintenance;
5. due to or caused by Improper Use; or
6. resulting from any test, repair, alteration or addition to a System without prior notification thereof to the West Chicago Fire Protection District.

B. Type of False Alarms Not Charged: A User shall not be charged for each of the following False Alarms when verified by Fire District Personnel:

1. Fire causing damage to structures or contents of a protected premises.
2. Earthquake, tornado or hurricane winds causing structural damage to the protected premises.
3. Flooding to the protected premises due to overflow of natural drainage or other water leaks within the building.
4. Lightning causing physical damage to the protected premises.
5. Telephone line malfunction verified to the Fire District by an authorized telephone company supervisor within seven days of the occurrence.
6. Electrical service interruption verified to the Fire District by the local power company manager within seven days of the occurrence.
7. Plumbing or electrical malfunctions unrelated to the fire protection system.
8. A 30 day new system grace period with proof of installation date.

C. Fines: A User shall be fined for False Alarms as follows:

1. First False Alarm within a One-Year Period: warning letter (no fine).
2. Second False Alarm within a One-Year Period: \$300.00.
3. Each additional False Alarm within a One-Year Period after two shall result in a false alarm charge of at least \$300.00, with each charge increasing by \$100.00 for each additional False Alarm, not to exceed \$750.00 per additional incident.
4. If the False Alarm is a Malicious False Alarm, the schedule of fines above shall apply and an additional fine of up to \$1000.00, and formal charges will be filed in accordance with 720 ILCS 5/26-1(a)(2) with the appropriate agency.
5. If the False Alarm is an Intentional Alarm, then an additional fine of \$1,000.00 shall be added to the fine listed above, and formal charges will be filed in accordance with 720 ILCS 5/26-1(a)(2) with the appropriate police agency.

D. Out of Service System: If a System: (i) cannot be restored or returned to normal, or (ii) gives three (3) or more False Alarms within a twelve (12) hour period, the West Chicago Fire Protection District reserves the right to place the System out-of-service and may require a fire watch at its discretion. If District personnel are required to serve on fire watch, the offending User(s) must reimburse the District at the actual cost of personnel and equipment. Any System placed out-of-service under this section must be repaired and placed back in service within the time period specified by the West Chicago Fire Protection District.

E. Joint and Several Liability: More than one User may be charged under this Ordinance for a single False Alarm, and the User(s) so charged are jointly and severally liable for any citations and fines due under this Ordinance.

F. Additional Fines: That, in addition to the fines set forth in Section Two, if any User refuses to pay or fails to pay within 60 days of notice of the fine, the User will be deemed to have further violated this Ordinance and will incur an additional fine of not

less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense plus all legal fees and all costs caused by enforcement. Such fees and costs shall include, but not be limited to, staff costs of inspection or re-inspection, attorney fees, and staff cost of enforcement. A separate offense shall be deemed committed for each day on which a violation occurs or continues.

G. Failure to Pay: Failure to pay any fine or penalty imposed by this Ordinance will result in the imposition of judicial proceedings to collect said fine or penalty. In the event it is necessary to seek judicial relief, the District shall be entitled to collect any and all attorneys' fees, witness fees and other court costs incurred by virtue of the court proceedings.

H. Revenues: All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general fund of the West Chicago Fire Protection District.

Section Three: Liability. The West Chicago Fire Protection District assumes no liability for:

1. Any defects in the operation of a System.
2. For failure or neglect to respond appropriately upon receipt of an alarm.
3. For failure or neglect of any person in connection with the installation, operation or maintenance of any System.
4. The transmission of alarm signals, pre-recorded alarm messages, or the relaying of such signals and messages.

Section Four: Waivers. The Fire Chief and his designees are hereby permitted to waive the warnings and/or fees due under this Ordinance in cases of demonstrated financial hardship, intergovernmental cooperation, or in cases where Systems have been repaired or replaced and are operating properly. Requests for the waiver of fees must be made in writing to the Fire Prevention Bureau Chief, who shall make the initial

determination as to the validity of the waiver request. Any waiver or forbearance under this Paragraph shall not be deemed a waiver by the District to pursue future violations by the user.

Section Five: Appeal Procedure. All Users who are assessed fines in accordance with Section Two of this Ordinance or denied a waiver of fine pursuant to Section Four of this Ordinance shall have the right to appeal their fines before the Fire Chief of the District in accordance with the appeal procedure established below:

Step One. All applications for appeal shall be made in writing to the Fire Chief within fifteen (15) calendar days from the date that the fines under this Ordinance are imposed, or they are deemed waived. Upon receipt of an application for appeal, the Fire Chief will schedule a hearing on the User's appeal. Said hearing shall commence no less than fifteen (15) calendar days from the date that the Fire Chief receives the User's application for appeal. All Users making an application for appeal shall be given an opportunity to be heard and may appear with the representative of their choosing. The Fire Chief shall provide the User with a written notice of his decision within five (5) business days from the completion of the appeal.

Step Two. All Users that have completed Step One of this appeal procedure shall have the right to an additional appeal before the Board of Trustees of the District. Said appeal to the Board of Trustees shall be made in writing to the Fire Chief within fifteen (15) calendar days from the date that the Fire Chief renders his decision on Step One of the appeal procedure. All Users making an application for appeal before the Board of Trustees shall be given an opportunity to be heard and may appear with the representative of their choosing. The Board of Trustees may opt to appoint a hearing officer to hear the Step Two appeal. The hearing officer shall report his or her factual findings and any recommendations to the Board of Trustees at its next regular board meeting. The Board of Trustees shall deliberate and make a decision on the Step Two

appeal at that meeting, and the Board or its designee shall provide the User with a final written determination on the appeal within five (5) business days of the date of its board meeting.

Section Six: The following describes the responsibility of the Fire District in accordance with the entire agreement:

A. Nothing in this Ordinance shall authorize the District to refuse to provide any service to any person, business or other entity that has not paid for services previously provided or that owes money for services previously rendered.

B. Superseding Effect: That this Ordinance shall supersede any ordinances or motions or parts of ordinances or motions in conflict with any part herein, and any such ordinances or motions or parts of such ordinances are hereby repealed.

C. Validity: If any section, paragraph or provisions of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Ordinance.

Section Seven: Publication. That the Secretary of the West Chicago Fire Protection District is hereby directed to publish this Amended Ordinance in full at least once in a newspaper published in the District. Publication shall take place at least ten (10) days prior to implementation of this Ordinance. That the provisions of this Ordinance shall be in full force and effect ten (10) days after publication as provided by law.

ADOPTED this 23rd day of December, 2013 by the following roll call vote:

AYES: 5 - Jankovs, Grobe, Beatchers, Murphy, Kubinski

NAYS: 0

ABSENT: 0


President, Board of Trustees
West Chicago Fire Protection District

ATTEST:



Secretary, Board of Trustees
West Chicago Fire Protection District

STATE OF ILLINOIS)
) ss
COUNTY OF DUPAGE)

SECRETARY'S CERTIFICATE

I, JAMES GROBE, the duly qualified and acting Secretary of the Board of Trustees of the West Chicago Fire Protection District, DuPage County, Illinois, and the keeper of the records thereof, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

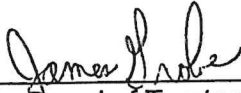
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adopted by said Board of Trustees on the 23rd day of December, 2013.

I do further certify that a quorum of said Board of Trustees was present at the said meeting, and that the Board complied with all requirements of the Illinois Open Meetings Act. Further, I certify that the Ordinance has not been amended or altered and is in full force and effect as of the date indicated below.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of December, 2013.



Secretary, Board of Trustees
West Chicago Fire Protection District

(SEAL)