

ORDINANCE NO. 2005-04

**AN ORDINANCE ESTABLISHING A
SCHEDULE OF FINES FOR FALSE FIRE ALARMS**

WHEREAS, the Algonquin-Lake in the Hills Fire Protection District is a fire protection district duly organized under the laws of the State of Illinois; and

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

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

NOW, THEREFORE, Be It Ordained by the Board of Trustees of the Algonquin-Lake in the Hills Fire Protection District, McHenry and Kane Counties, Illinois, 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, but shall not include alarms resulting from

any of the following causes:

1. Fire causing damage to structures or contents of a protected premises verified by the Fire District.
 2. Earthquake causing structural damage to the protected premises.
 3. Tornado or hurricane winds causing structural damage to the protected premises.
 4. Flooding to the protected premises due to overflow of natural drainage or other water leaks within the building.
 5. Lightning causing physical damage to the protected premises.
 6. Telephone line malfunction verified to the Fire District by an authorized telephone company supervisor within seven days of the occurrence.
 7. Electrical service interruption verified to the Fire District by the local power company manager within seven days of the occurrence.
 8. Plumbing or electrical malfunctions unrelated to the fire protection system.
 9. The malfunction of the Fire District-owned Keltron Radio transceiver installed within the premises when verified by the Fire District's authorized vendor.
- B. User: The owner of the property from which the False Alarm originates and any individual, partnership, corporation, organization or other entity on the property with permission of the owner.
- C. Intentional False Alarms: Those False Alarms that are purposely and non-accidentally activated in non-emergency situations without prior notification to the Algonquin-Lake in the Hills Fire Protection District.
- D. Improper Installation or Design: Systems fall under the scope of this definition when new Systems are 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.
- E. Improper Maintenance: Systems fall 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.
- F. Improper Use: Systems fall 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.
- G. System: Includes all fire alarm systems, sprinkler systems and other automated systems that transmit alarms or signals to the District.

- H. Twelve-Month Period: The "Twelve-Month Period" shall be the twelve (12) calendar months immediately preceding the date of the False Alarm for which the citation was issued.

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

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- 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. due to or caused by Improper Installation or Design;
 3. due to or caused by Improper Maintenance;
 4. due to or caused by Improper Use; or
 5. resulting from any test, repair, alteration or addition to a System without prior notification thereof to the Algonquin-Lake in the Hills Fire Protection District.
- B. Fines: A User shall be fined for False Alarms as follows:
1. First and Second False Alarms in a twelve-month period: warning letter (no fine).
 2. Third and Fourth False Alarms in a twelve-month period: \$100.00 per False Alarm activation.
 3. Each additional False Alarm in a twelve-month period after two shall result in a false alarm charge of at least \$250.00, with each charge increasing by \$50.00 for each additional False Alarm, not to exceed \$500.00 per additional incident.
 4. If the False Alarm is an Intentional Alarm, then an additional fine of \$500 shall be added to the fine listed above.
- C. Out of Service Alarm: 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 Algonquin-Lake in the Hills 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 Algonquin-Lake in the Hills Fire Protection District.
- D. 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.

- E. **New Alarm Systems:** Whenever a new System is installed and added to the District Keltron Wireless Alarm Network, no fire alarm activation received from the User's location shall be subject to fines under this Ordinance for a period of fifteen (15) days from the date of System acceptance by the District's Fire Prevention Bureau, unless the total number of False Alarms during the first fifteen (15) days exceeds ten (10) False Alarms. The eleventh and each subsequent False Alarm during the first fifteen (15) days shall be charged a fine of \$100.00 per False Alarm activation. After the fifteen (15) day grace period, the User shall be subject to the False Alarm fine schedule set forth in Section Two (B) of this Ordinance.

Section Three: In addition to the fines set forth in Section Two, if any User refuses to pay or fails to pay within 30 (thirty) days of notice of the fine, the User will be deemed to have further violated this Ordinance and will incur an additional late fee of not less than \$100 nor more than \$500 for each offense plus all fees and costs incurred to enforce the Ordinance. Such fees and costs shall include, but not be limited to, staff costs of inspection or re-inspection, reasonable legal fees, and staff cost of enforcement. A separate offense shall be deemed committed for each day on which a violation occurs or continues.

Section Four: Failure to pay any fine which is reduced to judgment shall result in a lien filed against the User's property.

Section Five: The Algonquin-Lake in the Hills Fire Protection District assumes no liability for:

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

Section Six: The Fire Chief is hereby permitted to waive the 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 Chief, who shall make the initial determination as to the validity of the waiver request.

Section Seven: 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 Six 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 Eight: All revenue from the fines assessed pursuant to this Ordinance shall be deposited in the general fund of the Algonquin-Lake in the Hills Fire Protection District.

Section Nine: 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.

Section Ten: 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.

Section Eleven: 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 Twelve: The Secretary of the Algonquin-Lake in the Hills Fire Protection District is hereby directed to publish this 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 (70 ILCS 705/7).

ADOPTED this 18th day of August, 2005, by the following roll call vote:

AYES: Bemis, Donohue, DuCharme


NAYS: Ø

ABSENT: Ø



President, Board of Trustees
Algonquin-Lake in the Hills Fire Protection District

ATTEST:



Secretary, Board of Trustees
Algonquin-Lake in the Hills Fire Protection District