

ORDINANCE NO. 04-05-26

CAROL STREAM FIRE PROTECTION DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO. 00-04-11 WHICH ESTABLISHED A SCHEDULE OF FINES FOR FALSE FIRE ALARMS

WHEREAS, the District's previous ordinance providing for fees, Ordinance Number 00-04-11, has not been updated for four years, and sets forth fees below those reasonably charged by other districts; and

WHEREAS, the Trustees have reviewed the cost of delivering said services and have found the rates hereinafter set forth to be the reasonable cost of providing the services set forth;

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

1. Section 2, False Alarm Fines, of Ordinance Number 00-04-11 is hereby amended to read as follows:

A. False Alarm – General

Any Alarm User whose Automatic Fire Alarm System generates three or more false alarms as defined in this Ordinance as False Alarm – General, in a calendar year, shall be assessed a fine in accordance with the following:

False Alarms, 3 to 4:	\$125.00 per response, beginning with the third response
False Alarms, 5 to 7:	\$250.00 per response, beginning with the fifth response
False Alarms, 8 to 9:	\$500.00 per response, beginning with the eighth response
False Alarms, 10 or more:	\$750.00 per response, beginning with the tenth response

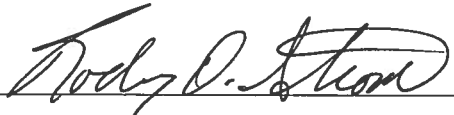
B. False Alarm – Negligent – Failure To Notify

Any Alarm User whose Automatic Fire Alarm System generates a false alarm as defined in this Ordinance as False Alarm – Negligent - Failure To Notify shall be assessed a fine of \$250.00 per response. These will not be counted as part of the Alarm Users calendar year total.

2. This Ordinance amending Ordinance Number 00-04-11 shall be in full force and effect on July 1, 2004 and publication is hereby authorized and directed to be done by the President and Board of Trustees.

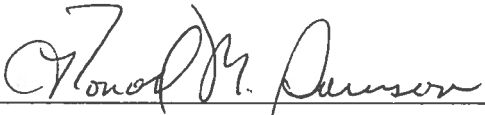
By order of the Board of Trustees of the Carol Stream Fire Protection District, Du Page County, Illinois, as passed this 10th day of May, 2004

AYES: 4
NAYS: 0
ABSTAIN: 0
ABSENT: 1



FOR Deldon D. Miller, President
Rodney D. Strom
President Pro-tem

ATTEST:



FOR Rodney D. Strom, Secretary
Ronald M. Samson, Secretary
Pro-tem

ORDINANCE NO. 00-04-11

CAROL STREAM FIRE PROTECTION DISTRICT

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

WHEREAS, the Carol Stream Fire Protection District is a fire protection district duly organized under the Illinois Fire Protection District Act, 70 ILCS 705; and

WHEREAS, the Illinois Legislature, in adopting the Fire Protection District Act, 70 ILCS 705/1, declared as a matter of legislative determination that it was necessary in the public interest to confer upon and vest the District with all powers necessary or appropriate to provide "as nearly adequate protection from fire for lives and property within the District as possible" and to regulate the prevention and control of fire therein; and

WHEREAS, the Board of Trustees of the District also has full power pursuant to 70 ILCS 705/6, to pass all necessary ordinances, 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 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, many homes, business establishments and public buildings within the District are equipped with 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 sent to the District, and such false alarms require the District to respond and expend manpower and equipment that otherwise would be available to respond to actual fire calls and medical emergencies; and

WHEREAS, the diversion of manpower and equipment to respond to false alarms infringes upon the District's ability to promptly respond to actual fire and emergency medical calls and, hence, impairs the District's ability to provide as nearly adequate protection from fire as possible; and

WHEREAS, the District desires to create a schedule of fines for certain repeated or negligently caused false alarms, so as to encourage building owners within the District to maintain their private alarms 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 Carol Stream Fire Protection District as follows:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, and words shall have the meaning given herein:

A. Alarm Business

Any individual, partnership, corporation or other entity, which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing of Automatic Fire Alarm Systems or which causes any of these activities to take place.

B. Automatic Fire Alarm System

An assembly of equipment, mechanical or electrical, arranged, designed, or used to signal the occurrence of a fire emergency, medical emergency, or other event requiring urgent attention and to which Carol Stream Fire Protection District personnel and equipment are expected to respond. This includes those through which public safety personnel are notified directly of such signals through electronic signal devices or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the fire protection district or its agents. Also included are those designed to register a signal, which is so audible, visible, or in other ways perceptible outside a protected building, structure, or facility as to alert persons beyond the zoning lot where the signal is located. Those persons in turn may notify the fire protection district or its agents and generate a response.

C. Alarm Agent

Persons acting as agents for the Alarm User, or for occupants of the Alarm User's property who are conducting repairs, testing, installation, altering, or maintaining any system supervised by the Automatic Fire Alarm System.

D. Alarm User

The person, firm, partnership, association, corporation, company or organization of any kind in control of the premises or property where an Automatic Fire Alarm System is installed. Automatic Fire Alarm Systems in separate structures are to be counted as separate systems, even though owned by the same person or entity.

E. Alarm Coordinator

The employee of the Carol Stream Fire Protection District designated by the Fire Chief as the Alarm Coordinator.

F. False Alarm -General

An alarm signal within the District eliciting a response by the Carol Stream Fire Protection District, or an authorized mutual aid Fire Department, when a situation requiring a response by the Fire Department does not in fact exist. This shall include

activation of the Automatic Fire Alarm System or any system supervised by this system due to mechanical or electronic failure, malfunction, improper installation, failure to properly maintain, or the negligence of the Alarm User, the Alarm User's employees or agents.

False Alarms **shall not** include alarms determined to be of the following nature:

- 1) Fire or smoke are present at the location as verified by the Fire District.
- 2) Malicious acts of persons not under the control of the Alarm User.
- 3) Criminal activity
- 4) Alarms caused by tornadoes, earthquakes, floods, or natural disasters.
- 5) Physical damage to the property by lightning.
- 6) Telephone line malfunction verified to the Fire District Alarm Coordinator by an authorized telephone company supervisor within seven days of the occurrence.
- 7) Plumbing or electrical malfunctions unrelated to the fire protection systems.
- 8) Alarms occurring on a repeated basis without an apparent cause within the first thirty (30) days after the installation or renovation of the automatic alarm system provided that the installation complies with all applicable codes.

G. False Alarm- Negligent- Failure To Notify

An alarm signal within the District eliciting a response by the Carol Stream Fire Protection District or an authorized mutual aid Fire Department due to negligence on the part of an Alarm Business, Alarm Agent, Alarm User or the Alarm Users agent. Said negligence arising from that parties failure to notify the proper alarm-monitoring agency in conjunction with testing, repairing, altering or maintaining the Automatic Fire Alarm System, or any system or device supervised by the Automatic Fire Alarm System.

SECTION 2. FALSE ALARM FINES

A. False Alarm – General

Any Alarm User whose Automatic Fire Alarm System generates three or more false alarms as defined in this Ordinance as False Alarm – General, in a calendar year, shall be assessed a fine in accordance with the following:

False Alarms, 3 or more:	\$125.00 per response, beginning with the third response
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B. False Alarm – Negligent – Failure To Notify

Any Alarm User whose Automatic Fire Alarm System generates a false alarm as defined in this Ordinance as False Alarm – Negligent - Failure To Notify shall be assessed a fine of \$125.00 per response. These will not be counted as part of the Alarm Users calendar year total.

SECTION 3. NOTIFICATION

The Alarm Coordinator shall notify the Alarm User via U.S. Mail of each instance wherein a False Alarm - General or a False Alarm - Negligent - Failure To Notify was recorded. In the case of a second recorded False Alarm - General in any one calendar year, the notice shall further inform the Alarm User that any additional False Alarms - General shall result in the imposition of False Alarm fines as set fourth herein. In the case of a False Alarm - Negligent - Failure To Notify the written notice shall indicate the imposition of the False Alarm fine set forth herein.

SECTION 4. OUT OF SERVICE ALARM

If an Automatic Fire Alarm System gives three (3) or more false alarms within a forty-eight (48) hour period, the Carol Stream Fire Protection District reserves the right to place out-of-service the automatic fire alarm system and may require a fire watch at its discretion. Any automatic fire alarm system placed out-of-service under this section must be repaired and placed back in service within the time period specified by the Carol Stream Fire Protection District.

SECTION 5. PENALTY

In addition to the fine(s) set forth in Section Two, if any alarm user fails to pay or refuses to pay within 60 days of notification of the fine, the alarm user will be deemed to have further violated this Ordinance and will incur an additional fine of not less than \$25.00, nor more than \$500.00 for each offense plus all legal fees and all costs caused by enforcement. A separate offense shall be deemed committed for each day beyond the 60 day period an alarm user fails or refuses to pay.

SECTION 6. FAILURE TO PAY

Failure to pay any fine which is reduced to judgment will result in a lien filed against the alarm user's property.

SECTION 7. WAIVER OF FINES

The Board of Trustees of the Carol Stream Fire Protection District are hereby authorized to waive any and all fees due from a person, business or entity under this Ordinance. This may be done by an administrative regulation or on an individual basis as the circumstances warrant.

SECTION 8. REVENUE

All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general fund of the Carol Stream Fire Protection District.

SECTION 9. REFUSAL OF SERVICE

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 10. REPEAL OF CONFLICTING ORDINANCE

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

SECTION 11. INVALID SECTIONS

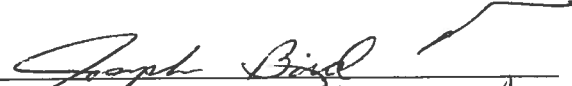
If any section, paragraph or provision of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Ordinance.

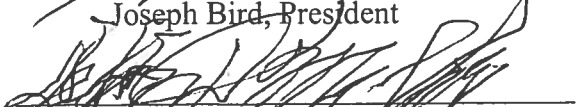
SECTION 12. EFFECTIVE DATE

This Ordinance shall be in full force and effect on July 1, 2000 and publication is hereby authorized and directed to be done by the President and Board of Trustees.

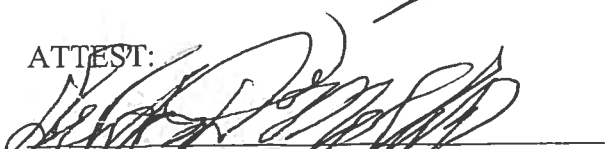
By order of the Board of Trustees of the Carol Stream Fire Protection District, Du Page County, Illinois, as passed this 24th day of April, 2000

AYES: 5
NAYS: 0
ABSTAIN: 0
ABSENT: 0



Joseph Bird, President


Deldon D. Miller, Secretary

ATTEST:


Deldon D. Miller, Secretary

FALSE ALARMS REPORTS CALLS AND BILLING

False alarm reports are reviewed and printed daily from the previous day. See attached sheet with codes that show which incidents are false alarms and should generate charges.

Print the reports and record them in the red binder labeled **Fire Alarm Log Book** (Jan.-Dec. current year) located on receptionist desk. The list below will assist you as to which letter and invoice to produce for the appropriate incident.

First alarm calls receive a letter.

Second alarm calls receive a letter.

Third or more alarm calls receive a letter and invoice.

The schedule of fines is as follows:

False Alarms 3 and 4	\$125.00
False Alarms 5, 6, and 7	\$250.00
False Alarms 8 and 9	\$500.00
False Alarm 10 or more	\$750.00

Negligent calls receive a letter and invoice.

False Alarm- Negligent	\$250.00
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Apartment complex letters and invoices are sent to building managers unless otherwise noted.

File the incident report and letter in the red binder labeled **Fire Alarm Fire Reports** (Jan-Jun or Jul-Dec/current year.) A monthly report is at the back of each month. Record the number of incidents per day on that sheet in the appropriate column. A copy of that sheet is given to the BC of Fire Prevention at the end of each month..

All invoices that have failed to pay within 45-60 days are followed up with another invoice with the following insert at the bottom of the invoice.

PENALTY FOR NONPAYMENT

That, in addition to the fine(s) set forth, if any alarm user fails to pay or refuses to pay within 60 days of notification of the fine, the alarm user will be deemed to have further violated this ordinance and will incur an additional fine of *not less than \$25.00, nor more than \$500.00* for each offense plus all legal fees and all costs caused by enforcement. Such fees and costs shall include, but are not limited to, staff costs of inspection or re-inspection, legal fees, and staff cost of enforcement. A separate offense shall be deemed committed for each day on which a violation continues.

FAULURE TO PAY

Failure to pay any fine which is reduced to judgment will result in a lien filed against the alarm user's property.

A follow up phone call is made within 14-21 days if payment has not been made or promise of a payment within a certain period of time.