

**LEMONT FIRE PROTECTION DISTRICT
Cook, DuPage and Will Counties, Illinois**

Ordinance No. 02-04

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

WHEREAS, the Lemont 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 of the District also has full power pursuant to 70 ILCS 705/6 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 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 unemancipated 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 of \$250.00 for each occurrence, and

WHEREAS, some 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 fire station, and the expenditures of substantial amounts of money for personnel and equipment sent to respond to such false alarms; and

WHEREAS, the District 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 fire alarms and to provide incentives to building owners within the District to maintain their fire alarm systems in good working order and repair, while penalizing those who fail to do so, and

WHEREAS, the District desires to adopt 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 unemancipated 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 Lemont 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, but shall not include alarms resulting from any of the following causes:
1. Fire causing structural damage to the 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.
 5. Lightning causing physical damage to the protected premises.

6. Electrical service interruption verified to the Fire District by the local power company manager within forty-eight hours of the occurrence.
 7. Plumbing or electrical malfunctions unrelated to the fire protection system.
- B. Fire Alarm User: The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein a fire protection system is maintained.
 - C. Intentional False Alarms: Those fire alarms that are purposely and non-accidentally activated in non-emergency situations without prior notification the Lemont 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 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 fire alarms shall be as follows:

LEMONT FIRE PROTECTION DISTRICT SCHEDULE OF FINES FOR FALSE ALARMS

- A. **Type of False Alarms Charged:** A fire alarm user shall be fined for each fire alarm if such false fire 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 Lemont Fire Protection District.
6. Negligent or improper operation of ancillary equipment or other building mechanical systems causing activation of the fire alarm system.

B. **Fines:** A fire alarm user shall be fined for false fire alarms as follows:

1. First false alarm in a twelve (12) month period: warning letter (no fine)
2. Second false alarm in a twelve (12) month period: \$150.00 fine.
3. Each additional false alarm in a twelve (12) month period after two (2) shall result in a false fire alarm charge of at least \$200.00, with each charge increasing by \$50.00 for each additional false alarm, not to exceed \$500.00.
4. Fire alarms given intentionally without reasonable cause to believe a fire exists or with malicious intent shall result in a false fire alarm charge of \$250.00.

C. **Out of Service Alarm:** If a fire alarm gives three (3) or more false fire alarms within a twelve (12) hour period, the Lemont Fire Protection District reserves the right to place out-of-service the fire alarm system and may require a fire watch at its discretion. Any fire alarm placed out-of-service under this section must be repaired and placed back in service within the time period specified by the Lemont 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.

Section Three:

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 \$25, nor more than \$500 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, 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:

The fine (s) set forth in Section two shall be issued via local ordinance violation tickets by the Code Official of the Lemont Fire Protection District. Ordinance violation tickets shall be issued against the fire alarm user. At the designated court date the Lemont Fire Protection District shall seek from the 5th Municipal Circuit Court of Cook County, Bridgeview, Illinois or the 18th Judicial Circuit Court of Dupage County, Downers Grove Field Court, Illinois or the 12th Judicial Circuit Court of Will County, Joliet, Illinois, a judgment against the fire alarm user, a fine of not less than \$150.00 dollars or more than \$500.00 dollars for the false fire alarm charge. A separate offense shall be deemed committed for each day a violation occurs or continues.

Section Five:

A failure to pay any fine which is reduced to judgment will result in a lien filed against the fire alarm users property.

Section Six:

False fire alarm charges against a fire alarm user that have been received by the Lemont Fire Protection District prior to the designated court date will result in a non-suit action by the Lemont Fire Protection District.

Section Seven:

The Lemont 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 Eight:

The Fire Chief and his designees are 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 Director of the Fire Prevention Bureau, who shall make the initial determination as to the validity of the waiver request.

Section Nine:

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 Ten of this Ordinance shall have the right to appeal their fine 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 with five (5) business days of the date of its board meeting.

Section Ten:

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

Section Eleven:

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 Twelve:

That this Ordinance shall supercede 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 Thirteen:

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 Fourteen:

That the Secretary of the Lemont 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.

ADOPTED this 2ND day of May, 2002, by the following roll call vote:

AYES: Bergmark, Kasperki, Limbo

NAY: Ø

ABSENT: Cobbett, Tracy

ABSTAIN: Ø

Rev. Glenn B. Bergmark

Rev. Glenn Bergmark
President, Board of Trustees
Lemont Fire Protection District

ATTEST:

Victoria Cobbett

Victoria Cobbett, Secretary/Board of Trustees
Lemont Fire Protection District

STATE OF ILLINOIS)
) SS
COUNTIES OF COOK,)
DUPAGE AND WILL)

SECRETARY'S CERTIFICATE

I, Victoria Cobbett, the duly qualified and acting Secretary of the Board of Trustees of the Lemont Fire Protection District, Cook, DuPage and Will Counties, Illinois, do hereby certify that the attached is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 02-04

**AN ORDINANCE OF THE LEMONT FIRE PROTECTION DISTRICT,
ESTABLISHING A SCHEDULE OF FINES FOR FALSE FIRE ALARMS**

which Ordinance was duly adopted by said Board of Trustees at a special meeting held on the 2ND day of May, 2002.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board of Trustees complied with all the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 2ND day of May, 2002.

Victoria Cobbett
Secretary, Board of Trustees
Lemont Fire Protection District

