

ORDINANCE NO. 97-4

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

WHEREAS, the North Aurora 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, 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 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 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 North Aurora 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. 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.

B. **Fire Alarm User:** A "fire alarm user" is defined as the owner of the property from which the false alarm originates and any individual, partnership, corporation, organization or other entity occupying or on the property with permission of the owner.

Section Two: Schedule of Fines. The schedule of fines for false fire alarms

shall be as follows:

**NORTH AURORA FIRE PROTECTION DISTRICT
SCHEDULE OF FINES FOR FALSE FIRE 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. given intentionally;
2. due to or caused by improper installation, design or use or due to a lack of required maintenance;
3. resulting from any test, repair, alteration or addition to the fire protection system without prior notification thereof to the North Aurora Fire Protection District.

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: no action.
2. Second false alarm in a twelve (12) month period: warning letter.
3. Each additional false alarm in a twelve (12) month period after two shall result in a false fire alarm charge of \$100.00.
4. If the false alarm is given intentionally, then an additional fine of \$500.00 shall be added to the fine listed above.

C. Out of Service Alarm: If a fire alarm gives three (3) or more false fire alarms within a twelve (12) hour period, the North Aurora Fire Protection District reserves the right to place out-of-service the fire alarm system and may require a fire watch at its discretion. If District personnel are required to serve on fire watch, the fire alarm users must reimburse the District at the actual cost of personnel and equipment. 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 North Aurora Fire Protection District.

Section Three: That, in addition to the fine(s) set forth in Section One, if any false alarm 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 reinspection, legal fees, and staff cost at 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 will result in a lien filed against the fire alarm user's property.

Section Five: The North Aurora Fire Protection District assumes no liability for:

1. Any defects in the operation of an alarm 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 alarm system.
4. The transmission of alarm signals, pre-recorded alarm messages, or the relaying of such signals and messages.

Section Six: The fire chief is hereby authorized to waive any or all of the fees due under this Ordinance. He may do so by policy or on an individual basis.

Section Seven: All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general fund of the North Aurora Fire Protection District.

Section Eight: 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 Nine: 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 Ten: 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 Eleven: That the Secretary of the North Aurora 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.