

**ORDINANCE NO. 02-01**

**AN ORDINANCE ESTABLISHING A  
SCHEDULE OF FINES FOR INSPECTION VIOLATIONS**

**WHEREAS**, the Warrenville 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 District desires to create a schedule of fines for inspection violations in order that the District may be adequately compensated for the cost of re-inspections and to provide incentives to building owners within the District to maintain their businesses in compliance with Life Safety Code and Fire District Codes, while penalizing those who fail to do so.

**NOW, THEREFORE, Be It Ordained** by the Board of Trustees of the Warrenville 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. **Business Owner:** A "Business Owner" is defined as the owner of the property from which the inspection violation originated 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 inspection violations shall be as follows:

**WARRENVILLE FIRE PROTECTION DISTRICT**  
**SCHEDULE OF FINES FOR INSPECTION VIOLATIONS**

- A. Type of Violations Charged: A Business owner shall be fined for each violation of the Warrenville Fire Protection District Code (District Ordinance #93-2) in accordance with the Fine Schedule set forth in Section Two B of this Ordinance.
- B. Fines: A business owner shall be fined for violations as follows:
1. Initial inspection where violation is found; no charge.
  2. First reinspection and if violation still exists; \$25.00 per violation.
  3. Second reinspection, performed by Fire Prevention Bureau, and violation still exists; \$40 per violation.

**Section Three:** That, in addition to the fine(s) set forth in Section One, if any business owner refuses to correct the violation or pay the fine within 60 days of notice of the violation, the business owner will be deemed to have further violated this ordinance and will incur an additional fine of not less than \$50, 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:** The failure to pay any fine which is reduced to judgment may result in a lien filed against the business owner's property.

**Section Five:** 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 in which compliance has been fully achieved. Requests for waiver of fees must be made in writing to the Fire Chief, who shall make the initial determinations as to the validity of the waiver request.

**Section Six:** Appeal Procedure. All Business Owners who are assessed fines in accordance with Section Two of this Ordinance or denied a waiver of fine pursuant to

Section Five of this Ordinance shall have the right to appeal their fines before the District's Board of Trustees or its designated hearing officer. All applications for appeal shall be made in writing to the Board of Trustees within fifteen (15) calendar days from the date that the fines under this Ordinance are imposed or the waiver is refused, or the appeals are deemed waived. Upon receipt of an application for appeal, the Board or its designee shall schedule a hearing on the Business Owner's appeal. Said hearing shall commence no less than fifteen (15) calendar days from the date that the Board of Trustees receives the Business Owner's application for appeal. All Business Owners making an application for appeal shall be given an opportunity to be heard and may appear with the representative of their choosing. The Board or its designee shall provide the Business Owner with a written notice of the decision within five (5) business days from the completion of the appeal.

**Section Seven:** All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general corporate fund of the Warrenville 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 Warrenville 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 14<sup>th</sup> day of January, 2002, by the following roll call

vote:

AYES: 3

NAY: 0

ABSENT: 0

Clifford A. Johnson  
President, Board of Trustees  
Warrenville Fire Protection District

ATTEST:

R. J. McHatt  
Secretary, Board of Trustees  
Warrenville Fire Protection District

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF DUPAGE      )

SS

**SECRETARY'S CERTIFICATE**

I, Kenneth J. McNatt, the duly qualified and acting Secretary of the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

**ORDINACE NO. 02-01**

**AN ORDINANCE ESTABLISHING A  
SCHEDULE OF FINES FOR INSPECTION VIOLATIONS**

which Ordinance was duly adopted by said Board Trustees at a meeting held on the 14 day of January, 2002.

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

**IT WITNESS WHEREOF**, I have hereunto set my hand this 14 day of January, 2002.

Kenneth J. McNatt  
Secretary, Board of Trustees  
Warrenville Fire Protection District