

ORDINANCE NO. 2004- 02

**AN ORDINANCE ESTABLISHING A SCHEDULE OF FINES  
FOR RESETTING ACTIVATED ALARM PANELS**

**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**, 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**, various fire alarms users in the District have, from time to time, reset fire alarm panels without the express permission of the Warrenville Fire Protection District; and

**WHEREAS**, the Board of Trustees of the District finds that good and compelling public safety reasons necessitate the requirement that District personnel attend to each fire alarm activation in the District, whether or not an actual fire exists in the building; and

**WHEREAS**, the District desires to create a schedule of fines against property owners who reset or permit others to reset activated alarm panels within the confines of the fire protection district.

**NOW, THEREFORE, Be It Ordained** by the Board of Trustees of the Warrenville Fire Protection District as follows:

**Section One: Base Policy.** No activated System alarm panel shall be cancelled or secured once the

Fire District is dispatched, except by the Fire District or an authority having jurisdiction.

**Section Two: Definitions.** For the purpose of this section, the following words and phrases shall have the meanings ascribed to them in this section.

A. **User:** The owner of the property on which the fire alarm panel is reset and any individual, business, corporation, organization or other entity on the property with permission of the owner.

B. **System:** Includes all fire alarm systems, sprinkler systems and other automated systems that transmit alarms or signals to the District.

C. **Twelve-month Period:** The Twelve-month Period shall be the 12 calendar months immediately preceding the date on which the penalty for violating this Fire Alarm Panel Reset Ordinance was issued.

**Section Three: Schedule of Fines:** The schedule of fines for false fire alarms shall be as follows:

**WARRENVILLE FIRE PROTECTION DISTRICT**  
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A. A User shall be fined for resetting activated alarm panels as follows:

1. First reset in a Twelve-Month Period: verbal warning and written warning letter.
2. Second reset in a Twelve-Month Period: \$500.00 fine.
3. Third and each additional reset in a Twelve-Month Period: \$500.00 fine.

B. **Joint and Several Liability:** More than one User may be charged under this Ordinance for a single resetting of an activated alarm panel, and the User(s) so charged are jointly and severally liable for any citations and fines due under this Ordinance.

**Section Four:** That, in addition to the fine(s) set forth in Section One, if the 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 \$50 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 Five:** The failure to pay any fine which is reduced to judgment will result in a lien filed against the User's property.

**Section Six: Appeal Procedure.** All Users who are assessed fines in accordance with Section Three & Four 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 Seven:** All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general 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 8<sup>th</sup> day of March, 2004, by the following roll call vote:

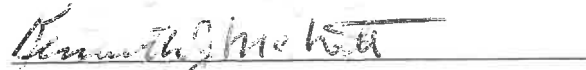
AYES: 2

NAY: 0

ABSENT: 1

  
\_\_\_\_\_  
President, Board of Trustees  
Clifford Johnson  
Warrenville Fire Protection District

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Trustees  
Kenneth J. McNatt  
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 I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:


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which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 8<sup>th</sup> day of March, 2004.

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.

IN WITNESS WHEREOF, I have hereunto set my hand this 8<sup>th</sup> day of March, 2004.

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