

FILE

ORDINANCE NO. 12-04

**AN ORDINANCE AMENDING SELECT PROVISIONS OF ORDINANCE 11-02  
AUTHORIZING A THIRD PARTY INSPECTION REPORTING SYSTEM  
OF THE WARRENVILLE FIRE PROTECTION DISTRICT**

**WHEREAS**, the Warrenville Fire Protection District (the "District") is a fire protection district duly incorporated under the laws of the State of Illinois including but not limited to the Illinois Fire Protection District Act (the "Act", 70 ILCS 705/1 *et seq.*); and

**WHEREAS**, the District's Board of Trustees (the "Board") has full power pursuant to Section 6 of the Act (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 for carrying into effect the objects for which the District was formed; and

**WHEREAS**, the District has established, adopted and continues to maintain a fire prevention code for the benefit and safety of both residents and non-residents of the District parallel to national standards in accordance with Section 11 of the Act (70 ILCS 705/11); and

**WHEREAS**, it has been and remains the intention of the District to require that all structures and buildings erected and constructed within the boundaries of the District are inspected in accordance with the terms of District's fire prevention code, as well as the laws of the State of Illinois relating to building construction; and

**WHEREAS**, certain inspections are a necessary and essential action to ensure compliance with the District's fire prevention code and State building related laws for building and life safety purposes; and

**WHEREAS**, the Board finds that it was and remains in the best interest of the District to adopt a third party inspection reporting system for the submission of inspection reports for building and life safety purposes; and

**WHEREAS**, the Board finds that it was and remains in the best interest of the District to appoint BRYCER, LLC to provide the District with the aforementioned third party inspection reporting system; and

**WHEREAS**, to these ends the Board adopted Ordinance 11-02 entitled "AN ORDINANCE AUTHORIZING A THIRD PARTY INSPECTION REPORTING SYSTEM OF THE WARRENVILLE FIRE PROTECTION DISTRICT" on August 24, 2011 ["ORD 11-02"]; and

**WHEREAS**, the Board finds that it is in the best interest of the District to amend select provisions of ORD 11-02 relating to the appointment of BRYCER, LLC to provide the District with the aforementioned third party inspection reporting system.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Warrenville Fire Protection District, DuPage County, Illinois, as follows:

**Section One:** That the Board hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and they are incorporated into this Ordinance by reference.

**Section Two:** Section Two of ORD 11-02 is deleted and replaced in its entirety with the following:

**Section Two:** The Board hereby approves the initiation of a third party inspection reporting system for the submission, by the inspection company, of inspection reports for building and life safety purposes. Said third party inspection reporting system for submission to the District shall be tendered on-line at a designated website or web address within 30 days of inspection results.

**Section Three:** Section Three of ORD 11-02 is deleted and replaced in its entirety with the following:

**Section Three:** The Board hereby appoints BRYCER, LLC to provide the District with the aforementioned third party inspection reporting system. Any duly and properly certified and licensed third party entity providing code compliance inspection services to District residences and businesses pursuant to the District's fire prevention code and state law shall provide such results as prescribed and announced by BRYCER, LLC and approved by the District's Fire Chief.

**Section Four:** Section Four of ORD 11-02 is deleted and replaced in its entirety with the following:

**Section Four:** All District residents and business are required to comply with the inspection reporting requirement prescribed in this Ordinance.

**Section Five:** Section Five of ORD 11-02 is deleted and replaced in its entirety with the following:

**Section Five:** A. Each and every day on and after which a violation of this Ordinance exists shall be deemed to constitute a new and separate violation, for which any person adjudged by a court of competent jurisdiction to have violated this Ordinance by a preponderance of the evidence shall be subject to the fine specified in this Section, plus applicable hearing and other costs, as provided in this Section.

B. Any resident or business adjudged by a court of competent jurisdiction to have violated this Ordinance by a preponderance of the evidence shall be subjected to a fine of FIFTY DOLLARS (\$50.00) multiplied by the number of days that said violation exists or continues to exist. By way of example, the fine for a single day of a violation would be \$50.00, a second day \$100.00, a third day \$150.00, etc.

C. Further, whenever any resident or business is adjudged by a court of competent jurisdiction to have violated this Ordinance by a preponderance of the evidence, the court may in addition to a fine imposed, impose court costs and fees as determined from time to time by the Clerk of the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, pursuant to law and regulation, and Illinois Supreme Court Rule.

D. Further, the District reserves the right to pursue any and all remedies at law and equity for enforcement of this Ordinance; and, to recover from parties adjudged by a court of competent jurisdiction to have violated this Ordinance by a preponderance of the evidence as restitution, all costs incurred in enforcement of this Ordinance, not to exceed actual out of pocket expenses or loss proximately caused by the conduct of the defendant, including but not limited to reasonable District staff and attorneys fees as well as charges for the use of the services of a collection agency. The court shall determine the amount and conditions of payments.

**Section Six:** New Sections Six through Eight, inclusive, are added to  
ORD 11-02:

**Section Six:** Nothing in this Ordinance shall preclude the assessment of fees or other charges pursuant to any other District ordinance(s) or resolution(s).

**Section Seven:** The invalidation of any section, part, provision, term or phrase of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remaining sections, parts, provisions, terms or phrases of this Ordinance.

**Section Eight:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with the law.

**ADOPTED** this 19 day of September, 2012, by roll call vote as recorded below.

AYES: 3

NAYS: 0

ABSTAIN: 0

ABSENT: 0

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

ATTEST:

  
  
\_\_\_\_\_  
Secretary, Board of Trustees  
Warrenville Fire Protection District

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF DUPAGE        )        SS

**SECRETARY'S CERTIFICATE**

I, Clifford Johnson, 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:

**ORDINANCE NO. 12-04**

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which said Ordinance was adopted by the Board of Trustees of the Warrenville Fire Protection District at a regular meeting held on the 19 day of September, 2012, at which meeting a quorum was present.

I further certify that the vote on the question of the adoption of the said Ordinance by the Board of Trustees of the Warrenville Fire Protection District was taken by Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Warrenville Fire Protection District.

I do further certify that the Ordinance of which the foregoing is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19 day of September, 2012.

  
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Secretary, Board of Trustees  
Warrenville Fire Protection District