

ORDINANCE NO. 218

**AN ORDINANCE ESTABLISHING FINES AND OTHER
PENALTIES FOR FALSE FIRE ALARMS
BY THE FRANKFORT FIRE PROTECTION DISTRICT, WILL COUNTY, ILLINOIS**

WHEREAS, the Frankfort 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 ("the Board") 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 systems, including 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 transmitted, which endangers the life safety of innocent people and result in the expenditure of substantial amounts of money for personnel and equipment sent to respond to such false alarms; and

WHEREAS, the Board desires to create a schedule of fines and penalties for false alarms in order that the District may be adequately compensated for the cost of responding to false 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; and

WHEREAS, the District finds that the procedures and fees for multiple false fire alarms would serve the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Frankfort 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 damage to structures or contents of a protected premises when 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 or other water leaks within the building (excluding leaks due to building neglect).
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. **User:** The owner of the property from which the False Alarm originates and any individual, partnership, corporation, organization or other entity on the property shall be included in this definition.

C. **Improper Installation or Design:** Under the scope of this definition when a new System is 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.

D. **Improper Maintenance:** 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.

E. **Improper Use:** 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.

F. **Intentional or Malicious False Alarms:** Those False Alarms that are purposely and non-accidentally activated in non-emergency situations without prior notification to the Frankfort Fire Protection District.

G. **System:** Includes all fire alarm systems, sprinkler systems and other automated systems that transmit or sound alarms or signals that require a response by the Fire 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 Alarms is as follows:

**FRANKFORT FIRE PROTECTION DISTRICT
SCHEDULE OF FINES FOR FALSE ALARMS**

A. **Type of False Alarms Charged:** A User shall be cited for each False Alarm if such False Alarm is:

1. 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;
5. Resulting from any test, repair, alteration or addition to a System without prior notification thereof to the Frankfort Fire Protection District or its official dispatch center; or
6. An alarm responded to that was reported by a central station monitoring service.

B. **Fines:** A User shall be fined for False Alarms as follows:

1. First False Alarm within a Twelve-month Period: warning letter (no fine) and a copy of this false fire alarm ordinance and fine schedule;
2. Second False Alarm within a Twelve-month Period: \$150 fine in addition to above;
3. Third False Alarm within a Twelve-month Period: \$200 fine in addition to above;
4. Each additional False Alarm within a Twelve-month Period after three (3) shall result in a false alarm charge of at least \$250.00, with each charge increasing by \$50.00 per occurrence;
5. If the False Alarm is an Intentional Alarm, then an additional fine of \$1,000.00 shall be added to the fine listed above.

C. **Out of Service System:** If a System: (i) cannot be restored or returned to normal, or (ii) gives two (2) or more False Alarms within a twenty-four (24) hour period,

the Frankfort Fire Protection District reserves the right to place the System out-of-service and may require a fire watch at its discretion. If District personnel are required to serve on fire watch, the offending User(s) must reimburse the District at the current mitigation rate as defined in Ordinance No. 197. Any System placed out-of-service under this section must be repaired and placed back in service within the time period specified by the Frankfort 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: Penalties: 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 penalty of not less than \$50, nor more than \$250 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: Failure to Pay: Failure to pay any fine or penalty imposed by this Ordinance will result in the imposition of judicial proceedings to collect said fine or penalty. In the event it is necessary to seek judicial relief, the District shall be entitled to collect any and all attorneys' fees, witness fees and other court costs incurred by virtue of the court proceedings.

Section Five: Liability: The Frankfort 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; or
4. The transmission of alarm signals, pre-recorded alarm messages, or the relaying of such signals and messages.

Section Six: Waivers:

A. The Fire Chief and his designees are hereby permitted to waive the warnings and/or 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. Special consideration shall be granted to the unintentional alarms of Users of newly installed Systems during the first three months after the service to the System has commenced.

B. Requests for the waiver of fees must be made in writing to the Fire Marshal, who shall make the initial determination as to the validity of the waiver request. Any waiver or forbearance under this Paragraph shall not be deemed a waiver by the District to pursue future violations by the user.

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

Section Nine: 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 Ten: 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 Eleven: 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 Twelve: Publication. That the Secretary of the Frankfort 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 17th day of May, 2016 by the following roll call vote:

AYES: William F. Hoffmeister, Robert Jacobs, Michael Kavanagh,
Larry Nice and Daniel Rossi

NAYS: None

ABSENT: None



President, Board of Trustees
Frankfort Fire Protection District

ATTEST:



Secretary, Board of Trustees
Frankfort Fire Protection District

STATE OF ILLINOIS)
) ss
COUNTY OF WILL)

SECRETARY'S CERTIFICATE

I, DANIEL ROSSI, the duly qualified and acting Secretary of the Board of Trustees of the Frankfort Fire Protection District, Will County, Illinois, and the keeper of the records thereof, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 218

**AN ORDINANCE ESTABLISHING FINES AND OTHER
PENALTIES FOR FALSE FIRE ALARMS**

adopted by said Board of Trustees on the 17th day of May, 2016. -

I do further certify that a quorum of said Board of Trustees was present at the said meeting, and that the Board complied with all requirements of the Illinois Open Meetings Act. Further, I certify that the Ordinance has not been amended or altered and is in full force and effect as of the date indicated below.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May, 2016.



Secretary, Board of Trustees
Frankfort Fire Protection District

(SEAL)

MINUTES OF A REGULAR PUBLIC MEETING OF
THE BOARD OF TRUSTEES OF THE
FRANKFORT FIRE PROTECTION DISTRICT,
WILL COUNTY, ILLINOIS, HELD AT FIRE STATION NO. 1
333 WEST NEBRASKA STREET,
FRANKFORT, ILLINOIS, IN SAID FIRE PROTECTION
DISTRICT AT 5:00 P.M. ON MAY 17, 2016

The meeting was called to order. Upon the roll being called, the following Trustees answered Present:

William F. Hoffmeister, Robert Jacobs, Michael Kavanagh,
Larry Nice and Daniel Rossi

The following Trustees were absent from the meeting:

None

The President introduced Ordinance No. 218 entitled: An Ordinance Establishing Fines and Other Penalties for False Fire Alarms by the Frankfort Fire Protection District, Will County, Illinois

It was moved by Trustee Larry Nice and seconded by Trustee Michael Kavanagh that said Ordinance as presented be adopted. After a full and complete discussion thereof, the President directed the Secretary to call the roll for a vote upon the motion to adopt the Ordinance.

Upon the roll call, the following Trustees voted:

AYE: William F. Hoffmeister, Robert Jacobs, Michael Kavanagh,
Larry Nice and Daniel Rossi

NAY: None

ABSENT: None

The President declared the motion carried and the Ordinance as hereinabove set out adopted, approved and signed the same in open meeting and directed the Secretary to record the same in full in the Minutes of the Board of Trustees of the Frankfort Fire Protection District, Will County, Illinois, which was done.

A handwritten signature in dark ink, appearing to be 'D. Rossi', written over a horizontal line.

Secretary, Board of Trustees
Frankfort Fire Protection District
Will County, Illinois

LEGAL NOTICE

Notice is hereby given that at its Regular Meeting held on May 17, 2016, the Board of Trustees of the Frankfort Fire Protection District, Will County, Illinois, adopted Ordinance Number 218 entitled: AN ORDINANCE ESTABLISHING FINES AND OTHER PENALTIES FOR FALSE FIRE ALARMS BY THE FRANKFORT FIRE PROTECTION DISTRICT, WILL COUNTY, ILLINOIS. This Ordinance is available for inspection on the District's website at www.frankfortfire.org and at the District Headquarters, 333 West Nebraska Street, Frankfort, Illinois. This Ordinance shall take effect pursuant to law following publication of this Notice.

BOARD OF TRUSTEES

FRANKFORT FIRE PROTECTION DISTRICT

Certificate of the Publisher

The Herald-News

Description: MEETING FALSE FIRE ALARMS
1189635

FRANKFORT FIRE PROTECTION DISTRICT
333 W NEBRASKA ST
FRANKFORT IL 60423-1434

Shaw Media certifies that it is the publisher of The Herald-News.
The Herald-News is a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Joliet, County of Will, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in The Herald-News, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 05/20/2016

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Robert Wall, its publisher, at Joliet, Illinois, on 20th day of May, A.D. 2016

Shaw Media By:



Robert Wall, Publisher

Account Number 10084476

Amount \$40.45

PUBLIC NOTICE
LEGAL NOTICE

Notice is hereby given that at its Regular Meeting held on May 17, 2016, the Board of Trustees of the Frankfort Fire Protection District, Will County, Illinois, adopted Ordinance Number 218 entitled: AN ORDINANCE ESTABLISHING FINES AND OTHER PENALTIES FOR FALSE FIRE ALARMS BY THE FRANKFORT FIRE PROTECTION DISTRICT, WILL COUNTY, ILLINOIS. This Ordinance is available for inspection on the District's website at www.frankfortfire.org and at the District Headquarters, 333 West Nebraska Street, Frankfort, Illinois. This Ordinance shall take effect pursuant to law following publication of this Notice.

BOARD OF TRUSTEES
FRANKFORT FIRE PROTECTION
DISTRICT

(Published in the Herald-News
May 20, 2016) 1189635