

ORDINANCE NO. 08-

**ORDINANCE AMENDING CHAPTER 9, ARTICLE 6
OF THE MUNICIPAL CODE (ALARM SYSTEM
INSTALLATION AND REGISTRATION) IN ITS ENTIRETY**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Bolingbrook, Will and DuPage counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village and its residents to establish a program to convert hard-wired alarm systems to wireless alarm systems as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK, WILL AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION ONE: The recitals set forth hereinabove shall be and are hereby adopted as findings of fact as if said recitals were fully set forth within this Section One.

SECTION TWO: Chapter 9, Article 6 of the Municipal Code of the Village of Bolingbrook shall be and is hereby amended in its entirety so that said Article 9 shall hereafter be and read as follows:

ARTICLE 6 -- ALARM SYSTEM INSTALLATION AND REGISTRATION

Section 9-601. DEFINITIONS. For the purpose of this Article, the following terms shall have the meanings herein ascribed to them:

(A) Alarm System. Any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the Village of Bolingbrook of a burglary, robbery, or other

criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire, or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified directly of such signals through electronic signal devices or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the Fire or Police Department. Alarm systems also include those designed to register a signal, which is so audible, visible, or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located, who in turn may notify the police or fire department of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems that might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems, even though owned by the same person or entity.

(B) Audible Alarm. Any security device that sounds an alarm on the premises. An audible alarm shall include but not be limited to any security device that sounds an alarm to alert others of an unauthorized entry on the premises, the commission of an unlawful act, or any other emergency.

(C) False Alarm. An alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. False alarm does not include an alarm signal caused by violent conditions or nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

1. Criminal activity or unauthorized entry.
2. Earthquake causing structural damage to the protected premises.
3. High winds sufficient to activate motion detection system or causing physical damage to the protected premises.
4. Flooding of the protected premises due to overflow of natural drainage.
5. Lightning bolt causing physical damage to the protected premises.
6. Telephone line malfunction verified in writing to the Village by at least a first-line telephone company supervisor.
7. Wireless radio transmission malfunction verified by the Police or Fire Department.
8. Electrical service interruption verified in writing to the department by local power company.

9. Communication to the Police or Fire Department before a unit is dispatched to investigate, clearly indicating that the alarm is resulting from authorized entry, authorized system test, or other non-criminal cause.

(D) Private Central Station Alarm. An alarm that relays or is capable of relaying a signal to a private company providing watchman or security service.

(G) Public Central Station Alarm. An alarm that relays or is capable of relaying a signal or message which is received at the Police Station or Fire Department on a special device designed for the particular purpose of receiving such signals.

(H) Village Alarm Monitoring Equipment. Facilities and equipment which are located at Village Hall, 375 West Briarcliff Road, Bolingbrook, Illinois, and which are capable of receiving wireless radio transmissions from an alarm system.

Section 9-602. ALARM SYSTEM REGISTRATION REQUIRED.

(A) The owner of an alarm system which is presently installed and operative shall register such alarm system with the Village Clerk on a form provided by the Village Clerk within thirty (30) days after the effective date of this Article.

(B) An alarm system business or alarm agent who installs an alarm after the effective date of this Article shall register the alarm system installed for its customer before it is activated with the Village Clerk on a form provided by the Village Clerk.

(C) Each alarm system registration shall contain the following information and statements:

(1) Alarm System owner's name, address and telephone number; additionally, in the case of a partnership, the names, addresses and telephone numbers of the persons entitled to share in the profits thereof; and in the case of a corporation or club, the names, addresses and telephone numbers of the officers and directors.

(2) A statement listing the names, addresses and telephone numbers of persons responsible for the premises where the alarm system is located and who should be contacted to deactivate the alarm system.

(3) A statement listing the names, addresses and telephone numbers of persons, including the alarm system business or alarm agent, authorized to deactivate the alarm system when no person described in (2) can be reached.

(4) A statement setting forth the type, make and specifications the alarm system which is subject to the registration requirements of this Article.

(5) A statement setting forth the location of the alarm system shut off and the method to be employed in deactivating the alarm system.

(6) A statement authorizing the Bolingbrook Police to deactivate the alarm if no authorized person shuts off the alarm within thirty (30) minutes after it has been activated; and saving the Village and its personnel and agents harmless from any damage resulting from any action in connection with or consequences of such deactivation.

(7) A release of Village liability for wireless transmitter or monitoring malfunctions.

Section 9-603. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to engage in, conduct or carry on the business of installing, causing to be installed, maintaining, servicing, repairing, altering or replacing in or on any building, place or premise within the Village of Bolingbrook, any alarm system without having first obtained an Electrical Subcontractor's license in accordance with the provisions of Chapter 25 of this Code.

Section 9-604. AUDIBLE ALARM SYSTEMS.

(A) No owner, alarm system business or alarm agent shall install or cause to install an audible alarm which sounds in excess of thirty (30) minutes.

(B) Any audible alarm that is presently installed and capable of sounding in excess of thirty (30) minutes shall be and is hereby declared to be a nuisance, and shall, within ten (10) days of notice be modified so as not to be capable of ringing in excess of thirty (30) minutes.

Section 9-605. AUTOMATIC TELEPHONE ALARM PROHIBITED. Any automatic telephone alarm installed and operative on the effective date of this Article shall be and is hereby declared to be a nuisance. No person, owner, alarm system business or alarm agent shall install, or cause to be installed, or maintain any automatic telephone alarm in the Village. Any such automatic telephone alarm shall be removed by the owner thereof within sixty (60) days following the effective date of this Article.

Section 9-606. WIRELESS TRANSMISSION ALARM SYSTEM REQUIRED.

(A) All occupancies which, pursuant to Section 26-403/F-512.4 of the Municipal Code, are required to have installed fire alarm detection or extinguishing systems, manual or automatic, are hereby required to connect such systems to the Village wireless alarm monitoring equipment. The connection to the Village alarm monitoring equipment shall be by means of wireless radio transmission. The Village shall own and be responsible for the operation of the wireless radio transmitters and the Village alarm monitoring equipment.

(B) All alarm equipment to be installed shall be UL listed for Remote Station Direct Contact application. Shop drawings, product literature, standby battery calculations that provide for 24 hours of standby followed by 5 minutes of alarm, and voltage loss calculation for notification device circuits showing total length of wire, size and type, and current draw shall be submitted to the Fire Department for its review and approval.

Section 9-607. WIRELESS TRANSMISSION ALARM SYSTEM DEVELOPMENT.

(A) For each alarm system which is licensed for connection to the Village alarm monitoring equipment as of December 1, 2008, the Village shall supply and shall cause the wireless radio transmitters to be installed at the Village's own cost and expense. For each alarm system licensed for connection to the Village alarm monitoring equipment after December 1, 2008, the alarm system owner shall pay the Village for the Village's actual cost of the wireless radio transmitter and its installation. Said payment shall be made to the Village not less than five (5) business days prior to the designated installation date.

(B) Not less than 10 days prior to the designated installation date, the Village shall cause notice to be provided to the licensed alarm system owner of the day and approximate time that the wireless radio transmitter will be installed at the owner's property. The owner shall make the alarm system readily accessible to the Village-appointed wireless radio transmitter installer on the designated installation date and shall fully cooperate with such installation.

Section 9-608. ALARM SYSTEM MONITORING CHARGES. The monthly charge for the monitoring of alarm systems by the Village shall be determined periodically by the Chief of the Fire Department based upon Village personnel, administrative, operating, maintenance, and other costs associated with the operation of the Village wireless alarm monitoring system; provided, however, the monthly charge shall not exceed \$125.00 without the prior approval of the Village Board of Trustees. Statements for alarm system monitoring charges shall be mailed to each customer on a quarterly basis. If such statement remains unpaid 20 days following the day of mailing of such statement, there shall be added to such statement a penalty in the amount of 5% of the amount due. The penalty date and the total amount due thereafter shall be separately listed on such statement. All statements, including penalties and false alarm charges, still remaining unpaid 25 days following the penalty date as established herein shall be deemed and hereby declared to be delinquent, as provided by law.

Section 9-609. FALSE ALARMS.

(A) Response to Alarms.

- (1) Whenever an alarm is activated in the Village, thereby requiring an emergency response to the location by the Police or Fire Department and the Police or Fire Department does respond, the Police or Fire Department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.
- (2) If the Police or Fire Department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user at the address of said alarm system installation location, advising the alarm user of the false alarm.

- (3) When an alarm has been activated at a business or private residence and the police respond, the owner or his representative shall be present at such location after being requested to do so. Response by the subscriber will be as soon as possible but shall not exceed one (1) hour from time of request.
- (4) The Chief of Police or Fire Department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

(B) Excessive False Alarms and Fee Assessment.

- (1) If any alarm system produces three (3) false alarms in any twelve (12) month period, the chief of the involved department shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the subscriber to take corrective action in regard to false alarms and informing the subscriber of the false alarm fee schedule provided herein.
- (2) Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease thirty (30) days after installation of or modification to an alarm system.
- (3) Upon any alarm system producing a fourth (4th), fifth (5th), or sixth (6th) false alarm in any twelve (12) month period, a fee of seventy-five dollars (\$75.00) per false alarm shall be charged to the subscriber. For each additional false alarm over six (6) and up to eleven (7th, 8th, 9th or 10th) in any twelve (12) month period, a fee of two hundred fifty dollars (\$250.00) per false alarm shall be charged to the subscriber. For each additional false alarm over ten (10) and up to twenty (20) in any twelve (12) month Period (11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th and 19th), a fee of three hundred dollars (\$300.00) per false alarm shall be assessed. For each additional false alarm after nineteen (19) in any twelve (12) month period (20th and up), a fee of one thousand dollars (\$1,000) shall be assessed. All fees assessed must be paid to the Village Finance Department, or a written appeal must be submitted to the Village Administrator within three (3) days of fee assessment.
- (4) Any alarm user with a direct connect to the Bolingbrook Police Department Telecommunications Center who has had fifteen (15) or more false alarms requiring response by the Police Department in a calendar year or who refuses to pay the fee assessed in subsection (3) herein, may, at the order of the Chief of Police, have the alarm equipment disconnected from the Bolingbrook Police Department Telecommunications Center. Prior to disconnection, the Police Department shall provide written notice,

by certified mail, to the alarm user. All costs or fees resulting from said disconnection of alarm equipment shall be the sole and express responsibility of the alarm user.

- (5) In addition to any fees or charges established herein, any person or firm or corporation convicted of a violation of any provision of this section may be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

(C) Appeal of False Alarm.

- (1) Any subscriber who has been notified of a false alarm or assessed a false alarm fee or who has been notified that his alarm equipment will be disconnected from the Bolingbrook Police Department Telecommunications Center may appeal to the Village Manager by giving written notice and posting a bond equal to the amount of the fee, if applicable, within three (3) working days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.
- (2) The appellant shall be given reasonable notice of such hearing, and failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond and application of such bond toward the false alarm fee assessed by the Village.
- (3) The Village Manager or his designee shall serve as hearing officer, and the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm.
- (4) After receipt of all relevant evidence, the hearing officer shall, within three (3) days, render his decision. If the hearing officer determines that the appellant has met the burden of proof, then he shall order bond released to the appellant and/or rescind the false alarm determination. If the hearing officer determines that the appellant has not met the burden of proof, then he shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the Village and/or enter such alarm as a false alarm.
- (5) All decisions made pursuant to this section are final.

Section 9-610. AUTHORITY. It shall be the duty of the Chief of the Fire Department or his designated representative to investigate any violation and to serve notice to such person or company that is in violation of this Article. Such notice shall normally mean that the person or company in violation has 10 working days (2 weeks) to correct such violation unless immediate hazard to the public will result, in which case appropriate action shall be taken immediately by the violator or Village as required. If the Village or its employees perform such corrective

addition to any appropriate fine. Notification shall be by letter or citation as is appropriate for the particular instance.

Section 9-611. PENALTY. Except as provided in Section 9-609 with respect to false alarms, the penalty for violation of any provision of this Article shall be \$100.00, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 9-612. SEVERABILITY. Each of the provisions of this Article are severable, and if any provision is held invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION THREE: Subsection F-512.4 of Chapter 26, Article 4, Section 26-403 shall be and is hereby amended in its entirety so that said Subsection 26-403/F-512.4 shall hereafter be and read as follows:

Section F-512.4. CONNECTION TO DEPARTMENT HEADQUARTERS. All occupancies required to have installed fire alarm detection or extinguishing systems, manual or automatic, are hereby required to connect such systems to the Village wireless alarm monitoring equipment as provided in Chapter 9, Article 6 of this Municipal Code. Connections and termination shall be of types accepted by the Fire Official.

SECTION FOUR: The remaining provisions of Chapter 9 of the Municipal Code that are not expressly amended herein are hereby ratified and affirmed and shall remain in full force and effect.

SECTION FIVE: Any policy, resolution or ordinance of the Village which conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS _____ day of _____, 2008.

AYES:

NAYS:

ABSENT:

APPROVED THIS _____ day of _____, 2008.

ATTEST:

MAYOR

VILLAGE CLERK

PUBLISHED BY THE VILLAGE CLERK, IN PAMPHLET FORM, BY AUTHORITY OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF BOLINGBROOK ON _____, 2008.

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