

ORDINANCE NUMBER 20-20

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING CHAPTER 37: FEES AND FINES, AND CHAPTER 90: ALARM SYSTEMS, OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REGARDING ALARMS

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village regulates and controls alarms and alarm responses within the Village; and

WHEREAS, the Village desires to amend the Village Code to update its alarm system ordinance; and

WHEREAS, the President and Board of Trustees of the Village have determined that granting of said amendments to the Village of East Dundee Village Code (“Village Code”) is in the best interest of the Village;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Village Code Amendment. That the Village Code is hereby amended, as follows:

Amendment #1:

Chapter 90, Alarm Systems, of the Village Code is hereby deleted in its entirety and the following inserted in its place:

Chapter 90, Alarm Systems

Section

90.01 Definitions

90.02 Purpose

90.03 Servicing of alarm systems

- 90.04 Central stations
- 90.05 Automatic Voice Dialing Alarm
- 90.06 Alarm user permit required.
- 90.07 Alarm user permit.
- 90.08 Revocation/suspension of alarm user permit.
- 90.09 On-premises alarm; outside ringers
- 90.10 Alarm activation when alarm user permit not issued.
- 90.11 Updating alarm user permit application.
- 90.12 Transfer of alarm user permit prohibited.
- 90.13 Enforcement
- 90.14 False alarms
- 90.15 Noncompliance
- 90.16 Liability of Village and P.S.A.P.

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM ADMINISTRATOR. A person or persons, designated by the chief of police, to administer, control and review applications, permits and alarm dispatch requests.

ALARM BUSINESS. Any business operated by a person who engages in the activity of altering, installing, leasing, maintaining, moving, repairing, replacing, selling, servicing or responding to an alarm system or which causes any of these activities to take place.

ALARM SITE. Premises protected by an alarm system.

ALARM SYSTEM. An assembly of equipment, mechanical or electrical, arranged to signal the presence of a hazard requiring urgent attention and to which the Police Department or Fire Department are expected to respond, other than alarm systems on motor vehicles. The definition of “alarm system” shall be interpreted broadly to include any type of alarm system that is based on any type of technology and includes each of the alarm systems defined in this chapter: “automatic digital dialing alarm system,” “automatic voice dialing alarm system,” “central station system,” “emergency answering service,” and “wireless alarm system.”

ALARM USER. Any person or business in control of premises where an alarm system is maintained.

ALARM USER PERMIT. A permit issued by the Village that allows an alarm user to use, own or lease an alarm system or to be in control of an alarm site where an alarm system is operated or maintained.

AUTOMATIC DIGITAL DIALING ALARM SYSTEM. An alarm system that has the capability of transmitting digital code signals to an alarm receiving board at the (P.S.A.P.) Public Safety Answering Point Center, using regular or dedicated telephone lines.

AUTOMATIC VOICE DIALING ALARM SYSTEM. An alarm system, which automatically sends over regular telephone lines or by wireless technology, a prerecorded voice message indicating the existence of an emergency situation that the alarm system is designed to detect.

CENTRAL STATION SYSTEM. A system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded in, maintained and supervised from a place of business having trained operators in attendance at all times.

CHIEF OF POLICE. The duly appointed chief of police of the Village of East Dundee.

COMMUNICATION SWINGER SUPPRESSION. A programming feature of an alarm system's alarm panel that prevents continuous alarm signals from being received at the alarm business, which monitors the alarm system.

EMERGENCY ANSWERING SERVICE. A telephone answering service providing, among its services, the function of receiving on a continuous basis through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the Public Safety Answering Point.

FALSE ALARM. The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the alarm business or user or their employees or agents, except that the following shall not be considered false alarms:

- (1) Alarms caused by the failure or malfunction of the equipment located at the P.S.A.P.;
- (2) Alarms occurring on a repeated basis without apparent cause within the first 60 days after installation of the alarm system, and where continuous effort, in the sole opinion of the Alarm Administrator, is being made jointly by the alarm user, Village Inspection Department and any other concerned person to correct the malfunction expeditiously;
- (3) Alarms caused by an attempted or actual illegal entry of which there is visible evidence;
- (4) Alarms caused by an on-premises fire;
- (5) Alarms intentionally caused by a person acting under a reasonable belief that a need exists to call the Police Department or Fire Department; and
- (6) Alarms caused by hurricanes, tornados, earthquakes, major floods or other natural disasters.

ON-PREMISES ALARM. An alarm system that audibly announces an emergency condition at a residence or business establishment, and may or may not be connected to any central alarm system, emergency answering service or the Public Safety Answering Point.

P.S.A.P.; PUBLIC SAFETY ANSWERING POINT. A call center operated by, or for, the Village to answer telephone calls and alarms for police, firefighting and ambulance services and to dispatch these emergency services.

PUBLIC SAFETY PERSONNEL. Police, firefighting and ambulance personnel.

REVOKE ALARM USER PERMIT; REVOCATION. As the result of revocation of an alarm user permit, police, firefighting and ambulance services may no longer respond to an alarm. This condition may remain permanently in effect unless the requirements for reinstatement are met.

SUSPEND ALARM USER PERMIT; SUSPENSION. As the result of suspension of an alarm user permit, police, firefighting and ambulance services may no longer respond to an alarm during the period of suspension,

VILLAGE. The Village of East Dundee.

WIRELESS ALARM SYSTEM. Any assembly of equipment, mechanical and/or electrical, that utilizes wireless technology to signal and/or receive the presence of a hazard requiring urgent attention and to which the Police Department or Fire Department are expected to respond.

§ 90.02 PURPOSE

- A. The primary purpose of this chapter is to reduce the number of unnecessary responses by public safety personnel to mechanically or electronically activated burglar, hold-up, fire and medical emergency alarms and to charge the cost of such responses to that portion of the Village's resident and business population wishing to use or required to use such alarms.
- B. False or unnecessary alarms severely impact and endanger the safety and general welfare of the residents of the Village. In addition to the significant cost involved in responding to such alarms and the concurrent loss of manpower and ineffective utilization of equipment, such alarms require emergency responses which may contribute to a high accident rate.
- C. False alarms will be reduced by imposing certain regulations on alarm systems and charging the cost of alarm responses to that portion of the Village resident and business population that use such alarms. Therefore, the Village adopts these regulations and imposes, among other things, a gradually increasing service charge on the occurrence of more than four (4) alarms for an alarm system in one (1) calendar year. In addition, the failure to pay service charges or permit fees, the occurrence of eleven (11) or more alarm occurrences in one (1) calendar year, and the failure to otherwise comply with this chapter, may constitute grounds for

suspension or revocation of an alarm user permit, which may result in public safety personnel not responding to additional alarm occurrences.

- D. Nothing in this chapter, however, shall be deemed to require or obligate public safety personnel to respond to an alarm. Nothing herein shall preclude public safety personnel from responding to any call or request for assistance that is other than an alarm occurrence (i.e. notification of the public safety personnel by means other than activation of an alarm system).

§ 90.03 SERVICING OF ALARM SYSTEMS. An alarm business or user shall not perform any service on any alarm system in the Village without first notifying the Public Safety Answering Point and disconnecting the alarm at the alarm user's end and again notifying the Public Safety Answering Point upon completion of the work.

§ 90.04 CENTRAL STATIONS. No one shall operate a central station or emergency answering service in the Village unless licensed as an alarm business.

§ 90.05 AUTOMATIC VOICE DIALING ALARMS. No person shall use, cause, permit to be used, or engage in the business of providing any telephone device and/or telephone attachment that automatically dials any Village telephone line, or 911 lines connected to the Public Safety Answering Point and then reproduces any voice message to report any robbery, burglary, fire or other emergency.

§ 90.06 ALARM USER PERMIT REQUIRED.

- A. It shall be unlawful for any alarm user to use, own or lease an alarm system or to be in control of an alarm site wherein an alarm system is operated or maintained without having first obtained a permit for that system.
- B. It shall be unlawful for any alarm user to use, own or lease an alarm system or to be in control of an alarm site wherein an alarm system is operated or maintained when a permit therefore has been suspended, revoked or expired.
- C. The following bi-annual fees shall be charged to obtain an alarm user permit:
 - 1. An initial alarm user permit shall be \$15.00.
 - 2. Renewal of an alarm user permit shall be \$10.00.
- D. All permits issued are valid for two (2) calendar years unless the permit is revoked or suspended.

§ 90.07 ALARM USER PERMIT.

- A. Any person who desires to install, maintain or use an alarm system, including on-premises alarm systems, shall first make application to the Alarm Administrator on a form to be provided and secure an alarm user permit for the alarm system. Each application shall be signed by the applicant and shall include, among other things, the following:

- (1) Date of application;
- (2) The full legal name, address and telephone number of the applicant;
- (3) The full legal name, address and telephone number of the alarm user who is in control of the alarm site where the alarm systems are located;
- (4) The full legal name, address and telephone number of the owner or manager of the alarm site;
- (5) The name, address and telephone number of the alarm site where the alarm systems are located;
- (6) The type location: business or residence;
- (7) The type of alarm: fire, burglary, medical, other;
- (8) Business hours, if applicable;
- (9) List of persons authorized access to the establishment during non-business hours, including mobile/work phone numbers;
- (10) Procedure to be followed in the event of an alarm;
- (11) Emergency call list of personnel to notify in the event of an alarm;
- (12) Description and location of the alarm on the premises;
- (13) The name and address of the alarm business that installed the alarm.
- (14) The name and address of the alarm business responsible for monitoring or maintaining the alarm.
- (15) The following statement:

By signing this application, the alarm user agrees that he/she has read and understood the following release, indemnification and hold harmless provisions: The alarm user agrees to release and not hold liable the Village of East Dundee, its Public Safety Answering Point (P.S.A.P)., and their appointed and elected officials, officers, employees, contract employees, volunteers and agents (the "Affiliates") for any claims, causes of actions, losses, damages or liabilities of any kind brought by any person, including, but not limited to, any property damage and any death, injury or illness that arises from or relates to any actual or claimed failure of service or any consequential damages claimed to result from such failure, or the installation, inspection, surveillance or operation of the user's alarm system or the Village's or P.S.A.P.'s alarm system, or their receiving

panels or of any other component part of such alarm systems, whether or not due to the negligent, willful or reckless acts or omission of the Village, the P.S.A.P., or any of the Affiliates. The alarm user further agrees to defend, indemnify and hold harmless the Village of East Dundee, the P.S.A.P. and the Affiliates, from any claims, causes of actions, losses, damages or liabilities of any kind brought by any person, including but not limited to any property damage and any death, injury or illness, arising out of or relating to this application or any permit or license issued by the Village, any act or omission by the Village or the Village's Affiliates in regard to this application, the alarm user's connection to the Village or P.S.A.P.'s alarm system, the alarm user's decision not to connect to the Village or P.S.A.P.'s alarm system (where not mandated by another code provision), the operation of the alarm user's alarm system, the operation of the Village or P.S.A.P. alarm system, or the response or non-response of any Village or P.S.A.P. Affiliates to the alarm user's property.

(16) *Signature of applicant.*

- B. Incomplete applications shall be returned to the applicant. A permit will not be issued until the completed application is received and the Alarm Administrator has granted approval of the permit.
- C. An application for an Alarm User Permit shall be denied if:
 - 1. The applicant has failed to pay required false alarm fees for the alarm site or for a different alarm site under the applicant's ownership or control.
 - 2. The applicant has failed to comply with any provisions of this chapter or other sections of this Code.
- D. The Alarm Administrator shall be responsible for processing and issuing alarm user permits.

§ 90.08 REVOCATION/SUSPENSION OF ALARM USER PERMIT.

- A. An alarm user permit may be revoked by the Alarm Administrator under the following circumstances:
 - 1. More than ten (10) false alarms are recorded in a calendar year from any alarm system for which a permit has been issued;
 - 2. Failure to pay false alarm or user permit fees; or
 - 3. Failure to comply with any of the provisions of this chapter within ten (10) days after receiving notification of a violation, in writing, from the Alarm Administrator.
- B. The Alarm Administrator shall notify the alarm user by certified mail, return receipt requested, or personal delivery that the Village intends to revoke its alarm user permit within fifteen (15) days from the date of receipt of the notice. Said notice shall further advise that the alarm user may submit, within ten (10) days of the date of

receipt, a written request for review to the Village Administrator, setting forth the reasons that the alarm user permit should not be revoked or other action taken. The submission of the request shall suspend revocation of the alarm user permit.

- C. If the alarm user fails to submit a request for review within the stated time period, the Village Administrator shall review the record of the permit and the grounds for revocation and make a determination regarding revocation based upon those records. If revocation is ordered, the Village Administrator shall then issue a written order of revocation, which shall include an explanation of the consequences of revocation. The written order shall be sent to the alarm user by certified mail, return receipt requested, or personal delivery. Revocation shall be effective on the date following review or the original revocation date, whichever is later. If revocation is not ordered, notice to that effect shall be sent in the same manner.
- D. If a request for review is submitted within the stated time period, a written notice of the time and place of the review shall be served on the alarm user by the Village Administrator by first class mail or personal delivery at least ten (10) days prior to the date set for the review.
- E. At the requested review before the Village Administrator, the Alarm Administrator and the alarm user, or his or her authorized representative, shall have the right to present evidence. Upon completion of the review, the Village Administrator may either enter an order of revocation, withdraw the notice of revocation, suspend the permit until such time that he or she is satisfied that the cause or causes of the false alarms have been eliminated, or take such other action as may be appropriate. The alarm user, who was present or represented at the review, will receive no further notice of revocation. An alarm user having no representation at the review shall be notified by certified mail, return receipt requested, or personal delivery, of the action of the Village Administrator. Revocation shall be effective on the first business day following completion of the review.
- F. Any alarm user, whose alarm user permit has been revoked pursuant to this section, shall have the right, within ten (10) days of the determination of revocation, to file a written appeal with the Village Board. No alarm user shall be required to discontinue use of its alarm system prior to the expiration of the ten-day period. The appeal shall set forth the specific grounds on which it is based. The Village Board shall hold a hearing on the appeal within thirty (30) days after its receipt. At the hearing, the appellant or a designated representative shall have the right to present written or oral argument in support of the appeal. The Village Board shall issue its decision within ten (10) days after the hearing, which decision shall be effective upon alarm user's receipt of notice by certified mail, receipt requested, or personal delivery.
- G. Reinstatement of revoked user permit: The alarm user must submit to the Alarm Administrator a new alarm user permit application, payment of past due fees, fines and a reinstatement fee in the amount set forth in Chapter 37, Fees and Fines, along with a written explanation of the action that the alarm user has taken to substantially

reduce the likelihood of false alarms. Upon the Alarm Administrator's determination that the aforementioned conditions have been met, the alarm user permit may be reinstated; provided, however, that no revoked alarm user permit may be reinstated within the six (6) month period following the effective date of the revocation, unless the Alarm Administrator, in his or her sole and absolute discretion, approves a shorter period. Upon reinstatement, the alarm user shall be in the same position, for purposes of calculating alarm occurrences and services charges, as an alarm user that has received an alarm user permit for the first time.

§ 90.09 ON-PREMISES ALARM; OUTSIDE RINGERS.

- A. No person shall use, allow or cause to exist an outside ringer which emits an audible sound in any manner similar to the Village's emergency vehicles. In addition, the sound shall be distinguishable from any and all Village alert systems broadcast in an audible manner.
- B.
 - 1. All outside ringers shall be equipped with an automatic shut-off which will deactivate within five (5) minutes of the initial alarm.
 - 2. Failure to provide the shut-off shall result in the immediate suspension of the alarm user permit and shall be in violation of this chapter.
- C. In addition to any other remedies provided by this chapter, the Alarm Administrator may order the immediate suspension of an alarm user permit and removal or deactivation of an alarm system based upon knowledge of the misuse or improper maintenance of an outside ringer.
- D. This Section shall not apply to water flow alarms required by the Fire Prevention Code for automatic fire suppression equipment installed in any structure, which are programmed either to:
 - 1. Activate the communication swinger suppression after three (3) activations or
 - 2. Allow only single alarming per alarm zone per armed period.

§ 90.10 ALARM ACTIVATION WHEN ALARM USER PERMIT NOT ISSUED. Any alarm user, who does not have a valid alarm user permit, shall be assessed a user fee in the amount of \$300.00 for each notice to the Public Safety Answering Point of an activation of the alarm system at the alarm site.

§ 90.11 UPDATING ALARM USER PERMIT APPLICATION. It is unlawful for any alarm user to fail or refuse to amend its alarm user permit application within fourteen (14) days after any of the information required and contained therein becomes outdated or inaccurate.

§ 90.12 TRANSFER OF ALARM USER PERMIT PROHIBITED. An alarm user permit cannot be transferred to another alarm site or another alarm user or person.

§ 90.13 ENFORCEMENT.

- A. For the purpose of enforcing the provisions of this chapter, a Fire Inspector or Village Building Official on official business shall have the authority, at reasonable times and upon reasonable oral notice, to enter any premises in the Village in, or upon which, alarm systems are located to inspect the installation or operation of alarm systems.
- B. If the inspection reveals any violations of the provisions of this chapter, a written report detailing the violation shall be promptly sent to the alarm user or business by certified mail, receipt requested, or personal delivery. The report shall require correction within thirty (30) days after receipt of the notice and shall state that a failure to comply may result in the revocation of the alarm business license or the alarm user's permit, in accordance with provisions of this chapter. The alarm user or business shall be granted a reasonable extension of time to correct the violation upon good cause shown.

§ 90.14 FALSE ALARMS.

- A. It shall be unlawful for any person to intentionally generate, transmit or issue a false alarm.
- B. It shall be unlawful for any alarm user to control, operate or possess an alarm system which generates, transmits or issues a false alarm.
- C. Each alarm user shall be responsible for any false alarms transmitted by its alarm system.
- D. The Alarm Administrator shall maintain a record of all false alarms and may revoke or suspend an alarm user permit upon occurrence of more than ten (10) false alarms in any one (1) calendar year.
- E. The Alarm Administrator shall charge the alarm user a fee as provided in Chapter 37: Fees and Fines, for each false alarm in excess of four (4) in any one (1) calendar year. Payment of the charges shall be remitted to the Police Department by the alarm user within fifteen (15) days of the date of mailing of the statement of the charges.
- F. Alarm users may, within fifteen (15) days of the date of mailing of a statement for false alarm fees, submit a written report to the Alarm Administrator or request to meet with the Alarm Administrator to show cause for voiding a recorded false alarm. The Alarm Administrator shall review the alarm user's report and/or meet with the alarm user and issue a written finding as to whether or not the false alarm record will be voided. The finding of the Alarm Administrator shall be final and a copy of the findings shall be provided to the alarm user by first class mail.

G. If an alarm user has submitted a report or requested a meeting pursuant to subsection F, any fees due shall be payable to the Village within seven (7) days from the date of the Alarm Administrator's written findings on the false alarms.

§ 90.15 NONCOMPLIANCE. Any person or business that violates any of the provisions of this chapter or refuses to remedy a violation of this chapter shall be subject to the fees and fines set forth in Chapter 37: Fees and Fines, and Section 10.99 of the Village Code.

§ 90.16 LIABILITY OF VILLAGE AND P.S.A.P. The Village and P.S.A.P. assume no liability for any defects or failure in the operation of any alarm system because of the actions or inaction of any person associated with the installation, operation, monitoring or maintenance thereof, or for the transmission of alarm signals or messages or the relaying of such signals and messages. In the event that the Village finds it necessary to suspend or revoke an alarm business license or user permit, or to otherwise require the disconnection of any alarm system, the Village shall have no liability for such action. No special duty or any other duty, other than that owed to the general public, shall be created by virtue of this chapter or by virtue of the issuance of any alarm user permit or as a result of the transmission to, or receipt of, an alarm signal by the Village's Police or Fire Departments, or its P.S.A.P.

Amendment #2:

Chapter 37: Fees and Fines, is hereby amended, as follows:

FEE SCHEDULE (minimum amounts)

Section 37.01 (K) is deleted in its entirety and the following inserted in its place:

(K) Alarm Systems (Chapter 90)

(1) Alarm User Permit

- a. Initial 2-year user-permit: \$15.
- b. 2-year renewal user permit: \$10.

(2) Alarm activation when alarm user permit not issued: \$300.

(3) Alarm reinstatement fee: \$75.

(4) False Alarms in a calendar year:

- a. For each false alarm in excess of four (five through eight): \$150 each;
- b. For each false alarm in excess of eight (nine and ten): \$200 each;
- c. For more than ten false alarms: \$250 each.

FINE SCHEDULE (minimum amounts)

Section 90.15 and its minimum fine is inserted numerically, to be and read as follows:

90.15	Alarm-related violations	\$50
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SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 18th day of May, 2020 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andresen and Kunze

NAYES: NONE

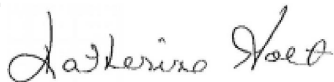
ABSENT: NONE

APPROVED by me this 18th day of May, 2020.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 19th day of May, 2020, under the authority of the Village President and Board of Trustees.