

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
 For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 _____ Recommendations of Board, Commissions & Committees (Green)
 _____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: June 9, 2010 (BOT) Date: June 17, 2010

TITLE: False Fire Alarm Fee Ordinance

SUBMITTED BY: Michael J. Torrence, Acting Fire Chief *mjt*

BACKGROUND/POLICY IMPLICATIONS:

Ordinance that when after two false alarms in a calendar year occur a \$100 fee is charged per occurrence.

This ordinance stipulates which activations are not to be considered a false fire alarm.

The ordinance is intended to reduce responses caused by false fire alarms.

FISCAL IMPACT/FUNDING SOURCE: A possible revenue of \$2,000 to \$4,000 per year.

Review (as necessary):

Finance Director X _____ Date _____

Village Manager X _____ Date: _____

NOTE: All materials must be submitted to and approved by the Village Manager's office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



To: David A. Hulseberg, Village Manager
From: Michael J. Torrence, Acting Fire Chief *mjt*
Date: June 9, 2010
Subject: Fire Alarm False Alarm Ordinance

This ordinance will allow the Village of Lombard to collect fees for repeated fire alarms that are deemed false alarms.

This includes: Fire alarms given intentionally, fire alarms due to or caused by improper installation, fire alarm design or use or due to lack of required maintenance, resulting from any test, repair, alteration or addition to the fire protection system without prior notification thereof to the Lombard Fire Department or to DuComm.

The ordinance causes fees to be charged to any fire alarm user for the 3rd false alarm in any one year period. The one year period is from January 1st to December 31st. There is language in the ordinance that provides for exceptions for fees which essentially include those conditions outside the control of the fire alarm subscriber. These exceptions are acts of nature, loss of electrical utility supply, telephone line interruption or legitimate 'good faith' activations. No fees will be charged to another governmental agency or department of another governmental agency.

This ordinance will provide us with an additional tool to reduce calls by encouraging building owners and occupants to maintain their fire alarm systems. Also, this ordinance will allow the Village to collect fees from fire alarm subscribers that produce repeated unnecessary calls for service. The proposed ordinance is based upon similar ordinances in neighboring communities. The ordinance was prepared by the Village Attorney. The attached chart reflects neighboring communities that have such ordinances, when fines are levied and the amount of the respective fines.

Fire Dept/District	False Alarm Ordinance	Fee Range	Fines are Levied Beginning @
Addison	No	N/A	N/A
Downers Grove	Yes	\$300-\$600	≥ 3 per 60 day period
Glen Ellyn	Yes	\$50-\$200	≥ 4 per year
Oakbrook	Yes	\$200	≥ 2 per 90 day period
Oakbrook Terrace	Yes	\$100-\$500	Charged per day per occurrence

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
TITLE 11, CHAPTER 113 AND TITLE 3, CHAPTER 33
OF THE LOMBARD VILLAGE CODE
IN REGARD TO ALARM SYSTEMS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 11, Chapter 113 of the Lombard Village Code is hereby amended as follows:

- A. The title to the Chapter is hereby amended to read in its entirety as follows:

“CHAPTER 113: BURGLAR ALARM SYSTEMS”

- B. That a new Section 113.17 is hereby added thereto, which shall read in its entirety as follows:

“§113.17 FALSE FIRE ALARMS

For regulations relative to false fire alarms, see Section 33.53 of this Code.”

SECTION 2: That Title 3, Chapter 33 of the Lombard Village Code is hereby amended by adding a new Section 33.53 thereto, which shall read in its entirety as follows:

“§33.53 FALSE FIRE ALARMS

- A. Definitions:

1. False Fire Alarm: The activation of a fire alarm system, which indicates the existence of any emergency fire situation, when, in fact, no such emergency exists, but shall not include the activation of a fire alarm system resulting from any of the following causes:
 - a. violent conditions of nature, including, but not limited to, tornado, earthquake, high winds, flooding and lightning, verified by the Fire Department;

- b. electrical service interruption verified by the Fire Department;
 - c. plumbing or electrical malfunctions verified by the Fire Department;
 - d. telephone line interruption or corruption, from the property to the fire alarm receiving point, verified by the Fire Department;
 - e. a manual activation when the action was based upon a good faith belief that a fire emergency existed, and said good faith belief is verified by the Fire Department; or
 - f. the fire alarm is activated by a governmental agency or department of a governmental agency that determined the fire alarm scenario to be credible.
2. Fire Alarm User: The owner of the property served by a fire alarm system, and any individual, partnership, corporation, organization or other entity occupying or on the property with permission of the owner.
 3. Fire Alarm System: A system, as required by, or voluntarily installed in compliance with, Chapter 150 of this Code, consisting of components and circuits arranged to monitor the status of an alarm and detection system that is installed for the purpose of alerting others to a fire.
 4. Calendar Year: The period commencing on January 1st and ending on December 31st of each year.
 5. False Fire Alarm Fee: The monetary charge payable to the Village pursuant to subsection B. below, to defray the expenses of responding to false fire alarms.
- B. False Fire Alarm Fees: The schedule of actions to be taken and fees to be charged to fire alarm users, for false fire alarms, shall be as follows:
1. First false fire alarm in any calendar year: no action other than the notice required by subsection D. below (but see 4. below as to intentional false fire alarms).

2. Second false fire alarm in any calendar year: a warning letter, advising the fire alarm user that the next false fire alarm will result in a charge, along with the notice required by subsection D. below (but see 4. below as to intentional false fire alarms).
 3. Each false fire alarm in any calendar year, in excess of two (2), shall result in a false fire alarm charge of one hundred and no/100 dollars (\$100.00).
 4. If the false fire alarm is given intentionally, then an additional false fire alarm charge of five hundred and no/100 dollars (\$500.00) shall be assessed, even in regard to a first or second false fire alarm in any calendar year.
- C. Payment of False Fire Alarm Fees: The fire alarm user shall pay the Village any amount assessed pursuant to subsection B. above within thirty (30) days after the mailing of a statement, by the Village, for the false fire alarm fee.
- D. Notices of False Fire Alarms: Within five (5) working days after the Fire Department responds to a false fire alarm, the Fire Department shall cause written notification to be given to the fire alarm user that a false fire alarm has been documented relative to the property.
- E. Appeal of False Fire Alarm Charge:
1. Within fifteen (15) days after the receipt of a bill for a false fire alarm charge, the fire alarm user may file with the Finance Director a written request to reconsider whether the fire alarm was a false fire alarm. Such request shall include all facts upon which the fire alarm user bases the fire alarm user's contention that the fire alarm was not a false fire alarm.
 2. Within ten (10) days after receipt of a written request for reconsideration, the Finance Director or his/her designated representative shall determine whether or not the fire alarm shall be classified as a false fire alarm, and notify the fire alarm user of his/her decision in writing. If it is the determination of the Finance Director that the fire alarm shall be classified as a false fire alarm, the false fire alarm fee shall be paid in full within thirty (30) days following such notification."

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2010.

First reading waived by action of the Board of Trustees this ___ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of _____, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk