

AN ORDINANCE

AMENDING CHAPTER 6.47 OF THE ELGIN MUNICIPAL CODE, 1976,

AS AMENDED, ENTITLED "POLICE ALARM SYSTEMS" TO INCLUDE

ADDITIONAL REGULATIONS FOR FIRE ALARM SYSTEMS

WHEREAS, the City of Elgin is a home rule unit pursuant to the Constitution of the State of Illinois, and as a home rule unit, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the regulations and permitting of police and fire alarm systems pertains to the public health, safety and welfare, and pertains to the government and affairs of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Chapter 6.47 of the Elgin Municipal Code, 1976, as amended, entitled "Police Alarm Systems" be and is hereby amended in its entirety to read as follows:

"Chapter 6.47
POLICE AND FIRE ALARM SYSTEMS

6.47.010: PURPOSE AND INTENT:

The Ordinance codified in this Chapter is adopted for the purpose of regulating and permitting alarm systems to which the Police or Fire Department are expected to respond.

6.47.020: DEFINITIONS:

ALARM ADMINISTRATOR: The person designated by the Police Chief to handle and deal with enforcement of police and fire alarm systems and false alarms.

ALARM AGENT: Any person employed by, working for, representing, or subcontracted by an alarm company.

ALARM COMPANY: The business by any person, firm, partnership, corporation, association, organization, company, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility.

ALARM SYSTEM: Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of any actual or attempted burglary, robbery, fire or medical alarm to which the Police or Fire Departments are expected to respond.

ALARM USER: A person(s), firm, partnership, corporation, association, organization, company, or other entity in control of a premises where an alarm system is located.

AUDIBLE ALARM: An alarm system or device that generates an audible sound.

AUTOMATIC DIALING DIGITAL ALARM COMMUNICATOR SYSTEM: A system in which signals are transmitted from a digital alarm communicator transmitter located at a protected premises through the public switched telephone network to a digital alarm communicator receiver at a central alarm station or the Police Department alarm monitoring system.

AUTOMATIC DIALING TELEPHONE ALARM: A device that automatically dials any of the Police Department emergency communications center telephone lines, without human activation of the device by the alarm user or employee of the alarm user, upon detection of an illegal entry or other illegal activity at a protected premises, or upon detection of a fire or medical emergency.

CALENDAR YEAR: A twelve (12) month period beginning January 1 and ending December 31 every year.

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

CHIEF OF POLICE: The City of Elgin Chief of Police or his designee.

CITY: The City of Elgin, Illinois.

FALSE ALARM: Activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm user or alarm user's employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual or attempted burglary, robbery, fire, medical or panic alarm need exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm user, or any other cause clearly beyond the control of the alarm user will be considered in determining if an alarm activation was false and whether or not any occurrence, fine, warning or other punitive action will be taken against the alarm user as provided for by this Chapter.

FIRE ALARM SYSTEM: Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire or medical alarm to which the Fire Department is expected to respond.

SUPERVISING STATION: A facility that receives signals from protected premises fire alarm systems and at which personnel are in attendance at all times to respond to these signals. These facilities include listed central stations and remote supervising stations.

NOTICE: Written notice given by personal service upon the addressee, or, given by the United States Postal Office, postage paid, to the addressee's last known mailing address.

PERMITTEE: Any person, firm, partnership, corporation, association, organization, company, or other entity issued an alarm permit by the City.

PERSON: A natural person, or a firm, partnership, corporation, association, organization, company, or other entity.

POLICE ALARM SYSTEM: Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of any actual or attempted burglary or robbery to which the Police Department is expected to respond.

PRERECORDED TELEPHONE MESSAGE: Any prerecorded voice message transmitted or received over a telephone line.

PROTECTED PREMISES: Any building, structure, or facility where an alarm system is installed to signal the occurrence of any actual or attempted burglary, robbery, fire or medical emergency to which the Police or Fire Departments are expected to respond.

6.47.030: PERMIT REQUIRED:

A. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease a police alarm system or fire alarm system or to be in control of a premises wherein an alarm system is operated or maintained without having first obtained a permit as provided in this Chapter.

B. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained when a permit therefor has been revoked or the permittee is no longer an occupant of the premises.

C. A permit must be obtained for each separately addressed operating location.

D. Permits must be displayed on or in close proximity to the fire suppression system panel.

E. No fee shall be charged to obtain an alarm user permit.

F. All permits issued are valid indefinitely unless revoked.

G. It is unlawful for any permittee to fail or refuse to amend its alarm permit application within fourteen (14) days after any of the information required and contained therein becomes outdated or inaccurate.

H. The provisions of this Chapter shall not apply to any electric, wired or battery operated, single station smoke detectors installed to alert the occupants of any residence to the danger of a fire.

6.47.040: PERMIT APPLICATION:

A. Each applicant for a permit to maintain an alarm system shall file a written application with the City Finance Department stating:

1. The full legal name, address, and telephone number of the applicant.
2. The name, address and telephone number of the premises where the alarm system is located.
3. The type of alarm system at the protected premises.
4. A list of three (3) persons, including their addresses and telephone numbers, who can be contacted and will respond to the premises in the event of an emergency or to reset or deactivate the alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.
5. The name, address and telephone number of the person or company that installed the alarm system.
6. The name, address and telephone number of the person or company that is responsible for the maintenance and repair of the alarm system, if applicable.
7. The name, address and telephone number of the central alarm station or the supervising station for the alarm system.

B. Incomplete applications shall be returned to the applicant. A permit will not be issued until the completed application is received and approval for the permit has been granted by the Alarm Administrator.

C. An application for an alarm user permit shall be denied if:

1. The applicant has failed to pay false alarm fees required by this Chapter for a different protected premises under the applicant's ownership or control.
2. The applicant has failed to comply with any provisions of this Chapter or other ordinances of the City.

D. The City's Finance Department shall be responsible for processing and issuing alarm user permits.

6.47.050: ALARM ACTIVATION AT A PREMISES WHERE AN ALARM USER PERMIT HAS NOT BEEN ISSUED:

Any alarm user who does not have a valid alarm user permit will be assessed a fine in the amount of three hundred dollars (\$300.00) for each notice to the Police Department of an activation of a police alarm system or fire alarm system at the protected premises.

6.47.060: UPDATING ALARM USER 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.

6.47.070: TRANSFER OF ALARM USER PERMIT PROHIBITED:

An alarm user permit cannot be transferred to another premises or to another person.

6.47.080: AUDIBLE ALARM SYSTEM REQUIREMENTS:

An alarm system that emits an audible signal that may be heard by persons outside the protected building, structure or facility shall conform to the following requirements:

A. No audible alarm system shall create a sound similar to that of the City's Civil Defense Warning System.

B. Audible alarm systems shall automatically discontinue emitting an audible sound within thirty (30) minutes after it is activated.

C. With respect to systems in existence prior to the adoption of this Chapter, the owner or operator thereof shall have thirty (30) days from the effective date hereof to effect the necessary modifications to comply with the foregoing requirements.

6.47.090: AUTOMATIC DIALING TELEPHONE ALARM REQUIREMENTS:

A. Any automatic dialing telephone alarm or device installed and operated that dials any City telephone line other than the designated Police Department alarm line is prohibited. No person will install, or cause to be installed, or maintain or cause to be maintained, any automatic dialing telephone alarm that dials any City telephone line other than the designated Police Department alarm line. Any such automatic dialing telephone alarm or device that dials any City telephone line other than the designated police alarm line must be reprogrammed to dial the designated Police Department alarm line, removed or deactivated by the owner thereof at the owner's expense, within thirty (30) days following the effective date hereof.

B. It is unlawful for any person to allow any automatic alarm, automatic dialing device or automatic alerting device which causes any City telephone line to be dialed, and whose sole purpose is to establish an open telephone line with the specific intent that a conversation between parties not actively speaking into the telephone instrument be heard by the Police Department in order to directly access emergency services based on this overheard conversation, or lack of conversation.

6.47.100: FALSE ALARMS PROHIBITED:

It is unlawful for any person to knowingly activate an alarm system for the purpose of summoning the Police Department or Fire Department except if such person knows or suspects that there is an actual or attempted burglary, robbery, fire or medical emergency on the premises.

6.47.110: FALSE ALARMS; FINES; NOTIFICATIONS:

A. Any alarm user permittee who has more than four (4) false alarms within a calendar year at a single protected location will be assessed fines according to the following fine schedule:

Fifth (5th) - eighth (8th) false alarms: one hundred dollars (\$100.00) fine per false alarm

Ninth (9th) - tenth (10th) false alarms: two hundred dollars (\$200.00) fine per false alarm

Eleventh (11th) - twentieth (20th) false alarms: three hundred dollars (\$300.00) fine per false alarm

More than twenty (20) false alarms: five hundred dollars (\$500.00) fine per false alarm

B. All fines must be paid to the City Finance Department within thirty (30) days from the date of the invoice requesting payment of the fine(s).

C. The Alarm Administrator shall notify the alarm user, in writing, of each instance wherein the Police Department has recorded a false alarm. The alarm user shall have the opportunity within fourteen (14) days from the date of mailing or personal delivery to submit a report or meet with the Alarm Administrator for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Alarm Administrator shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record will be voided. The finding of the Alarm Administrator shall be final.

6.47.115: PERMIT REVOCATION FOR POLICE ALARM SYSTEM:

A. Any alarmed premises which has ten (10) or more false alarms from a police alarm system within a calendar year shall subject the alarm user to permit revocation as provided herein. For the purposes of this section and alarm permit revocations, a combined security system which contains both police and fire

components in and serving a single residence shall also be deemed to be a police alarm system and subject to permit revocation as provided in this section.

B. If City records show ten (10) or more false alarms within a calendar year for any alarmed premises:

1. The Alarm Administrator shall notify the alarm user by certified mail or personal delivery, that their alarm permit shall be revoked thirty (30) days from date of mailing or personal delivery. The alarm user shall have fourteen (14) days from the date of mailing or personal delivery to submit a written report to the Alarm Administrator describing actions taken or to be taken to identify and eliminate the cause of the false alarms, and to request that their alarm user's permit be reinstated.
2. If the alarm user submits a report requesting reinstatement of their alarm user's permit, the Alarm Administrator shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms; if he determines that the action will substantially reduce the likelihood of false alarms, he shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the alarm users permit has been approved.
3. If the alarm user's permit is reinstated, and the Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Alarm Administrator shall proceed with the permit revocation process again as described in this subsection B. The alarm user shall also be assessed a fine in the amount of three hundred dollars (\$300.00) for each subsequent false alarm through the remainder of the calendar year.
4. If the Alarm Administrator determines that the action taken, or to be taken, will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The Alarm Administrator shall give notice by certified mail or personal delivery, to the user that the permit will be revoked without further notice.
5. An alarm user whose permit has been revoked by the Alarm Administrator may, within fourteen (14) days of receipt of the notice of revocation, appeal this decision by filing a written request for a review meeting with the Chief of Police.
6. If a review meeting with the Chief of Police is requested, written notice of the time and place of the review meeting will be served on the alarm user by the Chief of Police by certified mail or personal delivery within fourteen (14) days of the request by the alarm user.

7. The Alarm Administrator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination by both parties.
8. If the Chief of Police determines that the user has not taken action which substantially reduces the likelihood of false alarms, the Chief of Police shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit.
9. If the Chief of Police determines that the alarm user has taken action which substantially reduces the likelihood of false alarms, the Chief of Police shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit.
10. If the alarm user's permit is reinstated, pursuant to subsection B9 of this Section, and the Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Alarm Administrator shall proceed with the permit revocation process again as described in this subsection B. The alarm user shall also be assessed a fine in the amount of three hundred dollars (\$300.00) for each subsequent false alarm activation through the remainder of the calendar year.
11. If the alarm user's request for reinstatement of their alarm permit has been denied by the Chief of Police, the alarm user may, within fourteen (14) days of receipt of the notice of revocation, appeal this decision by filing a written request for a review meeting with the City Manager.
12. If the City Manager determines that the user has not taken action which substantially reduces the likelihood of false alarms, the City Manager shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit. The decision of the City Manager shall be final.
13. If the City Manager determines that the alarm user has taken action which substantially reduces the likelihood of false alarms, the City Manager shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit.
14. If the alarm user's permit is reinstated pursuant to subsection B13 of this Section and the Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Alarm Administrator shall proceed with the permit revocation process again as described in this subsection B. The alarm user shall also be assessed a fine in the

amount of three hundred dollars (\$300.00) for each subsequent false alarm activation through the remainder of the calendar year.

C. Any alarm user permittee who fails to pay any fines or charges provided for under this Chapter within thirty (30) days from the date of the invoice requesting payment of same shall have the subject alarm user permit revoked. Any such alarm user permit shall not be reinstated until all the unpaid fines and fees are paid in full.

6.47.120: EXCESSIVE FALSE FIRE ALARMS:

Any alarm user of an alarmed premises which has ten (10) or more false alarms from a fire alarm system within a calendar year, in addition to being subject to the fines provided for in this Chapter and prosecution for violation of the provisions of this Chapter, and other remedies available to the City pursuant to law, shall be required to enroll in the Underwriter Laboratories (UL) Fire Alarm Certificate Program for the fire alarm system. Such certificated users shall be subject to the UL random system inspections. Enrollment in this program would cease when the alarm user of the fire alarm system has demonstrated to the Fire Chief, or his designee, that the fire alarm system no longer transmits false alarms on a reoccurring basis.

6.47.130: TESTING EQUIPMENT:

No person shall conduct or cause to be conducted, any test or demonstration of any alarm system or signaling device that is directly connected with the Police Department Emergency Communications Center without first obtaining permission from the Police Department Emergency Communications Center personnel. Permission to test shall not be required when the alarm system or signaling device is connected to an intermediary receiver and is not relayed to the Police Department Emergency Communications Center.

6.47.140: MAINTENANCE OF EQUIPMENT:

The alarm user shall be responsible for maintaining the alarm system to assure reliability of operation, including, but not limited to, so as to prevent continued false alarms.

6.47.150: NO LIABILITY OF CITY:

The City assumes no liability for any defects in the operation of any alarm system or signal line system, for any failure or neglect of any person associated with the installation, operation or maintenance of any alarm system,

for any failure or neglect of any alarm user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the City finds it necessary to revoke an alarm user permit or to otherwise provide for the disconnection of any alarm system, the City shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this Chapter or by virtue of the issuance of an alarm system permit, the direct connection of an alarm system with the Police Department or as a result of the transmission to or receipt of alarm signals by the Police Department. Police Department response to police alarm systems which have a history of false alarms or which have been revoked may consist of a lower priority (or may cease entirely for those revoked). The City assumes no responsibility for not responding upon the receipt of an alarm under such situations.

6.47.160: SEVERABILITY:

If any provision, clause, sentence, paragraph, section, or part of this Chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Chapter in the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.

6.47.170: PENALTY FOR VIOLATION:

Any person, firm or corporation violating any provisions of this Chapter, in addition to the fees and specific fines established herein, shall be fined as provided in Title 1, Chapter 1.20 of this Code. Each day during which a violation of this Chapter continues or is permitted to exist shall be considered a separate and distinct offense."

Section 2. Section 2.40.227 of the Elgin Municipal Code, 1976, as amended, be and is hereby repealed.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed to the extent of any such conflict.

Section 4. This ordinance shall be in full force and effect on and after January 1, 2018, following its passage and publication as provided by law.

s/ David J. Kaptain

David J. Kaptain, Mayor

Presented: December 20, 2017

Passed: December 20, 2017

Vote: Yeas: 9 Nays: 0

Recorded: December 20, 2017

Published: December 21, 2017

Attest:

s/ Kimberly Dewis

Kimberly Dewis, City Clerk