

ORDINANCE NO. 07-22

**AN ORDINANCE AMENDING THE VILLAGE OF
SOMONAUK CODE OF ORDINANCES RELATING
TO FALSE ALARMS**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF SOMONAUK, DEKALB AND LASALLE COUNTIES, AS FOLLOWS:

SECTION 1.

That the following language be and is hereby inserted as Section 4-2-4 of the
Somonauk Code of Ordinances:

4-2-4: FALSE ALARMS:

- A. Purpose: The purpose of this Chapter is to define and abate false alarms. False alarms are hereby declared to be detrimental to the safety and public welfare of the people of this Village.
- B. Definitions: The following definitions shall apply in the interpretation and enforcement of this Chapter:

ALARM: Any audible, visual, electronic or other signal indicating occurrence of an emergency.

ALARM SYSTEM: Any device designed to detect the occurrence of an emergency and to transmit an alarm or any device designed to transmit an alarm upon being activated by a person. Alarm systems include, but are not limited to, burglar alarms, hold-up alarms, and fire alarms including automatic dialing systems and systems utilizing an operator or central location to which signals are transferred.

ALARM USER: The property owner or person in control of any vehicle, building, structure or facility or portion thereof wherein an alarm system is maintained.

AUTOMATIC DIALING SYSTEM: Any alarm system which upon being activated automatically transmits by telephone line a recorded message or code signal indicating the occurrence of an emergency or the need for a response to an emergency.

EMERGENCY: The occurrence of fire, smoke or combustion; unlawful forced entry or burglary; robbery or other violent crime; flood, tornado, earthquake or other natural disaster.

FALSE ALARM: The transmission by an alarm system of an alarm when an emergency does not, in fact, exist. False alarms shall not include alarms activated by:

1. Criminal activity or unauthorized entry;
2. Earthquake, hurricane or tornado winds causing structural damage to the protected premises;
3. Flooding of the protected premises;
4. Lightning; or
5. Fire causing damage to the protected premises.

If, prior to the time that a police officer(s) is dispatched to investigate an alarm, the alarm has been identified to the Police Department or Fire Department to be a false alarm, authorized system test or the result of any other non-emergency cause, then the alarm shall not be considered a false alarm for the purposes of this Chapter.

There shall be a rebuttable presumption that an alarm is a false alarm if the Fire Department and/or Police Department officers responding to the alarm check the premises upon which the alarm system is installed, do not discover any evidence of an unauthorized entry, criminal activity or other emergency.

A false alarm transmitted by a newly installed alarm system shall not be considered a false alarm for the purposes of this Chapter, if the false alarm is transmitted within fourteen (14) days of the installation.

KEY HOLDER: A person authorized by the alarm user to have access to the protected premises and alarm system by use of a key or combination.

PERSON: Any individual, corporation, partnership, organization, firm, association or other entity.

- C. **Public Nuisance:** A false alarm as defined in this Chapter is hereby declared to be a public nuisance.
- D. **Response to Alarms:**
 1. Whenever an alarm system is activated and causes an emergency response by a member of the Police or Fire Department, the officer(s)/firefighters(s) responding to the alarm shall inspect the area protected by the system and determine whether or not the alarm was a false alarm.
 2. If the officer/firefighter in charge of the scene of the activated alarm system determines the alarm to be false, the officer/firefighter shall make a report of the false

alarm, a notification of which shall be mailed or delivered to the alarm user by the Somonauk Police Department advising such person of the false alarm.

E. Automatic Dialing Systems:

1. Alarm users of all automatic dialing systems within the Village are required to fill out and file an information card with the Somonauk Police Department and with the agency which is being called by the automatic dialer. The information card shall contain the names of all key holders with regard to the premises and alarm system and the names of two (2) contact persons, including their work and home addresses and their work, home, page and other telephone numbers at which they may be reached. The purpose of this requirement is to secure information as to the location and whereabouts of a contact person and to ensure that such information is readily available to the Police Department in the event of an emergency or other situation. Alarm users shall update the required information as changes, if any, occur.

2. Messages transmitted by automatic dialing systems shall be no longer than forty five (45) seconds in length with an automatic cutoff at the end of the message. The message must contain the location of the building, not the mailing address.

F. Outside Audible Alarms: All outside audible alarms on burglar alarm systems are required to be of the "resetting type" and capable of being deactivated by a key holder. No outside audible alarms shall continue to signal for more than thirty (30) minutes and an alarm user maintaining such an alarm system shall be guilty of a violation of this Chapter. Outside audible alarms on fire alarm systems are not required to be of the resetting type. All alarm users of fire alarm systems on business or manufacturing establishments shall provide the Somonauk Police Department with a list of the key holders containing the information required in subsection E of this Section.

G. False Alarm Penalty:

1. General Penalty: Except as specifically permitted hereafter, any person determined to have violated any section or provision of this Section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for any one offense.

2. Fire Alarm Systems: No alarm user of fire alarm systems shall permit their fire alarm system to transmit a false alarm. There shall be no penalty under this Chapter for the first two (2) false alarms within any twelve (12) month period. In the event of three (3) false fire alarms within any twelve (12) month period, the fine shall be not less than seventy five dollars (\$75.00). In the event of four (4) false fire alarms, the fine shall not be less than one hundred fifty dollars (\$150.00). In the event of five (5) or more false fire alarms within any twelve (12) month period, the fine shall not be less than two hundred dollars (\$200.00). Any fines (exclusive of court costs imposed

by virtue of this subsection) shall be equally divided between the Village and the Somonauk Fire Protection District.

3. Burglar or Hold-Up Alarm Systems: No alarm user of burglar or hold-up alarm systems shall permit the burglar or hold-up alarm system to transmit a false alarm. There shall be no penalty for the first three (3) false burglar or hold-up alarms within any twelve (12) month period. In the event of four (4) false burglar or hold-up alarms within a twelve (12) month period, the fine shall be not less than seventy five dollars (\$75.00). In the event of five (5) false burglar or hold-up alarms within a twelve (12) month period, the fine shall not be less than one hundred fifty dollars (\$150.00). In the event of six (6) or more false burglar or hold-up alarms within any twelve (12) month period, the fine shall not be less than two hundred dollars (\$200.00).

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance shall be, and the same are hereby repealed.

SECTION 3. SEVERABILITY

This Ordinance, and every provision thereof, shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance is void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs and provisions and parts of phrases, clauses, sentences, paragraphs, provisions and sections not ruled void or unconstitutional shall continue in full force and effect.

SECTION 4. EFFECTIVE DATE

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 this 10 day of October, 2007 with 5 members voting aye, 0 members voting nay, the President not voting, with 0 members abstaining or passing, and said vote being:

DANIEL STAHL	<u>Aye</u>	ROBERT HANSON	<u>Absent</u>
MERLIN MILLIGAN	<u>Aye</u>	REBECCA MORPHEY	<u>Aye</u>
RICHARD MCMILLAN	<u>Aye</u>	SCOTT MERRILL	<u>Aye</u>

VILLAGE CLERK

APPROVED this 10th day of October, 2007.

VILLAGE PRESIDENT

(SEAL)
ATTEST:

VILLAGE CLERK