

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 5 “FIRE PREVENTION AND PROTECTION”, CHAPTER 3 “GENERAL FIRE PREVENTION AND REGULATIONS”, SECTION 6 “REGISTRATION OF FIRE ALARM SYSTEMS” AND TITLE 15 “QUASI-CRIMINAL OFFENSES”, CHAPTER 4 “ALARMS” AND TITLE 14 CONCERNING FALSE ALARMS OF THE MUNICIPAL CODE FOR THE VILLAGE OF BROADVIEW, COUNTY OF COOK, STATE OF ILLINOIS**

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**WHEREAS**, the Village of Broadview, County of Cook, State of Illinois (the “Village”) is a duly organized and existing village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President, the Honorable Sherman Jones (the “President”) and the Board of Trustees of the Village, namely, the Honorable Judy Abraham, Nicole Benson, Woodie Morris, Jr, Kevin McGrier, Gwenevere Turner, and Judy Brown-Marino (the “Village Board”), constitute the duly elected, qualified and acting officials of the Village (collectively, the President and Village Board constitute the “Corporate Authorities”); and

**WHEREAS**, the Corporate Authorities desire to amend Title 5 “Fire Prevention and Regulation”, Chapter 3 “General Fire Prevention and Regulations”, Section 6 “Registration of Fire Alarm Systems” and Title 15 “Quasi-Criminal Offenses”, Chapter 4 “Alarms”, and Title 14 of the Village’s Municipal Code concerning false alarms (the “Code Amendments”); and

**WHEREAS**, the Corporate Authorities have authority under Section 3.1-35-35 of the Illinois Municipal Code (65 ILCS 5/3.1-35-35) to approve the Code Amendments set forth below in this Ordinance; and

**WHEREAS**, the Corporate Authorities have determined that the proposed Code Amendments are necessary and proper and that it is in the best interests of the Village to adopt the Code Amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Broadview, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to amend Title 5 “Fire Prevention and Regulation”, Chapter 3 “General Fire Prevention and Regulations”, Section 6 “Registration of Fire Alarm Systems” and Title 15 “Quasi-Criminal Offenses”, Chapter 4 “Alarms”, and Title 14 of the Municipal Code concerning false alarms.

**Section 03. Invocation of Authority.**

This Ordinance is enacted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 05-09. Reserved.**

**ARTICLE II.  
REPEAL OF CHAPTER 3 “REGISTRATION OF FIRE ALARM SYSTEMS” OF  
TITLE 5 “FIRE PREVENTION AND PROTECTION”**

**Section 10.00 Repeal of Chapter 3 “Registration of Fire Alarm Systems” of  
Title 5 “Fire Prevention and Protection”**

That Chapter 3 “Registration of Fire Alarm Systems” of Title 5 “Fire Prevention and Protection” is hereby repealed. Chapter 3 of Title 5 shall be Reserved.

**ARTICLE III.  
REPEAL OF CHAPTER 4 “ALARMS” OF TITLE 15 “QUASI-CRIMINAL  
OFFENSES”**

**Section 11.00 Repeal of Chapter 4 “alarms” of Title 15 “Quasi-Criminal  
Offenses”**

That Chapter 4 “Alarms” of Title 15 “Quasi-Criminal Offenses” is hereby repealed. Chapter 4 of Title 15 shall be Reserved.

**ARTICLE IV.  
CREATION OF TITLE 14 “PUBLIC SAFETY”**

**Section 12.00 Creation of Title 14 “PUBLIC SAFETY”**

That there is hereby created Title 14 “Public Safety” which shall read as follows:

**TITLE 14 “PUBLIC SAFETY”**

**CHAPTER 1 FALSE ALARMS**

**14-1-1 IMPOSITION OF FEES FOR FALSE ALARMS:** The imposition of fees for false alarms shall apply to residential and nonresidential alarm systems and shall be governed by the provisions of this chapter as set forth herein.

## **14-1-2 DEFINITIONS:**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ALARM COORDINATOR:** means the person designated by the chief of the police and chief of the fire department, respectively, who shall have responsibility and authority for enforcing the provisions of this chapter. There shall be one alarm coordinator for each department.

**ALARM SYSTEM:** means any assembly of equipment, mechanical, electrical or wireless, arranged to signal the occurrence of a fire, robbery, illegal entry or other activity requiring urgent attention and to which the police or fire departments are expected to respond.

**ALARM USER:** means the person, other than a unit of local, state or federal government, in control of any building, structure or facility, including the owner and or lessee, wherein an alarm system is maintained.

**AUTOMATIC DIALING DEVICE:** means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

**FALSE ALARM:** means an alarm signal eliciting a response by the village police department or the village fire department when a situation requiring such a response by them does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user, including power outages and telephone service outages.

**LOCAL ALARM SYSTEM:** means an alarm system which, when activated, causes an audible and/or visual signaling device to be activated only on the premises within which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

**NONRESIDENTIAL ALARM SYSTEM:** means any alarm system installed or operated in a building or structure that does not contain residential dwelling units.

**14-1-3 FALSE ALARM NOTICE AND DETERMINATION:**

Within 30 days after each false alarm, the alarm coordinator shall notify the alarm user by mailing a notice to the address from which the false alarm was received. If the alarm user believes that the alarm was not a false alarm, he shall reply to the alarm coordinator within ten days from the date that the notice was issued, stating the reasons why the alarm was not a false alarm. In the absence of such reply, the alarm shall be conclusively presumed to be a false alarm. The alarm coordinator shall determine, based upon department records and the user's reply, whether the alarm was false and so notify the user of his determination. If the alarm is determined to be a false alarm for which a fee is due, the user shall remit to the village the appropriate fee for such false alarm within 30 days of notification by the alarm coordinator.

**14-1-4 FALSE ALARM FEES:**

An alarm user shall be assessed a fee for each false alarm in excess of two during any calendar year. The fees shall be assessed as hereinafter set forth:

Number of False Alarms in Calendar Year	Fees	
	Police	Fire
First and Second	No fee assessed	No fee assessed
Third	\$50.00 fee assessed	\$100.00 fee assessed
Fourth	\$100.00 fee assessed	\$200.00 fee assessed
More than Four	\$200.00 fee assessed	\$400.00 fee assessed

**14-1-5 REGISTRATION OF ALARM SYSTEM:**

Within thirty (30) days of the installation or removal of an alarm system within the village, the owner of the property shall register the alarm system with the village or notify the village of the system's removal, unless the property is leased. If the property is leased, the lessee of the property shall be responsible for registering the alarm system or

notifying the village of the system's removal within thirty (30) days of the installation or removal. The registration fee per alarm system shall be twenty five dollars (\$25.00) and thereafter an annual registration fee of twenty-five dollars (\$25.00) shall be due each subsequent calendar year. Failure to register an alarm system or to notify the village of a system's removal shall result in a fine of twenty five dollars (\$25.00).

**14-1-6 DISPLAY OF ALARM PERMIT:**

Upon registration of an alarm system the village shall issue to the alarm user a permit that shall be displayed in a conspicuous location upon the premises. It shall be unlawful for the owner or lessee of an alarm system not to display the issued permit.

**14-1-7 AUTHORITY TO CREATE AND MAINTAIN MINIMUM STANDARDS:**

The chiefs' of police and fire departments may impose regulations prescribing minimum standards for the construction and maintenance of all alarm systems and requiring inspection and approval of all such systems. Such regulations shall have the full force and effect of law upon their adoption by ordinance by the village board after public hearing.

**14-1-8 LIMITATIONS AS TO THE VILLAGE'S LIABILITY:**

The village assumes no liability for any defects in the operation of any alarm system or for the failure or neglect of any person associated with the installation, operation or maintenance of an alarm system for the transmissions of alarm signals; for the relaying of such signals and messages; for the failure or neglect of any alarm user; for the transmission or receipt of alarm signals; or for any failure or neglect to respond upon receipt of an alarm signal from any source. In the event the village finds it necessary to revoke any direct connect alarm registration, or to otherwise provide for disconnection of any alarm system, the village shall have no liability for such action.

**ARTICLE V.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 13.00 Headings.**

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance, nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

**Section 14.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

**Section 15.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 16.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 17.00 Effective Date.**

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll and Voice Vote Of The Board Of Trustees:

	YES	NO	ABSENT	PRESENT
Abraham				
Benson				
Turner				
McGrier				
Morris				
Brown-Marino				
(Mayor Jones)				
TOTAL				

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SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF BROADVIEW, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
2ND DAY OF DECEMBER, 2013, A.D.

APPROVED:

\_\_\_\_\_

VILLAGE PRESIDENT

ATTEST: \_\_\_\_\_

Village Clerk

*(SEAL)*

Recorded in the Municipal Records:  
Published in Pamphlet Form: