



VILLAGE OF PINGREE GROVE

ORDINANCE NO. 2010, 07

**AN ORDINANCE TO REGULATE THE USE OF ALARMS
IN THE VILLAGE OF PINGREE GROVE,
KANE COUNTY, ILLINOIS**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS
THIS 5TH DAY OF April, 2010.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS
ILLINOIS, THIS 6TH DAY OF April, 2010.

ORDINANCE NO. 2010-07

AN ORDINANCE TO REGULATE THE USE OF ALARMS
IN THE VILLAGE OF PINGREE GROVE,
KANE COUNTY, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois, as follows;

WHEREAS, the Village Board of Trustees have found and determined that a significant investment of time and resources is required by Village employees including but not limited to the Village Police Department, in making emergency responses to false alarms; and,

WHEREAS, the Village Board of Trustees have determined that emergency responses to false alarms not only generate unnecessary expense, but also put Village personnel and the public in needless risk of harm, which is detrimental to public safety and the safety of Village personnel; and,

WHEREAS, the Village Board of Trustees have determined that the occurrence and repeat occurrence of false alarms within the Village constitutes a nuisance which is within the power of the Village to regulate, and has further determined that the fines and fees contemplated by this Ordinance constitute both an appropriate penalty for those who permit the nuisance to occur, and an appropriate deterrent to discourage the occurrence of false alarms; and,

WHEREAS, the Village Board of Trustees have determined that it is in the public interest and supports the public health, welfare, safety and morals to address and regulate the use of alarm systems within the corporate limits of the Village;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees in the Village of Pingree Grove, Kane County, Illinois, that:

SECTION ONE: Ordinance Established: Chapter 14, Article VIII of the Village Code of Ordinances is hereby established as follows:

Chapter 14, Article VIII: Alarm Systems

14.801 Definitions:

“Alarm” shall mean any mechanical or electronic device or assembly of equipment, designed, intended or arranged to signal the occurrence of an illegal or unpermitted entry, a fire, a need for emergency medical assistance or other activity requiring urgent attention and to which the Village police department or other Village employees or personnel are expected or may be reasonably anticipated to respond to. Alarm shall include any fire alarms and emergency medical alarms that the Village police department does respond to or assist with. Alarm shall also include any system that is

either connected to an automatic notification system that contacts emergency dispatchers, or any system that, once triggered, emits notification to passersby, whether through flashing lights, the emission of sound, or other means.

“Alarm Company” shall mean any firm, person, partnership, corporation or other legal entity that services, monitors or installs Alarms within the corporate limits of the Village.

“Alarm User” means any person, firm, partnership, corporation or other legal entity of any kind which is in control of any item of tangible property, whether personal property or real property, including but not limited to automobiles, buildings, structures, facilities and other articles of property upon which an Alarm is maintained.

“False Alarm” shall describe any circumstance in which an Alarm transmits a signal that is conveyed to the Village through any means (including but not limited to a report of an activated Alarm or the automated transmission of a notice to the Village), or any other circumstance where an Alarm is activated and any Village personnel respond to said Alarm, when a situation requiring such a response does not exist. False Alarms also include Alarms triggered by inadvertence, negligence or by an intentional act or omission of an Alarm Company, Alarm User or other person. Notwithstanding the foregoing, False Alarm shall not include:

- A. Alarms caused by the installation, repair, maintenance or testing of an Alarm or of electrical utility lines or other utilities servicing a premises equipped with an Alarm, if the Village receives actual notice, in advance of the activity in connection with the Alarm. If alarm installation, repair, maintenance or testing is to occur on more than one date, the Village must be notified on each date on which such activity is to occur, not less than one hour prior to the time at which such activity is to occur.
- B. Alarms caused by an attempted illegal entry of which there is visible evidence.
- C. Alarms triggered by any reason, when the Village is notified that the reported Alarm is a False Alarm *prior to the time at which any Village personnel undertake to begin a response to said Alarm.*

“Response” or “Respond” shall mean any preparation or activity taken by any Village personnel, including but not limited to the Village Police Department, as the direct or proximate result of a report being received by the Village, in any form, that an Alarm has activated within the corporate limits of the Village.

14.802 False Alarms Prohibited:

- A. The occurrence of False Alarms within the Village constitutes a public nuisance, which the Village may abate through any means available at law or at equity.

B. Any Alarm Company or Alarm User acting within the corporate limits of the Village shall be required to utilize and implement appropriate and reasonable means to prevent the occurrence or recurrence of False Alarms, and it shall be unlawful to fail to do so. Violation of this subsection (B) shall be punishable by a fine not to exceed five hundred dollars (\$500) for each day that the violation is permitted to continue.

C. Immediately upon the detection of any issue or condition that is causing or generating False Alarms, the Alarm User shall seek immediate repair of said Alarm and shall discontinue use of said Alarm until such point in time as the Alarm is repaired and the condition causing the False Alarms is rectified. In the event any Alarm User occupies a structure which is required by law to utilize an Alarm System, said Alarm User shall not be required to discontinue use of said Alarm, but shall be required to employ an Alarm Company to repair the Alarm and to address the condition generating the false alarms within twenty-four hours of the detection of the issue or condition generating or causing False Alarms. Violation of these requirements is unlawful, and shall be punishable by a fine not to exceed five hundred dollars (\$500) for each day that the violation is permitted to continue.

D. It shall be unlawful for any Alarm User to permit the occurrence of more than three (3) False Alarms within a rolling (i.e. non-calendar) twelve-month period, emitted from the same building, structure, facility or item of property. On the occurrence of a fourth or subsequent False Alarm within a twelve-month period, fines shall be assessed as follows:

- Fourth Offense: \$75
- Fifth Offense: \$100
- Sixth or Subsequent Offense: \$150

Each separate violation of this subsection (D) shall be separately punishable by fine, provided that a Response has been triggered by the violation, even if the violations occur on the same day.

E. It shall be unlawful to negligently, knowingly or intentionally trigger or set off an Alarm under circumstances where the person triggering the Alarm knows or reasonably should know that the circumstances do not justify the triggering of the Alarm, or knows or reasonably should know that the triggering of the Alarm creates a False Alarm. Violation of this subsection (E) shall be punishable by a minimum fine of one hundred dollars (\$100) and a maximum of seven hundred and fifty dollars (\$750), per occurrence.

F. All of the fines set forth above are minimum fines which may be increased based upon the circumstances of any given case, and which do not include court costs or other similar charges.

14.803 Violations:

Upon the detection of any violation of this Ordinance, the Village Police Department may issue an ordinance violation citation to the offender.

SECTION TWO: GENERAL PROVISIONS:

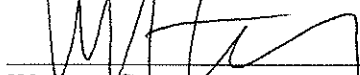
REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

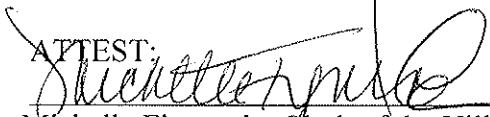
EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

CODIFICATION: The Village of Pingree Grove is presently undergoing codification of its ordinances into a unified Code Book. To that end, the chapter numbers identified above have been selected based upon the Village's estimation of what the actual chapter number shall be. That said, the Village Manager and Village Clerk shall be expressly authorized to change or amend the identifying chapter numbers as shall be necessary to conform such numbering to the codification of the Village's Ordinances, provided that the text of the ordinances (other than the numbering) shall not be changed. This ordinance shall remain in full force and effect without regard to the renumbering or relabeling of the paragraphs.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois this 5th day of April, 2010.



Wyman Carey,
President of the Board of Trustees of the Village of Pingree Grove

ATTEST:


Michelle Figuerola, Clerk of the Village of Pingree Grove

	Aye	Nay	Absent	Abstain
Trustee Steve Wiedmeyer	X	___	___	___
Trustee Ricky Popilek	X	___	___	___
Trustee Stephanie Mette	X	___	___	___
Trustee Greg Marston	X	___	___	___
Trustee Joshua Cossiboon	X	___	___	___
Trustee Larry Gillie	X	___	___	___
Village President Wyman Carey	___	___	___	___