

**CITY OF AURORA, ILLINOIS
ORDINANCE NO.
DATE OF PASSAGE**

**AN ORDINANCE AMENDING CHAPTER 17, ARTICLE IV
REGARDING FIRE ALARM SYSTEMS AND CHAPTER 36, ARTICLE IV
REGARDING POLICE ALARM SYSTEMS**

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable for the City of Aurora to amend its ordinances regulating private fire and police alarm system penalties for false alarms.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 17, Article IV, Section 17-40 entitled “Penalties” of the Aurora Code of Ordinances be and is hereby amended to read as follows:

Sec. 17-101. - Penalties.

* * * * *

(c)

Administrative or other proceedings at law to enforce the provisions of this article shall be commenced by a fire code citation, which shall be issued by the fire marshal or such fire inspector as he may designate, both of whom are deemed peace officers for purposes of this article, in the following manner:

(1)

By preparing a fire code citation ticket and serving the same on any person in charge of, or as owner of, the property on which the violation exists; or

(2)

By serving the citation by ~~certified~~ first class mail, ~~return receipt requested~~, in case no such person may be located upon due diligence.

* * * * *

Sec. 17-140. Penalties.

A violation of any section of this article excluding section 17-139, shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00). A violation of section 17-139 shall be punishable as follows:

1. For the first ~~three (3)~~ false alarms in one calendar year, no fine shall be assessed, unless the fire prevention bureau shall show willful and wanton misconduct on the part of the fire alarm user, his employees or agents.
2. For a ~~fourth (4th) and fifth (5th)~~ second (2nd) false alarm in one calendar year, a fine of seventy-five dollars (\$75.00) shall be assessed for each fire department response thereto.
3. For a ~~sixth (6th) and seventh (7th)~~ third (3rd) and fourth (4th) false alarm in one calendar year, a fine of one hundred and fifty dollars (\$1050.00) shall be assessed for each fire department response thereto.
4. ~~For an eighth (8th) and ninth (9th) false alarm in once calendar year, a fine of two hundred dollars (\$200.00) shall be assessed for each fire department response thereto.~~
5. 4. For a ~~tenth (10th)~~ fifth (5th) false alarm and for each and every succeeding false alarm in one calendar year, a fine of three hundred dollars (\$300.00) shall be assessed for each fire department response thereto.
6. 5. For any false alarm emanating from a fire alarm user who has not received a permit or certificate of acceptance from the fire prevention bureau for the operation of a fire alarm system in the city of aurora, a fine of four hundred dollars (\$400.00) shall be assessed for each and every false alarm.
7. 6. In addition to the fines set forth above, any fire alarm user who refuses or fails to pay within ~~sixty~~ forty-five (45) days of the date of any such false alarm fine assessment, said fire alarm user shall be deemed to have an additional violation of this article, punishable by an additional fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each day that said fines remain unpaid, and said fire alarm user shall further

pay all legal fees and costs of the city of aurora in connection with such false alarm(s).

8. 7. The City of Aurora may file a lien against the protected premises for any outstanding fine which is reduced to judgment.
9. 8. Any person issued an invoice under this section shall have the right to seek a hearing in front of the hearing officer subject to the provisions stated herein below.
 - a. For purposes of this section, the hearing officer shall be the individual who holds administrative hearings involving violations of the city's property maintenance code under article VII of chapter 12 of the city's code of ordinances.
 - b. Any person seeking a hearing by the hearing officer shall file a written petition for hearing within twenty (20) days after receipt of the applicable invoice. The petition must be received by the treasurer or in the treasurer's office prior to the expiration of the twenty-day period, or on the first date the treasurer's office is open for business after such date if closed on such date. Mailing such petition on such date shall be insufficient. If the petition is not filed within this time period, then the invoice shall become final and not subject to further review, and the city may proceed with collection of the debt.
 - c. The petition shall state the reason or reasons why the invoice is incorrect or invalid, as the case may be, and state the relief sought from the hearing officer. Upon receipt of the petition from the treasurer, the hearing officer shall promptly set a time and date for a hearing on the petition and shall notify the petitioner of the same not less than seven (7) days prior to the date set for hearing. A hearing date may be continued by the hearing officer for any good cause.
 - d. At such hearing, the hearing officer shall give the petitioner an opportunity to be personally heard and present whatever information or witnesses as he considers pertinent and relevant to the issue. Upon conclusion of such hearing, and after consideration of any information presented by the petitioner and such other information as may be available to the hearing officer, a decision shall be made by the hearing officer either canceling, modifying or affirming the applicable invoice, and notice of such decision shall be given in writing to the petitioner and treasurer.
 - e. The decision of the hearing officer reached at the conclusion of such hearing shall be final, and the treasurer may enforce such decision in the manner provided for under this section or such other manner as may be available by law.

Section Two: That Chapter 36, Article IV, Section 36-58 entitled “Fees” of the Aurora Code of Ordinance be and is hereby amended to read as follows:

Sec. 36-58. ~~Fees-Penalties.~~

(a) Fees required by the provisions of this article shall be determined, from time to time, by separate ordinance or resolution of the city council.

(b) False Alarms:

1. For the first ~~three (3)~~ false alarm responses in a calendar year, no fee shall be charged, unless the city shall show willful and wanton misconduct on the part of the alarm user or his/her employees or agents.
2. For a ~~fourth and fifth~~ second false alarm response within a calendar year, a fee of seventy-five dollars (\$75.00) shall be charged for each response.
3. For a ~~sixth~~ third and ~~seventh~~ fourth false alarm response within a calendar year, a fee of one hundred fifty dollars (\$1050.00) shall be charged for each response.
- ~~4. For an eighth and ninth fifth false alarm response within a calendar year, a fee of two hundred dollars (\$200.00) shall be charged for each response.~~
5. 4. For a ~~tenth~~ fifth false alarm response and for each and every succeeding false alarm within a calendar year, a fee of three hundred dollars (\$300.00) shall be charged for each response.
6. 5. In addition to the fines set forth above, any police alarm user who refuses or fails to pay within forty-five (45) days of the date of any such false alarm fine assessment, said police alarm user shall be deemed to have an additional violation of this article, punishable by an additional fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each day that said fines remain unpaid, and said police alarm user shall further pay all legal fees and costs of the city of aurora in connection with such false alarm(s).
7. 6. The city of aurora may file a lien against the protected premises for any outstanding fine which is reduced to judgment.

~~(6)(9)~~ Any person issued an invoice under this section shall have the right to seek a hearing in front of the hearing officer subject to the provisions stated herein below.

a. For purposes of this section, the hearing officer shall be the individual

who holds administrative hearings involving violations of the city's property maintenance code under article VII of chapter 12 of the city's code of ordinances.

b. Any person seeking a hearing by the hearing officer shall file a written petition for hearing within twenty (20) days after receipt of the applicable notice. The petition must be received by the treasurer or in the treasurer's office prior to the expiration of the twenty-day period, or on the first date the treasurer's office is open for business after such date if closed on such date. Mailing such petition on such date shall be insufficient. If the petition is not filed within this time period, then the invoice shall become final and not subject to further review, and the city may proceed with collection of the debt.

c. The petition shall state the reason or reasons why the invoice is incorrect or invalid, as the case may be, and state the relief sought from the hearing officer. Upon receipt of the petition from the treasurer, the hearing officer shall promptly set a time and date for a hearing on the petition and shall notify the petitioner of the same not less than seven (7) days prior to the date set for hearing. A hearing date may be continued by the hearing officer for any good cause.

d. At such hearing, the hearing officer shall give the petitioner an opportunity to be personally heard and present whatever information or witnesses as he considers pertinent and relevant to the issue. Upon conclusion of such hearing, and after consideration of any information presented by the petitioner and such other information as may be available to the hearing officer, a decision shall be made by the hearing officer either canceling, modifying or affirming the applicable invoice, and notice of such decision shall be given in writing to the petitioner and the treasurer.

e. The decision of the hearing officer reached at the conclusion of such hearing shall be final, and the treasurer may enforce such decision in the manner provided for under this section or such other manner as may be available by law.

(c) In tabulating the prior number of false alarms, a thirty-day grace period for new alarm systems or for major modifications and/or additions to existing alarm systems may be granted upon request of the alarm equipment supplier to the chief of police.

Section Three: That this ordinance shall be in full force and effect, and shall be controlling, effective June 1, 2017.

Section Four: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Five: That any Section or provision of this ordinance that is construed to be

invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Aurora, Illinois, on _____.

AYES _____ NAYES _____ ABSENT _____

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois, on _____.

Mayor Robert J. O'Connor

ATTEST:

City Clerk

City of Aurora
Law Department
44 East Downer Place
Aurora, IL 60507
(630) 256-3060