

ORDINANCE NO. F-0178

AN ORDINANCE AMENDING CHAPTER 26 (BUSINESSES)
OF THE WHEATON CITY CODE

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any functions pertaining to its government and affairs; and

WHEREAS, one of the criminal concerns of police administrators should be to address the problem of false alarms in their jurisdictions; and

WHEREAS, about 90 percent of all alarm calls made to police are false or unfounded and in many jurisdictions those calls constitute 10 to 15 percent of all police calls for service; and

WHEREAS, the number of false alarms is growing along with the number of alarm systems in use, thereby taking police away from real emergencies and making each alarm system less reliable, credible, and valuable; and

WHEREAS, professionally installed and monitored alarm systems are useful instruments to deter crime and provide peace of mind for residential and business users of those alarm systems;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rules powers, as follows:

Section 1: That Article III. (Burglary and Holdup Alarm Businesses) of Chapter 26 (Businesses) of the Wheaton City Code is hereby amended by deleting said Article in its entirety and replacing it with the following:

"ARTICLE III. BURGLAR AND HOLDUP ALARM BUSINESSES"**Sec. 26-76. 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 system means any burglar and/or holdup alarm system referred to in this article.

Audible alarm means an alarm that sounds audibly on the premises, whether or not connected as a direct alarm or a central station alarm.

Burglar alarm system means an alarm system signaling an entry or attempted entry into the area protected by the system and is connected as a direct alarm or a central station alarm.

Burglar and holdup alarm business means any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a burglar or holdup alarm system, or which causes any of these activities to take place.

Central station means any premises, usually maintained by an alarm company, equipped to receive and dispense signals from intruder alarm systems.

Communicator panel means the device that receives alarm signals from subscribers whose lines terminate at the police dispatch point.

Direct alarm means any police alarm device running directly from a specific location to the police dispatch point, connected by leased telephone lines.

False alarm means 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 or robbery 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 ordinance.

Holdup alarm system means an alarm system signaling a robbery or attempted robbery.

Interconnect means to connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Local alarm means an alarm that sounds audibly or activates other devices such as lighting on the premises signaling an entry or attempted entry into the premises and which is not connected as a direct alarm or a central station alarm.

Subscriber means a person who contracts for or receives service or maintenance with respect to any alarm system from an alarm business.

(Code 1968, § 15-60)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 26-77. Responsibility to answer alarms.

(a) When an alarm system has been activated at a business or private residence and the police have been requested to respond, the owner or his representative shall be present at such location after being requested to do so by a representative of the police department. Response shall be as soon as possible but shall not exceed 30 minutes from the time of request.

(b) Every audible alarm shall be constructed, equipped, and installed in such a fashion that the alarm shall be incapable of sounding for more than 30 minutes following a single activation. The sounding of such audible alarm for a continuous period of more than 30 minutes shall constitute a public nuisance.

(c) 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 any 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 ordinance or by virtue of the issuance of an alarm user permit or as a result of the transmission to or receipt of alarm signals by the Police Department. The City assumes no responsibility for responding to and/or answering alarms.

(Code 1968, § 15-61)

Sec. 26-78. Alarm user permit.

(a) 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 without having first obtained an alarm user permit as provided in this Article. However, an alarm user permit shall not be required for a local alarm.

(b) Every person within the city limits who wishes to install an alarm system in his home or place of business shall obtain an alarm user permit for each separate alarm system he wishes to connect.

(c) No fee shall be charged to obtain an alarm user permit.

(d) All alarm user permits issued are valid indefinitely unless revoked.

(e) Any alarm user who does not have a valid alarm user permit will be assessed a fine in the amount of \$100 for each notice to the Police Department of an activation of a burglar or robbery alarm system at the protected premises in addition to the appropriate penalty delineated in the fine rate schedule contained in Section 26-84 of this Article.

(f) Alarm user permits are not transferable.

(g) Each applicant for an alarm user permit to maintain an alarm system shall file a written application with the City 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 at the protected premises.

(4) A list of three 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 names, 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.

(h) An application for an alarm user permit shall be denied if:

(1) The applicant has failed to pay false alarm fees required by this ordinance for a different protected premises under the applicant's ownership or control.

(2) The applicant has failed to comply with any provisions of this ordinance.

(Code 1968, § 15-62)

Sec. 26-79. Inspection of alarm devices; testing.

(a) The chief of police or a person designated by the police chief shall have the authority to enter the premises of any business in the city which has a direct alarm system for the purpose of checking the alarm system.

(b) If any inspection reveals any problems with an alarm system, the permittee shall have a period of 30 days after receiving written notice to make required corrections or repairs.

(c) There will be no testing or demonstrating of an alarm system without first obtaining permission from the police department.

(Code 1968, § 15-66)

Sec. 26-80. Communicator panel--Acquisition.

(a) The police chief shall have the authority to require bids from licensed alarm companies to furnish a communicator panel which is compatible to the receipt of alarm signals from subscribers whose lines terminate at the police department or dispatch center. Bids shall include the annual service fee the subscriber must pay the alarm company to be connected to the panel and shall comply with any other specifications the police chief feels are reasonable and necessary.

(b) The city manager shall have the right, with the advice and consent of the city council, to accept any bid offered under the provisions of this section which he feels is in the best interest of the city.

(Code 1968, § 15-64)

Sec. 26-81. Same--Obligations of successful bidder.

The alarm business receiving the contract for the installation of the communicator panel

pursuant to section 26-80 shall be responsible for obtaining and leasing any and all necessary equipment and line between the police department or dispatch center and the subscribers.

(Code 1968, § 15-65)

Sec. 26-82. Interconnected alarm systems.

No automatic dialing device shall be interconnected to the police department or police dispatch point.

(Code 1968, § 15-63)

Sec. 26-83. Transmission of excessive false alarms, grounds for revocation of permit.

(a) It shall be unlawful for any person to transmit more than four false alarms within any calendar year from any single alarm system.

(b) More than ten (10) false alarms in one calendar year from any single alarm system may constitute grounds for revocation of the alarm user permit for that location.

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

(1) The police department shall notify the alarm user by certified mail or personal delivery, that their alarm user permit shall be revoked thirty (30) days from the 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 police department describing what actions taken or to be taken to identify and eliminate the cause of the false alarms, and to request that their alarm user permit be reinstated.

(2) If the alarm user submits a written report requesting reinstatement of their alarm user permit, the police department shall determine within fourteen (14) days of receiving the written report if the action taken or to be taken will substantially reduce the likelihood of false alarms. If it is determined that the action will substantially reduce the likelihood of false alarms, the police department shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the alarm user permit has been approved.

(Code 1968, § 15-67)

Sec. 26-84. Penalties; hearing.

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

5th to 8th False Alarm	\$100 Fine per False Alarm
9th to 10th False Alarm	\$200 Fine per False Alarm
More than 10 False Alarms	\$300 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) *Informal hearing.* Each alarm user shall be entitled to an informal hearing with the chief of police or his designate for each false alarm in excess of four. At the informal hearing, the subscriber may offer evidence that the alarm activation for which he is charged was not a false alarm.

(d) Such hearing must be requested in writing by certified or registered mail, directed to the chief of police, seven days after the mailing of the statement of charges for the false alarm. Failure to timely request a hearing shall constitute an admission that the service charge is justified and payable to the city and shall further constitute an irrevocable waiver of such hearing.

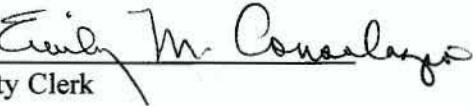
(Code 1968, § 15-68)

Secs. 26-85--26-105. Reserved.

Section 2: All Ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 3: This Ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:


Emily M. Connelage
City Clerk


C. James Carr
Mayor

Roll Call Vote:

Councilman Johnson
Councilwoman Johnson
Councilman Mork
Councilwoman Davenport
Councilman Gresk
Mayor Pro Tem Eckhoff

Ayes:

None

Nays:

Mayor Carr

Absent:

Motion Carried Unanimously

Passed: October 20, 1997

Published: October 21, 1997