

## ORDINANCE NO. F-1991

### AN ORDINANCE AMENDING SECTION 22-120, "FALSE FIRE ALARM SERVICE CHARGE," SECTIONS (a) THROUGH (d) OF DIVISION 1 "GENERALLY" OF ARTICLE 10, FIRE CODES, OF CHAPTER 22, BUILDINGS AND BUILDING REGULATIONS, OF THE WHEATON CITY CODE

**WHEREAS**, the Fire Chief of the City of Wheaton has requested that Section 22-120, "False fire alarm service charges," paragraphs (a) through (d) be updated and more consistent with current fire alarm technology, and the false burglar alarm provisions of the Wheaton City Code; and

**WHEREAS**, the Corporate Authorities of the City of Wheaton deem such amendments to be proper and appropriate.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, that Section 22-120, "**False fire alarm service charge**," of Division 1, Generally, of Article 10, Fire Codes, of Chapter 22, Building and Building Regulations, of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Section 22-120, which shall read as follows:

#### **SECTION 1: Section 22-120, False fire alarms; service charge.**

(a) *Definitions.* For purposes of this Division, the following words and phrases shall have the meanings ascribed to them in this Section unless the context clearly establishes otherwise:

*False fire alarm:* An alarm signal which indicates the existence of an emergency when, in fact, no such emergency exists, including any alarm signal generated by a fire alarm protection system by whatever means, but excluding alarms from the following causes:

- (1) Fire causing structural damage to the protected premises verified by the Fire Department;
- (2) Flooding to a protected premise due to an overflow of natural drainage;
- (3) Lightning caused physical damage to the protected premises;
- (4) An electronic malfunction at the City's central station;
- (5) Electrical service interruption;
- (6) Plumbing or electrical malfunctions unrelated to the fire protection system;
- (7) Steam;
- (8) Physical damage to property caused by earthquake or high winds;
- (9) The alarm system was newly installed within thirty (30) days of the false alarm in full compliance with the requirements of this Ordinance but requires fine tuning due to specific technical requirements of the system (i.e., example halon detection);
- (10) Alarms activated by the malicious conduct of a third person;

(11) Accidental activation during testing so long as the testing has been reported to the Fire Department prior to the accidental activation.

*Fire alarm user:* Any person, firm, partnership, association, corporation, limited liability company or organization of any kind in control of any building, structure or facility or portion thereof, where a fire protection alarm system is maintained.

*Fire alarm protection system:* A system, including devices and equipment to detect fire, activate an alarm or suppress or control a fire, or any combination thereof.

*Fire suppression system:* A mechanical system designed and equipped to detect fire, activate an alarm, or suppress a fire.

(b) *Installation and Operation Maintenance Standards.* The installation, operation, maintenance and inspection of any fire alarm protection or suppression system shall be in accordance with the terms of Article 15, "Uniform Standards for the Installation, Maintenance and Transmission for Private Alarm Systems Connected to the City of Wheaton's Wireless Alarm Network," Sections 22-209 through 22-220 of this Chapter.

(c) *Fine for False Alarm.* Any alarm user who has more than three (3) false alarms within a calendar year, at a single protected location, shall be assessed fines according to the following fine schedule:

(1) Commercial alarms – Fines per false alarm per calendar year:

False alarms 1 through 3 . . .	No fine
False alarms 4 through 9 . . .	\$300.00
False alarms 10 through 14 . . .	\$600.00
False alarms 15 and over . . .	\$1,000.00

(2) Residential alarms – Fines per false alarm per calendar year:

False alarms 1 through 3 . . .	No fine
False alarms 4 through 9 . . .	\$150.00
False alarms 10 through 14 . . .	\$250.00
False alarms 15 and over . . .	\$350.00

(d) All fines shall be paid to the City finance department within thirty (30) days from the date of the invoice requesting payment of the fine(s).

(e) Informal hearing. Each fire alarm user shall be entitled to an informal hearing with the fire chief, or his designee, for each false alarm in excess of three (3). At the informal hearing, the fire alarm user may offer evidence that the alarm activation for which he is charged was not a false alarm as defined herein. No fine shall be imposed where the evidence establishes that the activation was not a false alarm.

(f) Such hearing must be requested in writing, by certified or registered mail, directed to the fire chief, no later than seven (7) 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 fine is justified and payable to the City and shall further constitute an irrevocable waiver of such hearing.

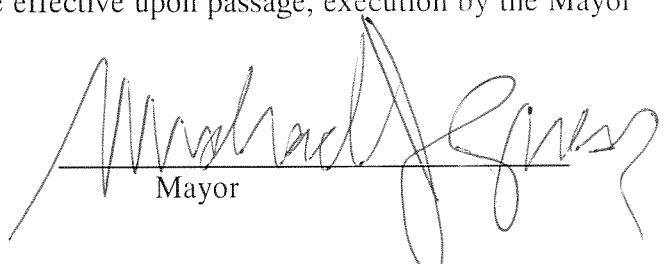
**SECTION 2:** If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

**SECTION 3:** Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

**SECTION 4:** This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Ayes:

Roll Call Vote:

Councilman Rutledge  
Mayor Gresk  
Councilman Saline  
Councilman Scalzo  
Councilman Suess  
Councilwoman Fitch  
Councilman Prendiville

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: January 3, 2017  
Published: January 4, 2017

