

ORDINANCE NO. 94-004
PALOS FIRE PROTECTION DISTRICT
RELATING TO FALSE ALARM AND AMBULANCE CALLS

IT IS ORDAINED by the Board of Trustees of Palos Fire Protection District, pursuant to the powers vested in said District under 70 ILCS 705, "AN ACT IN RELATION TO FIRE PROTECTION DISTRICTS," as follows:

WHEREAS, the Illinois Compiled Statutes authorizes fire protection districts to enact and implement ordinances necessary to further the purposes of a fire protection district and promote fire prevention; and

WHEREAS, the District desires to adopt an ordinance to impose reasonable charges for false alarms in order that the District may be compensated for the cost of responding to false fire alarms, false ambulance calls, or other false alarm calls for service.

NOW THEREFORE, be it resolved by the Board of Trustees of the Palos Fire Protection District as follows:

SECTION 1. Classes of False Alarms:

a. Class 1 False Alarms are calls given wilfully or maliciously without a reasonable cause to believe a fire exists, the need for medical service exists, or the need for any type of emergency service exists;

b. Class 2 False Alarms are alarms other than those given wilfully or maliciously as follows:

1. due to or caused by a lack of required maintenance on a fire protection system as specified in the National Fire Protection Association Code Section 72;
or

2. resulting from any test, repair, alteration, or addition to the fire protection system without prior notification thereof to the Palos Fire Protection District or its dispatch facility.

SECTION 2. Service Charges:

a. A charge shall be assessed against the individual or individuals who commit the Class 1 offense for actual damages.

b. Actual damages shall be determined by the District using the currently established charges under 70 ILCS 705/11 for equipment and personnel responding to the false alarm, including false alarms for fire, EMS, or any emergency service.

c. The Chief and/or Deputy Chief of the fire district shall be vested with the authority to issue a citation and billing to be served upon the individual or individuals charged describing the offense and setting forth the date, time, and place of each offense.

d. Within ten days of receipt of the citation, a hearing may be requested by written notice to the District to consider any evidence and show any cause in mitigation. The Chief and/or Deputy Chief shall have the right to consider all evidence and any cause in mitigation. The offense may be vacated in the discretion of the hearing officer.

e. A charge shall be assessed against the individual or individuals who commit a Class 2 offense for false alarms as follows:

1. first false alarm in a twelve (12) month period: warning letter;

2. second false alarm in a twelve (12) month period: \$200.00;

3. each additional false alarm in a twelve (12) month period after two false alarms shall result in a false alarm charge of at least \$500.00, with each charge increasing by \$50.00 for each additional false alarm, not to exceed \$1,200.00.

f. If any individual gives three (3) or more Class 2 false alarms within a twelve (12) hour period, the Palos Fire Protection District reserves the right to place out-of-service the fire alarm system and may require a fire watch at its discretion. Any fire alarm placed out-of-service under this section must be repaired and placed back into service within the time period specified by the Palos Fire Protection District.

SECTION 3. Citations Issued:

a. The Chief and/or Deputy Chief of the fire district shall be vested with the authority to issue a Class 2 false alarm citation to be served upon the agent in charge of the property, the owner, a lessor, or lessee of the property, setting forth the date, time, and place of each offense, the prior offenses within the preceding 12 month period, and the fine due within thirty days after issuance of the citation.

b. Within 10 days of receipt of a notice of violation the property or its representative may once during any 12 month period request a review of the alleged offense and show any cause in mitigation. The Chief and/or Deputy Chief shall have the right, in their discretion, to suspend one violation during a 12 month period for a property owner or its agent upon a showing that appropriate steps have been taken to reduce the likelihood of a reoccurrence of the offense. A prior suspended offense shall be included in determining the total number of offenses in a 12 month period.

c. To the extent permitted by law, the District shall seek reimbursement for all costs of collection of delinquent charges under this Ordinance not paid to the District within 30 days of the issuance of a citation and billing for said charges. Costs of collection may include all reasonable attorneys' fees and court costs incurred by the District in proceedings to the extent permitted by law.

SECTION 4. Miscellaneous:

a. The Secretary of the Palos Fire Protection District is hereby directed to publish this ordinance section in full at least once in a newspaper published within the District. Publication shall take place at least ten (10) days prior to implementation of this ordinance section.

b. The provisions of this ordinance section shall be in full force and effect from and after July 5, 1994, as provided by law.

c. This Ordinance shall, upon its effective date, repeal Ordinance 94-002 entered into on March 7, 1994.