

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2543

**AN ORDINANCE TO REGULATE AND PROHIBIT FALSE
ALARMS**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 16th day of April, 2007**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 17th day
of April, 2007.**

ORDINANCE NO. 2543

APR 16 2007

**AN ORDINANCE TO REGULATE AND PROHIBIT FALSE
ALARMS**


City Clerk

WHEREAS, the City Council of the City of Columbia, Illinois (the "City") has found and determined and does hereby declare that a significant investment of time and manpower has been and is required by the City Police Department, the City Fire Department and the City Emergency Medical Service in making emergency responses to false alarms exposes emergency services personnel to needless risk of harm and is detrimental to the health, safety and welfare of the citizens of the City and the motoring public utilizing the public streets and rights-of-way in the City;

WHEREAS, the City's City Council further finds that whether a false alarm is caused by inadvertence, negligence, intentional act or omission of an alarm company or alarm user, or a malfunction of the alarm, it is the alarm user that is in the superior position to significantly reduce the instances of false alarms through insisting upon proper installation, supervision, servicing and maintenance of alarms; and,

WHEREAS, the City's City Council has further found and determined and does hereby declare that it is necessary and appropriate that this Ordinance be enacted to provide for the assessment of fines as a deterrent to false alarms in the City and the concomitant need for City emergency services to respond thereto.

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

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Chapter 8.24 (NUISANCES) of Title 8 (HEALTH AND SAFETY) of the Columbia Municipal Code is changed and amended to add thereto Section 8.24.035, to be entitled: "False alarms", to read as follows:

"Section 8.24.035 False alarms.

It shall be unlawful for any person to transmit a false alarm to the city fire department, the city police department or the city emergency medical service in violation of this section.

1. As used in this section, the following definitions shall apply:

A. "Alarm" shall mean any mechanical or electric device or assembly of equipment, designed or arranged to signal the occurrence of an illegal entry, a fire, an emergency medical assistance need or other activity requiring urgent attention and to which the police department, the

fire department and/or an emergency medical service are expected to respond.

B. "Alarm Company" means any firm, person, partnership, corporation or other legal entity required to be licensed by the state which, with respect to any alarm installed upon any premises within the city, has servicing, maintenance or monitoring duties or responsibilities under the terms of any agreement or arrangement with an alarm user.

C. "Alarm User" means any person, firm, partnership, corporation, or other legal entity of any kind in control of any building, premises, structure or facility upon which an alarm is maintained.

D. "False Alarm" shall mean an alarm signal to which a police department, a fire department and/or emergency medical service respond with emergency service personnel and/or equipment when a situation requiring such response does not in fact exist, and which signal is caused by the inadvertence, negligence or an intentional act or omission of an alarm company or alarm user, or a malfunction of the alarm. The following shall not be considered false alarms:

(1) Alarms caused by the installation, repair, maintenance, or testing of an alarm if the public safety agency is notified in advance of the activity in connection with the alarm system.

(2) Alarms caused by an act of God, including earthquakes, floods, wind storms, thunder or lightning (but excluding dust, dirt, insects or rodents or similar causes that are the result of faulty inspection and maintenance).

(3) Alarms caused by an attempted illegal entry of which there is visible evidence.

(4) Alarms caused by the installation, repair, maintenance or testing of electrical utility equipment or lines if the public safety agency was notified in advance of the activity in connection with the alarm system.

(5) False alarms if the public safety agency is notified that the alarm is unfounded before a public safety agency responds to the alarm.

E. "Response" means the activation of the personnel and equipment of the emergency service agency to initiate movement in the direction of the alarm for purposes of servicing the alarm.

2. False alarm penalty.

A. Any alarm user who has more than two (2) false alarms within a twelve (12) month period at a single protected location will be assessed fines according to the following schedule:

3rd – 5th – Fifty dollars (\$50.00) fine per false alarm;

6th – 9th – One Hundred Dollars (\$100.00) fine per false alarm; and,

More than 9 false alarms – Two Hundred Dollars (\$200.00) fine per false alarm.

B. All fines must be paid to the City Clerk's office within thirty (30) days from the date notice demanding payment of the fine(s) is mailed or personally delivered by the City Clerk or the City Police Department shall file a non-traffic complaint against the alarm user for ordinance violation(s) in the Circuit Court.

C. The Chief or Director of the emergency service agency, or their designee, shall notify the alarm user, in writing, of each instance wherein his department has recorded a false alarm. The alarm user shall have the opportunity within fourteen (14) days from the date of mailing or personal delivery of the notice to submit a response or meet with the Chief or Director, or their designee, for the purposes of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Chief, Director or their designee shall review the alarm user's response and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record will stand or be voided. The finding of the Chief or Director or their designee shall be final.

D. In any prosecution for charging a violation of this section, proof that a false alarm occurred at the particular building, premises, structure or facility described in the complaint and that the party charged is the alarm user shall constitute *prima facia* proof of a violation.

Section 3. All ordinances or resolutions, or parts of ordinances or resolutions, in conflict herewith, to the extent of such conflict, are hereby changed and amended to read in compliance with the requirements of this ordinance; and to the extent that conflicting ordinances or resolutions cannot be made to read in compliance herewith, are hereby revoked, to the extent of such conflict.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

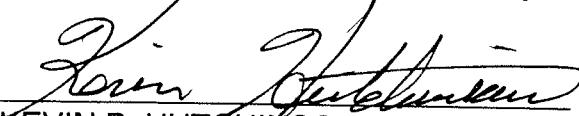
YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Huch and Mayor Hutchinson.

NAYS: None.

ABSENT: Aldermen Koesterer and Row.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 16th day of April, 2007.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

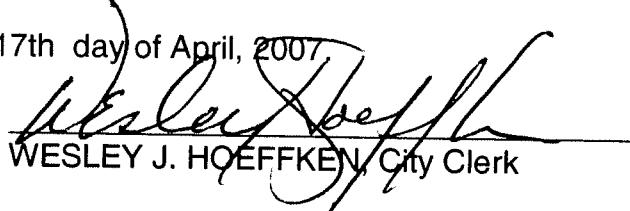
I further certify that on the 16th day of April, 2007, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 2543, entitled:

"AN ORDINANCE TO REGULATE AND PROHIBIT FALSE ALARMS"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2543, including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 17th day of April, 2007 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 17th day of April, 2007.


WESLEY J. HOEFFKEN, City Clerk

(SEAL)