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ORDINANCE NO. 7449
AN ORDINANCE REGULATING BURGLARY AND
ROBBERY ALARM SYSTEMS

WHEREAS, the alarm industry has developed a business model of equipping homes and businesses with various sensory systems that when triggered prompt telephone calls to the City of Alton Police Department requiring the emergency response of police; and

WHEREAS, a majority of the instances in which the City of Alton police respond to such automated emergency calls, they are found to be not true emergencies, but are found to have been caused by electronic or mechanical failure or the failure of the alarm owners or agents to properly operate the alarm systems; and

WHEREAS, the City of Alton incurs substantial expense in connection with the receipt of and response to automatic dialing device calls; and

WHEREAS, the resources of the City of Alton are finite and when police are required to respond to the telephone calls they receive from automatic dialing device calls, the ability to serve and protect the citizens of the City of Alton and to preserve the health, safety and welfare of the remaining community of the City of Alton is impaired to some extent; and

WHEREAS, the City of Alton has sole authority over the dispatch processes and procedures of its police resources;

WHEREAS, it is appropriate to consider regulations designed to recapture some of the costs incurred by the City of Alton in providing the response to automatic dialing device calls, and further to discourage the circumstances that may lead to false alarms initiated by automatic dialing device calls.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALTON, ILLINOIS, AS FOLLOWS:

SECTION ONE

The City of Alton is a Home Rule Unit of Government and as such may exercise any powers or perform any function pertaining to its government and affairs.

SECTION TWO

That Chapter 5 of Title 7 of the City Code of the City of Alton shall be amended by deleting the present wording thereof and substituting the following wording therefore:

Chapter 5

7-5-1: Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

"ALARM BUSINESS" means any business licensed by the Illinois Department of Financial and Professional Regulation, regardless of the jurisdiction in which located, which is engaged in the selling, leasing, installing, maintaining, servicing, repairing, altering, replacing, moving or removing any alarm system in any building, structure or facility, to include sub-contractors.

"ALARM IDENTIFICATION NUMBER" means a number issued to an alarm subscriber by the Chief of Police for the purpose of identifying a specific alarm system at an alarm site for dispatching and record keeping purposes.

"ALARM SITE" means a single premise or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

"ALARM OWNER" means any person who leases, contracts for, buys or otherwise obtains and operates an alarm system for the purpose of obtaining response to the alarm, and on whose premises an alarm system is maintained, excluding audible alarms on motor vehicles and medical alarms.

"ALARM SYSTEM" means any mechanism, equipment or device, wire or wireless, which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this Chapter: Devices which do not register alarms that are audible, visible or perceptible outside the protected premises; or devices which are not installed, operated or used for the purpose of reporting an emergency to the Police Department.

"AUTOMATIC DIALING DEVICE" means an alarm system that automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice-message indicating the existence of an emergency situation that the alarm system is designed to detect.

"BURGLARY" means the unlawful entry of a structure to commit a felony or a theft.

"BURGLARY ALARM SYSTEM" means an alarm system designed to signal an unauthorized entry or attempted entry into a building, structure or facility protected by the alarm system.

"CENTRAL MONITORING STATION" means an office to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of messages concerning alarm activations to the Police Department.

"CHIEF OF POLICE" means the Chief of the Police Department of the City of Alton or his/her designated representative.

"DURESS ALARM" means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

"FALSE ALARM" means the activation of a burglary or robbery alarm, whereby the police are summoned to a location and neither of these crimes is occurring nor is there any evidence of these crimes having occurred, or having been attempted. Alarms due to vandalism, destruction of property, telephone line faults, acts of God (to include, but not limited to, thunderstorms as defined by the National Weather Service), or natural or manmade catastrophe as determined by the Chief of Police, shall not be considered false under this Chapter.

"HOLDUP ALARM" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

"Illinois Department of Financial and Professional Regulation" (IDFPR) is the governmental agency responsible for the administration of professional licensing of an alarm business.

"LOCAL ALARM" means any alarm device audible at the alarm site.

"PANIC ALARM" means an audible alarm system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response, not to include burglary alarm systems.

"PERSON" means and includes natural persons, without regard to number or gender, or any partnership, corporation or other type of legal entity.

"POLICE DEPARTMENT" means the Police Department of the City of Alton, Illinois.

"PRIVATE RESPONDER" means a private guard company, an alarm company's guard, an alarm owner, or a person or entity appointed by an alarm owner to confirm by visual inspection that an attempted or actual crime has occurred at an alarm site.

"REVOCAATION" means the permanent cessation of police response to the site of a registered alarm system.

"ROBBERY" means the taking or attempting to take anything of value from another person by force or threat of force or violence and/or by putting the victim in fear.

"SUBCONTRACTOR" means any person or business, regardless of the jurisdiction in which located, who performs duties, directly or indirectly, at the direction of, or for, an alarm business which involves the selling, leasing, installing, maintaining, servicing, repairing, altering, replacing, moving or removing any alarm system in any building, structure or facility.

"SUSPENSION" means the temporary cessation of police response to the site of a registered alarm system.

"VERIFICATION ATTEMPT" means an attempt by an alarm business or its representative, to contact the alarm site by telephone or other electronic means before requesting police response in an effort to determine if an actual or attempted crime has occurred, or if the alarm was accidentally activated.

7-5-2: Applicability of Provisions.

The provisions of this Chapter shall apply to all alarm systems, wired or wireless, which are installed, connected, monitored, operated or maintained on the date this Chapter becomes effective, and subsequent thereto.

7-5-3: Alarm Business Requirements.

A. IDFPR License Required. No alarm business, regardless of the jurisdiction in which located, shall operate in the City of Alton without having first procured a license from the IDFPR and that the license must remain in good standing as long as the alarm business operates in the City of Alton.

B. Alarm Business Disclosure Information Required. Each alarm company, monitoring service and subcontractor must submit to the Chief of Police when commencing business activities in the City of Alton and annually thereafter, during the month of January, a completed Alarm Business Disclosure Information form containing the following information:

1. IDFPR License Number, with proper business or trade name, address and phone number;

2. Full name and phone number of a legal representative designated to accept service on a court summons and appear in court for an alleged violation by the alarm business of any applicable provision of this Chapter.

7-5-4: Registration of Alarm Systems.

A. An alarm owner shall not enter into an agreement for the installation of any alarm system with any alarm business or alarm monitoring company, including contractors or subcontractors, unless said business currently holds a license in good standing from the IDFPR and has provided a copy of same to the Chief of Police.

B. Prior to reporting any alarm sounding to the Police Department, the alarm owner shall obtain an alarm identification number, through written notice from the Chief of Police, for each separate alarm system on his/her premises, including robbery and panic alarms that are not part of an integrated alarm system. The Chief of Police shall also notify, by written notice, the alarm business providing service to the alarm owner of said alarm identification number. No police dispatch shall be made in response to the alarm owner's alarm until written notice of the alarm identification number is made to both the alarm owner and alarm business. Failure to register an alarm system is a violation of this Chapter.

C. Application for an alarm identification number shall be made to the Chief of Police in a manner and form prescribed by the Chief of Police. The alarm subscriber must provide a copy of the paid application for appropriate city inspections of the system, which may include an electrical inspection, before an alarm identification number can be assigned. In addition, the city may require subsequent appropriate city inspections of the system, which may include an electrical inspection, upon notification to the subscriber when the city has reasonable grounds to suspect the system is not properly installed, maintained, or functioning. Such inspections may require additional fees in accordance with the regular fees for such inspections established by the city from time to time.

D. A registration fee will be collected by the alarm company from the alarm owner at the time of initial registration of the alarm system and remitted to the City of Alton. Such registration fee will be assessed annually and remitted to the City of Alton in a manner prescribed by the Chief of Police. Such registration fee shall be Thirty Dollars (\$30.00) for each residential alarm system and One Hundred Dollars (\$100.00) for each commercial alarm system. Failure of any alarm owner to pay a required fee within thirty (30) days of notice by the Chief of Police shall result in suspension of the alarm registration.

The alarm identification number shall be assigned to an alarm owner for an alarm system at a specific location. A new alarm identification number shall be assigned if there is a change in alarm owner or alarm business responsible for that alarm system. The alarm business providing service to the alarm system shall notify the Chief of Police within ten (10) working days from the date the new alarm owner begins occupancy at a location where the alarm system is located, and provide all necessary information concerning such new alarm owner, along with the effective date of change in alarm owners. It shall be a violation of this Chapter for any person to use an alarm identification number assigned to another person. Failure to abide by this provision is a violation of this Chapter.

E. The Chief of Police may require the alarm owner to obtain a re-inspection of any alarm system, which may include an electrical inspection, when there is evidence that such alarm system may be generating excessive false alarms. Suspension of an alarm registration may be ordered by the Chief of Police if such inspection uncovers deficiencies that are not corrected by the alarm owner within a time period established by the Chief of Police.

F. All alarm systems installed and operating prior to the effective date of this Chapter shall comply with the provisions of this section within one hundred and eighty (180) days of such effective date.

7-5-5: Alarm Systems.

All burglary alarm systems installed after the effective date of this Chapter must be equipped with an audible alert that can be heard by the owner throughout the protected premises. All alarm systems must be equipped with stand-by batteries to operate for not less than four (4) hours if power is interrupted. Back-up batteries should also prevent false alarms during power outages. Failure of an alarm owner to comply with any provision of this Section may result in revocation or suspension of the alarm registration.

7-5-6: Alarm Reporting.

A. No alarm company or monitoring service shall send, directly or indirectly, an alarm sounding notification to the Police Department following installation of an alarm system, until written notice of the alarm identification number has been received from the Chief of Police by both the alarm owner and the alarm business providing service to such alarm owner.

B. All alarm soundings reported to the Police Department, either directly or indirectly, shall be done in a manner prescribed by the Chief of Police and shall include the requirement that the reporting party, alarm company or monitoring service give the valid alarm identification number, type of alarm, exact numerical address of the alarm site, alarm owner name and name of current alarm company.

C. Each alarm company shall establish alarm verification procedures with their alarm owners. An up-to-date record shall be maintained by the alarm company containing the name and phone number(s) of both a primary and secondary local emergency contact who may be called to verify the validity of an activated alarm by personally appearing at the alarm site and securing the premises.

D. Prior to requesting police dispatch to the site of an alarm sounding, the appropriate alarm company or monitoring service will make at least two verification attempts to determine if the alarm was activated in error before contacting the police. Additional efforts at verification may be made after police dispatch. A call canceled by the alarm or monitoring company before police arrival at the scene will not be counted as a false alarm.

7-5-7: Responsibility of Alarm Owner.

It shall be the responsibility of the alarm owner to:

- (a) remit the initial and annual registration fees to the alarm company in a timely manner to assure the alarm registration remains in good standing;
- (b) remit any false alarm service fees within the prescribed period to assure the alarm registration remains in good standing;

- (c) maintain the premises containing an alarm system in a manner that insures proper operation of the alarm system;
- (d) maintain the alarm system in a manner that will prevent or minimize false alarms;
- (e) refrain from manually activating an alarm for any reason other than for the occurrence of an event for which the alarm system is intended to report; and
- (f) instruct all individuals who are authorized to activate the alarm system on the proper method of operation, to prevent false alarms.

7-5-8: False Alarms.

A. All alarm notifications to the police department requiring a response from the city are characterized as being either a valid alarm or a false alarm after inspection of the alarm site by the responding city official.

- 1. The following situations are considered to be valid alarms and are not chargeable to the alarm owner.
 - a. Alarm activated due to criminal activity or attempted criminal activity.
 - b. Alarm activated as a result of weather (lightening, high winds, etc.)
 - c. Alarm activated due to a power outage or surge or damage to phone lines.
 - d. Alarm properly cancelled prior to the arrival of the police.
 - e. Alarm activated as a result of police radio interference.
 - f. Alarm malfunction due to manufacturer's defect of alarm equipment.
 - g. Other situations where it is determined by the responding police officer(s) that the alarm owner could not have reasonably prevented the alarm activation.
- 2. The following situations are considered to be false alarms and are chargeable to the alarm owner if the Police Department responds to the alarm site.
 - a. Business alarms that are accidentally activated by an employee, owner, cleaning crew or other persons legally at the alarm site; and residential alarms that are accidentally activated by the homeowner, occupant, or person who is legally at the residence.
 - b. Alarm activated as a result of a domestic animal.
 - c. Alarm activated due to heating or air conditioning blowers turning on or due to the operation of other mechanical or electrical devices left operating.
 - d. Alarm activated due to falling stock or movement of hanging signs or other objects.
 - e. Alarm activated as a result of a malfunction in the alarm system.
 - f. Alarm caused by any other condition that could have been reasonably prevented by the alarm owner.
 - g. All other alarm activations not excluded by the provisions of 7-5-8.A.1 are classified as false alarms.

B. False Alarm Service Fee Schedule. The following provisions shall apply to each alarm system one hundred and eighty (180) days after the effective date of this Chapter.

Upon receipt of the first false alarm after the initial activation of an alarm system, the alarm owner shall be notified by the Chief of Police that a false alarm occurrence has been recorded at the registered alarm address, and notifying the owner that any

subsequent false alarm occurrences will be subject to penalties as provided by ordinance; upon receipt of the second false alarm within a twelve month period, the alarm owner shall be assessed a service fee of Twenty Five Dollars (\$25.00).

Upon receipt of the third false alarm within a twelve month period, the alarm owner shall be assessed a service fee of Fifty Dollars (\$50.00).

Upon receipt of the fourth false alarm within a twelve month period, the alarm owner shall be assessed a service fee of Fifty Dollars (\$50.00).

In addition, following the fourth false alarm within a twelve (12) month period, a written notice shall be issued by the Chief of Police to the alarm owner, and to the alarm business providing service to such alarm owner, advising that police response to the alarm system shall be suspended for a period of thirty (30) days effective fourteen (14) days after the date of the notice. No alarm owner or alarm business shall send an alarm sounding notification to the Police Department from an alarm system that has been suspended, except as provided herein.

Police dispatch to a location with an alarm suspension or revocation will be limited to those situations where a private responder has first arrived at the alarm site and confirmed that an attempted, suspected or actual crime has occurred at such alarm site; however, the private responder shall be required to remain at the scene until arrival of police. This provision will also apply to local alarms, but will not apply to the activation of duress, panic or holdup alarms. All service fees for false alarms under this section shall be payable to the City of Alton.

7-5-9: Reinstatement.

An alarm registration which has been suspended under the provisions of this Chapter shall be reinstated after the completion of the thirty (30) day suspension provided that the alarm business which installed the alarm system certifies that the alarm owner has been retrained in the proper use of the alarm system and certifies that the owner's alarm system is in proper working condition. Any alarm registration which has been suspended due to false alarms and has been reinstated shall be subject to a service fee of One Hundred Dollars (\$100.00) for each subsequent false alarm reported on their alarm system up to a maximum of three (3) additional false alarms within the original twelve (12) month registration period. If the registration exceeds seven (7) false alarms within any twelve (12) month period, a written notice shall be issued by the Chief of Police to the alarm owner, and to the alarm business providing service to such alarm owner, advising that police response to the alarm system shall be suspended for a period of twelve (12) months, effective fourteen (14) days after the date of the notice. No alarm owner or alarm business shall send an alarm sounding notification to the Police Department from an alarm system that has been suspended, except as provided herein.

Police dispatch to a location with an alarm revocation will be limited to those situations where a private responder has first arrived at the alarm site and confirmed that an attempted, suspected or actual crime has occurred at such alarm site; however, the private responder shall be required to remain at the scene until arrival of police. This provision will also apply to local alarms, but will not apply to the activation of duress, panic or holdup alarms. All service fees for false alarms under this section shall be payable to the City of Alton.

All other owners shall annually revert to the beginning fine structure at the start of each annual registration period.

7-5-10 Administrative Hearing:

Any alarm owner assessed a service fee pursuant to the provisions of Section 8 of this Chapter or any alarm owner who has been suspended pursuant to Section 8 or Section 9 of this Chapter shall be entitled to an administrative hearing should the alarm owner elect to contest the service fee or suspension imposed by the Chief of Police or the City of Alton by following the procedures hereinafter set forth.

The alarm owner or his or her attorney seeking an administrative hearing must file a written request for an administrative hearing with the office of the Mayor of the City of Alton no later than fifteen (15) business days after notice of the service fee or the suspension was mailed to or personally served upon the alarm owner, whichever first occurred. Upon the written request for a hearing, filed with the office of the Mayor of the City of Alton within the aforesaid time allowed, a hearing date shall be scheduled no more than thirty (30) business days thereafter. The alarm owner seeking a hearing shall have the burden of proof establishing that a request for an administrative hearing was timely filed with the office of the Mayor. Any interested person shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. The hearing may be continued once commenced to a subsequent time and date with notice of the subsequent time and date being delivered to those present at the hearing. The Mayor shall serve as a hearing officer, or he may designate another individual to serve as a hearing officer on a case by case basis. No person involved in the decision to impose a service fee or a suspension of the privileges of the alarm owner may serve as a hearing officer.

If, after the administrative hearing, the hearing officer determines by a preponderance of the evidence presented that the service fee or the suspension which is the subject of the administrative hearing was properly imposed upon the alarm owner, then the hearing officer shall enter a written order confirming the service fee or the suspension.

If, after the administrative hearing, the hearing officer does not determine by a preponderance of the evidence presented that the service fee or the suspension, which is the subject of the administrative hearing, was properly imposed upon the alarm owner, then the hearing officer shall enter a written finding for the alarm owner and grant such relief as may be appropriate, including a waiver of all or a portion of the service fee imposed, a full or partial refund of the service fee imposed, and a directive to correct any suspension which may remain in effect or threatened with regard to the privileges of the alarm owner.

If the alarm owner requests a hearing, but fails to appear at the hearing, the Mayor or hearing officer may enter a default order confirming the service fee imposed or the suspension of privileges imposed against the alarm owner.

The alarm owner may elect to pay the service fee or to accept the suspension of the privileges of the alarm owner without constituting a waiver of the right of the alarm owner to request an administrative hearing in writing and in a timely manner as provided by this Chapter of the City Code.

The action of the Chief of Police or his designee in imposing a service fee or a suspension of the privileges of the alarm owner shall be subject to the administrative review process as provided herein. The final written decision of the Mayor of the City of Alton or his designated hearing officer shall constitute a final administrative order and be subject to judicial review under the provisions of the Administrative Review Act of the State of Illinois.

7-5-11: Deliberate False Alarms.

A. No person shall cause to be activated or transmitted to the Police Department an alarm of any type from a wired or wireless system, either directly or indirectly, knowing the same to be false or without basis in fact.

B. No person shall cause to be activated or transmitted to the Police Department an alarm of any type from an unregistered or revoked alarm system, wired or wireless, when no bona fide incident has occurred.

C. Central monitoring stations shall not request law enforcement response to alarm sites when monitoring equipment indicates an alarm system malfunction.

7-5-12: Automatic Dialing and Prerecorded Message Alarm Systems Prohibited.

It is unlawful to maintain, operate, connect or allow to be maintained, operated, or connected any dialing device that automatically dials the Police Department and then relays any pre-recorded message to report any robbery, burglary, or other emergency.

7-5-13: Vision-Obscuring Device Prohibited.

It is unlawful for any person to install or use an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any like substances that obscures vision. Use of this device shall result in no police response.

7-5-14: Local Alarms Not to Sound for More Than Fifteen Minutes.

It shall be unlawful for any person to allow a local alarm to sound for more than fifteen minutes without termination.

7-5-15: Penalty Provision.

Any person, partnership or corporation found to be in violation of any provision of this Chapter shall be subject to a fine of not less than One Hundred Dollars (\$100.00). Each additional violation of any provision of this Chapter shall constitute a separate offense, and will be subject to an additional fine. All persons charged with a violation of any provision contained in this Chapter shall be issued a summons for appearance in Circuit Court, and if convicted, may be assessed the fine stipulated in this section for the particular violation.

7-5-16: Effective Date.

This Chapter shall be effective on and after April 1, 2015.

7-5-17: Severability.

If any provision, section, paragraph, sentence or clause of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unconstitutional by any decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter, and the invalid or unconstitutional provision, section, paragraph, sentence or clause is held to be severable. The City Council of the City of Alton declares that it would have passed this Chapter, section, provision, paragraph, sentence or clause hereof, irrespective of the

fact that any one or more of the provisions, sections, paragraphs, sentences or clauses of this Chapter is declared invalid or unconstitutional.

7-5-18: Liability of the City of Alton.

The Police Department shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, neither the City of Alton nor the Police Department shall be liable for any refusal, failure or neglect to respond to an alarm sounding generated from any alarm system.

SECTION THREE

All ordinances or parts of other ordinances in conflict herewith shall be and hereby are repealed to the extent of any such conflict, provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance or part of any ordinance repealed or superseded hereby. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing by reason of any Ordinance, or any part thereof repealed by this Ordinance. No accrued legal right or remedy of any kind or character shall be lost, impaired or affected by this Ordinance.

SECTION FOUR

If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a Court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION FIVE

This Ordinance shall be in full force and effect on March 13, 2015, following its passage, approval and publication in pamphlet form.

Passed by the City Council of the City of Alton, this 11th day of March, 2015.

Approved by the Mayor of the City of Alton, this 12th day of March, 2015.

s/Brant Walker

Mayor, City of Alton, Illinois

ATTEST:

s/Mary T. Boulds

City Clerk