ORDINANCE NO. 2009-O-84

AN ORDINANCE AMENDING THE WILMETTE VILLAGE CODE, 1993, AS AMENDED, AMENDING VARIOUS SECTIONS AND SUBSECTIONS OF CHAPTER 5 SO AS TO CREATE FEES FOR FALSE FIRE ALARMS

WHEREAS, the Village of Wilmette is a home rule municipality as provided in Article VII, Section 6 of the Constitution of the State of Illinois, 1970, and may pursuant to said authority undertake any action and adopt any ordinance relating to its governance and affairs; and,

WHEREAS, the Village President and Trustees of the Village Board find that the sound management of the public finances of the Village of Wilmette necessitates that from time to time the Village of Wilmette create certain user and service fees in order to adequately fund the public services provided by the Village of Wilmette and to ensure a system under which those who benefit directly from particular services pay a proportionate share of costs of those services; and,

WHEREAS, the Village President and Trustees of the Village Board further find that the imposition and collection of such user and service fees is intended by this Ordinance, and shall operate as a fee collected to defray the actual costs of services rendered by the Village of Wilmette or its contractors paid by the Village of Wilmette, and is not intended, shall not be administered, and otherwise shall not constitute nor be interpreted as a tax on either occupations, services or property, both real or personal;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois:

SECTION 1: Each of the foregoing recitals and findings are hereby made a part of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: The Wilmette Village Code, 1993, as amended, is further amended in Chapter 5 by creating Section 5-7 titled "False Fire Alarm System Fees" and by renumbering existing Section 5-7 *et seq.* to 5-8 *et seq.* and Section 5-8 to 5-9.

5-7   False Fire Alarm System Fees

The following fees are established in connection with Fire Alarm Systems as required and defined in the Village Code of Wilmette.

5-7.1 Definitions

(a)   Alarm Administrator: A person or persons designated by the governing authority to administer alarm dispatch requests.

(b)   Alarm User: Any person(s), firm, partnership, corporation, association, organization, company, or other entity in control of an Alarm Site where a Fire Alarm System is located, but does not include the Village.

(c)   False Alarm: The activation of any Fire Alarm System through mechanical failure, malfunction, improper installation, or the improper operation or negligence of the owner or lessee of any Fire Alarm System or of his employees or agents. The term "false alarm" includes activation of any Fire Alarm System due to an act of nature, such as thunder, snow, ice, and electrical storms. It does not include activation of any Fire Alarm System due to any cataclysmic condition resulting in village-wide loss of utility services.

(d)   Alarm Site: A single premise or location served by a Fire Alarm System(s). Each tenancy if served by a separate Fire Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

(e)   Fire Alarm System: An alarm system designed to detect heat, smoke, operation of a manual fire pull station or alarm, operation of an automatic sprinkler system, operation of a hood suppression system, or other condition indicating danger or risk of fire.

5-7.2 False Alarms Prohibited; False Alarm User Fee.

(a)   It shall be unlawful for a Fire Alarm System User to control or possess an Alarm System which generates, transmits or issues a False Alarm as defined in this Section.

(b)   It is unlawful for any Person to knowingly activate a Fire Alarm System for the purpose of summoning the Fire Department except if such person knows or suspects that there is an actual fire or related emergency as defined in 12-4.3 of the Village Code of Wilmette.

(c)   Any Fire Alarm User who has one or more False Alarms within a calendar year at a single Alarm Site will be assessed user fees according to the following user fee schedule:

First False Alarm	NO CHARGE
Second False Alarm	$25 User Fee per False Alarm
Third and Fourth False Alarm	$100 User Fee per False Alarm
Fifth and Sixth False Alarm	$200 User Fee per False Alarm
Seventh and Eighth False Alarm	$300 User Fee per False Alarm
Ninth and Tenth False Alarm	$500 User Fee per False Alarm
More than 10 False Alarms	$1,000 User Fee per False Alarm

(d)   Fire Alarm Administrator shall notify the Fire Alarm User in writing of each

instance wherein the Fire Department has recorded a False Alarm. The Fire Alarm User

shall have the opportunity within 15 days from the date of mailing or personal delivery

to submit a report to the Fire Alarm Administrator or request to meet with the Fire

Alarm Administrator for the purpose of showing cause as to whether circumstances

exist to warrant voiding the False Alarm recordation(s). The Fire Alarm Administrator

shall review the Fire Alarm User's report and/or meet with the Fire Alarm User and

issue a written finding to the Fire Alarm User as to whether or not the False Alarm

recordation(s) will be voided. The finding of the Fire Alarm Administrator shall be

final.

(e)   All user fees are due and payable to the village upon notice to the Fire Alarm

User. If the Fire Alarm User has submitted a report or requested a meeting in

accordance with Section 5-7.2(d) and the Fire Alarm Administrator finds no cause for

voiding the False Alarm, the user fee(s) are due and payable to the Village seven days

from the date of the Fire Alarm Administrator's written findings on the False Alarm(s).

SECTION 3:   This Ordinance shall be in full force and effect from and after

January 1, 2010, subsequent to its passage, approval and publication as required by

law.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the 8th day of **December 2009**, according to the following roll call vote:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

_____
Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **8th** day of **December**, **2009**.

_____
President of the Village of Wilmette, IL

ATTEST:

_____
Clerk of the Village of Wilmette, IL