

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 17 - 226

AMENDING SECTIONS 2.5-1 THROUGH 2.5-10 OF CHAPTER 2.5 OF THE KANE COUNTY CODE - ALARM SYSTEMS

WHEREAS, the Illinois Compiled Statutes, Chapter 55, Act 5, Section 5-1113 provides that the Illinois County Board may pass all Ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law; and

WHEREAS, pursuant to 720 ILCS 5/47-5 counties have authority to declare and abate nuisances that occur within the county, but outside the corporate limits of a city, village, or incorporated town; and

WHEREAS, the County Board is authorized to Amend the County Alarm Systems Ordinance which regulates alarm systems that transmit information to law enforcement and/or Central Dispatch; and

WHEREAS, the Sheriff's Office has requested the amendment to bring the Ordinance into compliance with a new policy directive and standard; and, an acceptable cost study was performed that supports the recommended fee and/or fine structure; and

WHEREAS, the County of Kane desires to amend the existing Sections 2.5-1 through 2.5-10 of Chapter 2.5 of the Kane County Code - Alarm Systems in order to more clearly reflect and define Office policies pertaining to false alarm response; and

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board, and the Chairman thereof that the Kane County Sheriff is thereby authorized to collect Fees and/or Fines as stated in the Amended Alarm Systems Ordinance for the purpose of supporting the Alarm Administration program.

Section 2 - Alarm Permit

A. Permit Established by Ordinance

The Kane County Code shall be amended as identified in Exhibit A attached hereto.

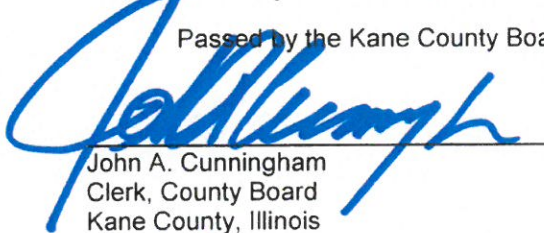
Section 4 - Duties of the Alarm Company


The Kane County Code shall be amended as identified in Exhibit A attached hereto.

Section 5 - Alarm Fees and Fines

The Kane County Code shall be amended as identified in Exhibit A attached hereto.

Passed by the Kane County Board on August 8, 2017.


John A. Cunningham
Clerk, County Board
Kane County, Illinois


Christopher J. Lauzen
Chairman, County Board
Kane County, Illinois

Vote:
[Unanimous]

Table of Contents

Purpose	4
Section 1	4
Definitions	4
Section 2	6
Alarm Permit.....	6
Permit Application	7
Permit Denial	7
Section 3	7
Duties of the Alarm User	8
Section 4	7
Duties of the Alarm Company	7
Section 5	8
Alarm Fees and Fines.....	8
Fee and Fine Schedule	8
Section 6	9
Prohibited Acts	9
Section 7	10
Enforcement of Provisions	10
Section 8	10
Administrative Review Authority	10
Section 9	11
Confidentiality	11
Section 10	11
Government Immunity.....	11
Section 11	12
Disposition of Fees and Fines	12
Section 12	12
Disclaimer	12

DRAFT ALARM ORDINANCE

PURPOSE

The County of Kane hereby declares false alarms to be a public nuisance prejudicial to the general health safety, and welfare of the public. The Kane County Sheriff's Office responds to numerous false alarms each year. Many of these false alarms are from repeat offenders. Responding to such alarms exposes the officers and public to the dangers associated with emergency responses and wastes valuable resources of the Kane County Sheriff's Office. The purpose of the Alarm Ordinance is to ensure that citizens residing in unincorporated Kane County register their alarm systems and take necessary measures to prevent false alarms.

SECTION 1

DEFINITIONS

ADJUDICATION OFFICER – An attorney, appointed by the Sheriff and approved by the County Board that conducts adjudication hearings for the purpose of collecting outstanding Fees and/or Fines relating to the False Alarm Permit Ordinance.

ALARM ADMINISTRATOR – A person or persons designated by the Kane County Sheriff, or his designee, to administer, control, and review false alarm reduction efforts and administer the provisions of the Ordinance.

ALARM COMPANY – Any person subject to licensing requirements, or a company engaged in selling, leasing, installing, servicing, or monitoring alarm systems. This person shall be licensed and in compliance with state, county, and city laws.

ALARM PERMIT APPLICATION – Authorization or consent by the Kane County Sheriff's Office for the installation of an Alarm System.

ALARM PERMIT NUMBER – An Alarm Permit Number or authorization code may be issued during the Application Permit process by the Sheriff's Office allowing for the operation of an Alarm System within the County of Kane.

ALARM SIGNAL – A detectable signal; audible or visual, generated by an Alarm System, to which law enforcement is requested to respond.

ALARM SYSTEM – Any signal device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention to which law enforcement is requested to respond.

ALARM USER – Any person, corporation, partnership, proprietorship, governmental, or educational entity or any other entity owning, leasing, or operating an Alarm System, or on whose premises an Alarm System is maintained for the protection of such premises.

AUDIBLE ALARMS – An Alarm System or device that generates an audible sound.

AUTOMATIC DIAL PROTECTION DEVICE – An Automatic Dialing Device or an Automatic Telephone Dialing Alarm System and shall include any system, which upon being activated automatically initiates to the Sheriff's Office a recorded message or code indicating a need for law enforcement response.

CANCELLATION – The process when response is terminated, and the Alarm Company (designated by the Alarm User) notifies the Sheriff's Office that there is no existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a False Alarm for the purpose of a Fine, and no penalty will be assessed.

COUNTY – The County of Kane, Illinois or its agent.

CYCLE RENEWAL, PERMIT – The Permit Application is valid for a period of one year beginning January 1, and ending on December 31.

FALSE ALARM – The activation or transmission of an alarm signal through mechanical or electronic failure, malfunction, improper installation, or the negligence of the Alarm User, his or her employee(s) or agent(s), or signal activated to summon law enforcement personnel, unless law enforcement response was cancelled by the Alarm User's Alarm Company before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this definition when, upon inspection by the Sheriff's Office and/or deputy, that evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises, which would have activated a properly functioning Alarm System. Notwithstanding the foregoing, a False Alarm will not include an alarm, which can reasonably be determined to have been caused, or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the Alarm User.

FALSE ALARM NOTIFICATION – An alarm notification to Central Station/Dispatch when the responding Kane County Sheriff's Deputy finds, through inspection of the interior and/or exterior of the alarm site, no evidence of an attempted or actual unauthorized intrusion, burglary, robbery, or hostage taking, and the deputy(ies) has responded.

HEARING OFFICER – A person or persons designated by the Kane County Sheriff, or his designee, to administer, control, and review false alarm reduction efforts, and administer the provisions of the Ordinance, as well as schedule, coordinate, and take minutes at the Adjudication Hearings.

PERMIT YEAR – A twelve (12) month period beginning on first day the calendar year (January 1).

RUNAWAY ALARM – An Alarm System that produces repeated alarm signals that do not appear to be caused by separate human action. The Sheriff's Office may in its discretion discontinue police responses to Alarm Signals from what appears to be a runaway alarm. The Alarm Administrator may consider all false alarm dispatches within a twenty-four (24) hour period as one (1) false alarm and invoice the Alarm User accordingly.

SHERIFF – The Sheriff of Kane County, Illinois.

SIA CONTROL PANEL STANDARD CP-01 – The American National Standards Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

VERIFY – An attempt by the Alarm Company, or its representative, to contact the alarm site and/or Alarm User by telephone and/or other electronic means, whether or not actual contact with a person is made, in attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum, that a second call also known as Enhanced Call Verification, be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

SECTION 2 ALARM PERMIT

- A. **PERMIT ESTABLISHED BY ORDINANCE** – No person shall use an Alarm System without first obtaining an Alarm Permit for said Alarm System from the Kane County Sheriff’s Office. An Alarm Permit Application fee of ~~One Hundred and Fifty Dollars (\$150.00)~~ **Seventy Five Dollars (75.00)** is required during the initial registration period. No fee is required for the yearly renewal. Each Alarm Permit is assigned a unique Permit Number, and the Alarm User shall provide the Permit Number to the Alarm Company to facilitate law enforcement dispatch.
- B. **APPLICATION** – The Permit Number will be issued to the Alarm User within five (5) business days of completion and payment of the online Alarm Permit Application form made available by the Kane County Sheriff’s Office. An Alarm User has the duty to complete an Alarm Permit Application and/or renewal from the Kane County Sheriff’s Office.
- C. **TRANSFER OF POSSESSION** – When possession of the premises at which an Alarm System is maintained is transferred, the person (Alarm User) obtaining possession of the property shall file an application for an Alarm Permit within thirty (30) days of the transfer date. Alarm Permits are not transferrable. A new application shall be placed on file with the Kane County Sheriff’s Office.
- D. **REPORTING UPDATED INFORMATION** – Whenever information provided on the Alarm Permit Application changes, the Alarm User shall provide correct information to the Sheriff’s Office within thirty (30) days of the change. In addition, each year after the issuance of the Alarm Permit, the Kane County Sheriff's Office will send an Email to the Alarm User to renew their Alarm Permit Application. If an Alarm User is unable to complete the renewal online, a paper Alarm Permit Application form will be provided upon request.
- E. **MULTIPLE ALARM SYSTEMS** – If an Alarm User has one (1) or more Alarm System(s) protecting two (2) or more separate structures, having different addresses and/or tenants, a separate Alarm Permit shall be required for each structure and/or tenant.

PERMIT APPLICATION

Each Alarm User's Alarm Permit Application shall be held on the file at the Kane County Sheriff's Office and contain the following information:

- A. Alarm User's legal name, address, and telephone number;
- B. Name, address, and telephone number of the premise where the Alarm System is located;
- C. Type of Alarm System at the premise location;
- D. Minimum of two (2) individuals, including their addresses and telephone numbers, who can be contacted and will respond to the premises in the event of an emergency, or can reset, or deactivate the Alarm System, or who could contact the Alarm User if the Alarm User is not at the protected premises.
- E. Name, address, and telephone number of the person or company that installed the Alarm System.
- F. The name, address, and telephone number of the person or company that is responsible for the maintenance and repair of the Alarm System, if applicable.
- G. An Alarm Permit Number will not be issued until the completed application is received and approval of the Permit Application has been granted by the Kane County Sheriff's Office.

PERMIT DENIAL

An Alarm Permit Number may be denied if outstanding Alarm Fees and/or Fines are due at another structure and/or premise (see Multiple Alarm Systems).

SECTION 3

DUTIES OF THE ALARM USER

- A. Maintain the premises and the Alarm System in a method that will reduce or eliminate False Alarms;
- B. Provide the Alarm Company the Alarm Permit Number (the number must be provided to the central dispatch and/or the communications center by the Alarm Company to ensure dispatch);
- C. Must respond or cause a representative to respond to the Alarm System location when notified by the Kane County Sheriff's Office;
- D. Not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report;
- E. An Alarm User must obtain a new Alarm Permit Number and pay any associated fees if there is a change of ownership of a business or residence; and,
- F. Adjust the mechanism or cause the mechanism to be adjusted, so that an alarm signal audible on the exterior of the alarm site shall sound for not less than fifteen (15) minutes or no longer than fifteen (15) minutes.

SECTION 4

DUTIES OF THE ALARM COMPANY

- A. Any person engaged in the alarm business in the County of Kane, shall comply with the following:
 - I. Obtain and maintain the required state, county, and city licenses;

- II. Provide current, name, address, and telephone numbers of the Alarm Company license holder or a designee, who called in an emergency, twenty-four (24) hours a day; and be able to respond to an alarm call, when notified;
- III. Be able to provide the most current contact information for the Alarm User;
- B. Effective, January 1, 2017, shall, on all new and upgraded installations, use only alarm control panel(s), which meet SIA Control Panel Standard CP-01;
- C. Prior to activation of the Alarm System, the Alarm Company must provide written and oral instructions explaining the proper operation of the Alarm System to the Alarm User;
- D. Provide the Alarm the User written information on how to obtain service from the Alarm Company for the Alarm System;
- E. Inform the Alarm User of the County Alarm Ordinance, and assist the Alarm User with registering their Alarm System(s). The Alarm Company (installer) shall provide new customers with a Kane County Alarm Permit Application at the time of the sale and/or prior to installation. Said Application should be completed by the Alarm User; and, contain all of the pertinent information required in the Section 2;
- F. The Alarm Permit Application and applicable Fee(s) shall be returned to the Kane County Sheriff's Office (Kane County Sheriff's Office, Attn: Alarm Administrator, 37W755 Illinois Route 38, Suite A, St. Charles, Illinois 60175) within ten (10) business days.
- G. An Alarm Company performing monitoring services shall:
 - I. Attempt to verify by calling the alarm site and Alarm User by telephone to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum, that a second call, known as an Enhanced Call Verification, be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves in attempt to determine whether an alarm signal is valid, or except in the case of a panic or crime-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means;
 - II. Provide the Alarm Permit Registration Number to the Central Dispatch/Radio Dispatch Center;
 - III. Communicate any available information about the location of the alarm; and,
 - IV. Communicate a cancellation to Central Dispatch/Radio Dispatch and/or the Sheriff's Office as soon as possible following a determination that a response is not necessary.

SECTION 5 ALARM FEES AND FINES

The Kane County Sheriff's Office will charge and collect Fees and/or Fines based upon a schedule established by Ordinance.

FEE AND FINE SCHEDULE

- A. Any Alarm User who has more than one (1) false alarm within a calendar year at a single protected location will be assessed Fines according to the following schedule, and the Alarm User will be issued a Fine. False alarm response Fines will be charged in the following manner.

Residence/Business	False Alarm Fees and Fines
First and/or Second False Alarm	Waived / \$0.00
Third False Alarm	\$150.00 \$75.00
Fourth and Each Subsequent False Alarm Thereafter Fine	\$300.00 \$150.00
Alarm Permit Registration Fee	\$150.00 \$75.00
Failure to Register Alarm System, First Offense	\$200.00 \$150.00
Failure to Register Alarm System, Second Offense	\$500.00 \$300.00
Multiple false alarms in one calendar day may be counted as one alarm incident at the discretion of the Alarm Administrator.	

- B. If a False Alarm is caused by technical and/or system maintenance issues, then the False Alarm Event may be waived by the Alarm Administrator, upon evidentiary proof, provided by the Alarm User, that the Alarm System has been maintained and/or repaired within thirty (30) days of the of the date of the False Alarm event. The Alarm User will be responsible for submitting written documentation as supplied by the Alarm Company warranting and/or documenting repair within the thirty (30) day grace period. Send documentation repair documentation to: Kane County Sheriff's Office, Attn: Alarm Administrator, 37W755 Illinois Route 38, St. Charles, Illinois 60175.
- C. The Kane County Sheriff's Office will notify the Alarm User, in writing, or via best method of contact, of each instance wherein the Sheriff's Office has recorded a False Alarm. The Alarm User will have the opportunity within thirty (30) days from the date of notification to submit a report and/or speak with the Alarm Administrator, or their designee, for the purpose of showing cause as to whether circumstances exist to warrant voiding the False Alarm recordation. The Alarm Administrator, or their designee, shall review the Alarm User's report and/or speak with the Alarm User and issue a written finding to the Alarm User as to whether or not the False Alarm recorded will be voided.
- D. No person will install, cause to be installed, maintain, or cause to be maintained, any automatic voice tape dialer service that dials any Central Dispatch/Radio Dispatch telephone line. The caller, a natural person, must be able to convey the nature of the call. Prerecorded voice messages are prohibited by the nature of this Ordinance. It is unlawful for an individual to allow an automatic alarm, automatic dialing device, or automatic alerting device which causes a Central Dispatch telephone to be activated; and, whose purpose is to establish an open telephone line with the specific intent that a conversation between parties not actively speaking into the telephone instrument be heard by Central Dispatch in order to directly access emergency services based on an overheard conversation or lack of conversation.

SECTION 6
PROHIBITED ACTS

- A. It shall be unlawful to activate an Alarm System for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a False Alarm.
- B. It shall be unlawful to install, maintain, or use an Audible Alarm System, which can sound continually for more than fifteen (15) minutes.
- C. It shall be unlawful to install, maintain or use an Automatic Dial Protection Device that reports, or causes to be reported, any recorded message to the Sheriff's Office.

SECTION 7 ENFORCEMENT OF PROVISIONS

- A. **ENFORCEMENT PROVISIONS** – The following will be determined a finable offense, failure to obtain a Permit Application for an Alarm System and failure to comply with appropriate maintenance and education in so that three (3) or more False Alarms within a permit year have taken place.
- B. **AN ALARM IS NOT FALSE WHEN THE ALARM USER PROVES THAT:**
 - a. An individual activated the alarm based upon reasonable belief that an emergency, or actual, or threatened criminal activity requiring immediate response existed;
 - b. The Alarm System was activated by lightening or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally documented the damage to the system;
 - c. The Alarm User experienced a power outage of four (4) or more hours, causing the Alarm System to activate upon restoration of power, as evidenced by written documentation by their provider.
 - d. An alarm dispatch request, that is cancelled by the Alarm Company, prior to the arrival of an officer(s), is not considered a False Alarm.
- C. If a Kane County Sheriff's Officer(s) responds and finds no evidence of criminal activity or medical need, the alarm will be classified as a False Alarm.
- D. **DISCONTINUANCE OF LAW ENFORCEMENT RESPONSE** – Failure to make payment of applicable Fees and/or Fines, assessed under this Ordinance, within thirty (30) days from the date of the invoice, shall result in suspension of law enforcement response to alarm signals that may occur at the premises describe in the Alarm User's Permit Application until payment is received. In addition, failure to register and obtain or renew a Permit Application may result in no law enforcement response to an unregistered alarm site.
- E. **WRITTEN NOTICE OF SUSPENSION** – A written notice of suspension of law enforcement response will be mailed via U.S. Registered Postal Mail to the Alarm User, suspending service effective thirty (30) days after payment was due.
- F. **SHERIFF'S OFFICE RESPONSE WILL BE REINSTATED IF THE ALARM USER:**
 - a. Pays or otherwise resolves to the satisfaction of the Alarm Administrator all Fees and/or Fines.

SECTION 8 ADMINISTRATIVE REVIEW AUTHORITY

- A. The Sheriff's Office Administrative Review shall review cases where a fine is in question. The Office of Administrative Review shall provide a consistent appeal process, administer hearing and judgements, and manage financial aspects of disputed cases.
- B. The Administrative Review is an adjudication process to recover outstanding Fee and/or Fines associated with the False Alarm Ordinance, as well as hear evidence of the law enforcement officer's finding(s) and the Alarm Administrators' program findings. The Administrative Review Authority is comprised of the following:
 - a. Alarm Administrator – Provides general support and oversees the computerized tracking, hearing, scheduling and case system management.

- b. Records Division – Registers Alarm Permit Applications, burglary and robbery alarm reports, and supports enforcement provisions of the Kane County False Alarm Ordinance and assorted other County laws.
- c. Hearing Officer – A person or persons designated by the Kane County Sheriff and assigned to his Executive Team, or his designee, to administer, control, and review false alarm reduction efforts, and administer the provisions of the Ordinance, as well as schedules, coordinates, and take minutes at the Adjudication Hearings. For the purpose of this Ordinance and on behalf of business with the Kane County Sheriff's Office, conducts Adjudication Hearings for matters under Fifty Thousand Dollars (\$50,000.00).
- d. Adjudication Officer – An attorney, other than the Alarm Administrator or law enforcement officer, who is appointed by the Kane County Sheriff, with the consent of the County Board, to preside over adjudication hearings. The Hearing Officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Prior to conducting administrative adjudication proceedings, Hearing Officers, shall have successfully completed a formal training program which includes, but is not limited to the following:
 - i. Instruction on rules of procedures of the administrative hearings which they will conduct;
 - ii. Orientation to each subject area of the code violations they will adjudicate;
 - iii. Observation of administration hears; and,
 - iv. Participation in hypothetical cases, including ruling on evidence and issuing final orders.
- e. Hearing Costs – In the event of a determination that a violation has occurred, or if the complaint is dismissed or withdrawn based upon compliance prior to the hearing date the hearing costs shall be recovered in the amount of not less than One Hundred and Fifty Dollars (\$150.00) or the actual cost of the hearing, whichever is greater. The Hearing Officer, may in an appropriate case, and for good cause shown, waive, or reduce costs.

SECTION 9 CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the Alarm Permit Application, no response records, applications for appeals, and any other alarm records, are exempt from public access or disclosure; and, will be held in confidence by all employees and/or representatives of the Kane County Sheriff's Office.

SECTION 10 GOVERNMENT IMMUNITY

Alarm Permit registration, is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Permit, the Alarm User acknowledges that the Kane County Sheriff's Office response may be influenced by factors such as: the availability of patrol units; priority of calls; weather conditions; traffic conditions; emergency conditions; staffing levels; and, prior response history.

In the event that the County Kane or its officers, agents, or employees find it necessary to disconnect a defective automatic voice tape dialer service or signaling device, pursuant to said Ordinance, the County of Kane or its officers, agents or employees shall incur no liability by such action.

SECTION 11
DISPOSITION FEES AND FINES

Fees and/or Fines collected by the Sheriff of Kane County pursuant to this Ordinance shall be deposited by the Sheriff into a Kane County Board General Revenue Fund to be utilized exclusively for the operation and/or administration of this Ordinance.

SECTION 12
DISCLAIMER

If any portion, clause, phrase, sentence or classification of this Ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative, or void, then such declaration shall not be construed to affect other portions of the Ordinance. It is hereby declared to be the express opinion of the County of Kane that any unconstitutional, invalid, inapplicable, inoperative, or void portion or portions of this Ordinance do not induce its passage and that without the inclusion of any such portion or portions of this Ordinance, the County of Kane, would have enacted the valid constitutional portions thereof.