

**ORDINANCE
TO ESTABLISH THE MCHENRY COUNTY
FALSE ALARM ORDINANCE**

WHEREAS, the McHenry County Sheriff, Fire Departments and Rescue Squads respond to more than 1000 false fire and burglar alarms annually, and many of the false alarms are repeat offenders; and

WHEREAS, responding to such alarms exposes the deputies, firefighters, rescue personnel and the public to dangers associated with emergency police and fire responses that generally involve multiple vehicles; and

WHEREAS, the County deems such false alarms to be a nuisance and therefore harmful to the general health safety and welfare of the citizens of the County.

NOW THEREFORE BE IT ORDAINED, by the County Board of McHenry County hereby adopts the FALSE ALARM ORDINANCE set forth hereafter; and

BE IT FURTHER ORDAINED, that the FALSE ALARM ORDINANCE shall become effective on the date of adoption of this ordinance; and

BE IT FURTHER RESOLVED that the FALSE ALARM ORDINANCE be posted on the County's website under the Sheriff Department information and indexed as "FALSE ALARM ORDINANCE"; and

BE IT FURTHER RESOLVED that the failure of any future amendment to the FALSE ALARM ORDINANCE to be posted on the County's website shall not vitiate the enforcement of the FALSE ALARM ORDINANCE, as amended; and

BE IT FURTHER ORDAINED, that the County Clerk is hereby requested to distribute a certified copy of this ordinance to the McHenry County Sheriff, the Director of the Information Technology Department and the County Administrator.

DATED at Woodstock, Illinois, this 16th day of May in the year 2006.

Kenneth D Koehler, Chairman
McHenry County Board

ATTEST:

Katherine C. Schultz, County Clerk

MCHENRY COUNTY FALSE ALARM ORDINANCE

MAY 16, 2006

The County of McHenry hereby declares false alarms to be a public nuisance prejudicial to the general health, safety and welfare of the public. This ordinance shall be known as the "McHenry County False Alarm Ordinance"

Section 1: Definitions:

The following terms are defined in this section:

1.1 Alarm Administrator: The McHenry County Sheriff or any other person designated by the Sheriff.

1.2 Alarm Business: Any business operated by a person who is engaged in the activity of altering, installing, leasing, maintaining, moving, repairing, replacing, selling, servicing or responding to an emergency alarm system, or which causes any of these activities to take place.

1.3 Alarm System: An assembly of equipment arranged to signal the presence of a hazard requiring urgent attention to which the McHenry County Sheriff's Department or fire/ambulance service departments are expected to respond.

1.4 Alarm User: Any person or business on whose premises an alarm system is maintained other than alarm systems on a motor vehicle.

1.5 SHERIFF'S PSAP: McHenry County Sheriff Public Safety Answering Point.

1.6 Automatic Digital Dialing Alarm Equipment: An alarm system that has the capability of transmitting a call and recorded message to a telephone receiver at the SHERIFF'S PSAP.

1.7 False Alarm: The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or his employees or agents, except that the following shall not be considered false alarms:

- 1.7.1 Alarms occurring on a repeated basis without apparent cause within the first 30 days after installation of the Alarm System and where continuous effort, in the sole opinion of the Alarm Administrator, is being made jointly by the Alarm User, the Alarm Business and any other concerned person to correct the malfunction expeditiously.
- 1.7.2 Alarms caused by actual illegal entry or attempted entry of which there is visible evidence.
- 1.7.3 Alarms caused by an on-premises fire
- 1.7.4 Alarms intentionally caused by a person acting under a reasonable belief that a need exists to call the police or fire/ambulance services.

1.7.5 Alarms caused by tornadoes, earthquakes, major floods or other natural disaster or conditions.

1.8 **Person:** Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

Section 2: Automatic Voice Dialing Alarm Equipment:

2.1 No person, firm or corporation shall use, cause or permit to be used, or engage in the business of providing any telephone device and telephone attachment that automatically activates 911 or telephone lines connected to the McHenry County Sheriff's Department or fire/rescue squad district telephones, and then reproduce any voice message to report any robbery, burglary, fire or other emergency.

2.2 Any person, firm or corporation presently connected or engaged in the business of providing telephone devices or telephone attachments that automatically activate the aforementioned trunk lines shall have two (2) days to cease such practice upon notice given by Alarm Administrator.

2.3 Nothing in the Sections shall apply to automatic dialing services for persons who are disabled or persons requiring special medical systems authorized by the Alarm Administrator.

Section 3: Notification Required:

3.1 It shall be unlawful for any person, firm or corporation, located at an address that is the area serviced by the McHenry County Sheriff, to lease or own an alarm system, or be in control of any premises, including single-family and multi-family dwellings and business places, wherein an alarm system is operated or maintained without first having notified the McHenry County Sheriff's Department of such system. No notification shall be required for alarm systems contained in or on vehicles.

Section 4: False Alarms and Alarm User Cessation:

4.1 Except where an alarm would not be considered a false alarm pursuant to Section 1.7.1, if the McHenry County Sheriff responds to more than three false alarms in a calendar year, the Alarm User or agency shall be guilty of a petty offense and shall pay a fine to the County within 30 days of receipt of notice of such offense in the sum(s) found in Appendix A. Failure to pay the fine (within said 30 days) shall result in prosecution for violating this ordinance and upon conviction the fine shall be not less than \$150.00 nor more than \$1000.00. The fine payable upon receipt of notice and prior to any prosecution shall be paid to the County of McHenry and delivered to the McHenry County Circuit Clerk .

4.2 Except where an alarm would not be considered a false alarm pursuant to Section 1.7.1, the Alarm User or agency shall be guilty of a petty offense for each false fire alarm

after the third false fire alarm reported to the McHenry County Sheriff's Department by a fire protection district or rescue squad in a calendar year. The alarm user or agency shall pay a fine to the County within 30 days of receipt of notice of such offense in the sum(s) found in Appendix A. Failure to pay the fine (within said 30 days) shall result in prosecution for violating this ordinance and upon conviction the fine shall be not less than \$150.00 nor more than \$1000.00. The fine payable upon receipt of notice and prior to any prosecution shall be paid to the County of McHenry and delivered to the McHenry County Circuit Clerk.

4.3 If the McHenry County Sheriff's Department responds to a false alarm and it is determined that the cause of false alarm was the negligence of the Alarm Business for failing to contact the SHERIFF'S PSAP of work being done on the alarm, the Alarm Business shall be guilty of a petty offense and shall pay a fine to the County within 30 days of receipt of notice of such offense in the sum(s) found in Appendix A. Failure to pay the fine shall result in prosecution for violating this ordinance and upon conviction the fine shall be not less than \$150.00 nor more than \$1000.00. The fine payable upon receipt of notice and prior to any prosecution shall be paid to the County of McHenry and delivered to the McHenry County Circuit Clerk.

4.4 After 20 false alarms, the Alarm Administrator may request to the alarm user that the alarm system be removed or disengaged. If the alarm user refuses to remove or disengage the alarm after such request, the Sheriff's Department will no longer respond to the alarm until such time as documentation is presented that satisfies the Alarm Administrator that the problem has been rectified. Should the Alarm Administrator determine that the nature of the Alarm User's or agency's business or the complexity of the alarm system caused continued false alarms which are not the result of any substantial negligence or disregard on the part of the Alarm User or agency, the Alarm Administrator may permit the Alarm User or agency to retain the registration without requesting the removal or disengagement of the alarm system. If the alarm user is not requested to remove or disengage their alarm, each subsequent false alarm will result in the Alarm User or agency paying a fine to the County within 30 days of receipt of a notice of such offense in the sum(s) found in Appendix A. Failure to pay the fine shall result in prosecution for violating this ordinance and upon conviction the fine shall be not less than \$150.00 nor more than \$1000.00. The fine payable upon receipt of notice and prior to any prosecution shall be paid to the County of McHenry and delivered to the McHenry County Sheriff Department. Failure to remove or disengage an alarm system at the request of the Alarm Administrator may result in the McHenry County Sheriff's Department's refusal to respond to alarms from the Alarm User or Agency, with or without notice to the Alarm User or Agency of such decision.

Section 5: Audible Alarms:

5.1 Any alarm that emits an audible alarm, including alarm systems contained in or on motor vehicles, is required to have a cut-off timer that will reset the alarm after 10 minutes.

Section 6: Governmental Immunity:

6.1 Notification pursuant to Section 3 or the existence of this false alarm ordinance 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 an alarm is hereby disclaimed and governmental immunity as provided by law is retained.

Alarm User acknowledges that law enforcement response may be influenced by factors such as: availability of sheriff units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

6.2 Removal or disengagement of an alarm pursuant to Section 4.4 of this ordinance is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, on the part of the Sheriff's Department or the County of McHenry. Any and all liability and consequential damage resulting from the removal or disengagement of an alarm pursuant to a request by the Alarm Administrator is hereby disclaimed and governmental immunity as provided by law is retained.

Section 7: Penalty:

7.1 Unless otherwise specified, any violation of any Section of this Ordinance by any person, firm or corporation shall be subject to a fine found in Appendix A.

Section 8: Severability:

8.1 The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

APPENDIX A TO MCHENRY COUNTY ALARM ORDINANCE

PARAGRAPH	DESCRIPTION	FINE AMOUNT (Each Alarm)
4.1	First three false alarms	Warning no fine
4.1	4 th thru 10 th false alarm	\$75.00
4.1	11 th thru 20 th false alarm	\$150.00
4.2	First three false alarms	\$75.00
4.2	4 th thru 10 th false alarm	\$75.00
4.2	11 th thru 20 th false alarm	\$150.00
4.3	First three false alarms	Warning no fine
4.3	4 th and later false alarms	\$150.00
4.3	Alarm Business Negligence	75.00
4.4	After 20 th false alarm and Alarm Administrator allows Alarm User or Agency to continue use of Alarm System	\$150.00
7.1	No other penalty specified	Not Less than \$100.00 nor more than \$1000.00