

ORDINANCE 2025-6

AN ORDINANCE ESTABLISHING FALSE ALARM FEES AND FIRE & LIFE SAFETY CODE VIOLATION PENALTIES FOR THE HARLEM ROSCOE FIRE PROTECTION DISTRICT, WINNEBAGO COUNTY, ILLINOIS

Section 1. Authority

The Board of Trustees of the Harlem Roscoe Fire Protection District hereby enacts this ordinance pursuant to its authority under Illinois law. The board of trustees of any fire protection district incorporated under Illinois law has the power and legal duty to provide adequate protection from fire for all persons and property within the district and to prescribe necessary regulations for the prevention and control of fire therein. Wilkes v. Deerfield-Bannockburn Fire Prot. Dist., 80 Ill. App. 3d 327, 35 Ill. Dec. 551, 399 N.E.2d 617 (1979), Wilkes v. Deerfield-Bannockburn Fire Prot. Dist., 80 Ill. App. 3d 327, 35 Ill. Dec. 551, 399 N.E.2d 617 (1979). This ordinance is enacted to fulfill that statutory duty and to establish reasonable fees and penalties to ensure compliance with fire prevention and safety standards.

Section 2. Definitions

For purposes of this ordinance, the following definitions shall apply:

"False Alarm" means the activation of any fire alarm system, smoke detection system, or emergency notification system that results in a response by the Harlem Roscoe Fire Protection District when no actual fire, smoke, or emergency condition exists.

"Fire & Life Safety Codes" means all applicable fire prevention, fire safety, and life safety codes, standards, and regulations adopted by the State of Illinois, Winnebago County, and the Harlem Roscoe Fire Protection District.

"Property Owner" means any person, corporation, partnership, or other legal entity having legal title to real property within the district.

"Responsible Party" means the property owner, tenant, lessee, or other person having control over the premises where a violation occurs.

Section 3. False Alarm Fees

3.1 Fee Schedule

The following fees shall be assessed for false alarms occurring within a calendar year at the same premises:

- First and second false alarms: No fee
- Third false alarm: \$100.00
- Fourth false alarm: \$200.00
- Fifth false alarm: \$300.00
- Sixth and subsequent false alarms: \$500.00 each

3.2 Exceptions

No fee shall be assessed for false alarms caused by:

- Severe weather conditions including lightning, high winds, or power outages
- Malicious activation by persons other than the responsible party
- Testing conducted with prior notification to the district
- System malfunctions immediately reported and corrected within 30 days

Section 4. Fire & Life Safety Code Compliance

4.1 Inspection Authority

The fire protection district shall have authority to conduct inspections to ensure compliance with applicable Fire & Life Safety Codes. Fire protection districts have the legal duty and obligation to provide adequate fire protection and may prescribe necessary regulations for fire prevention and control. Wilkes v. Deerfield-

Bannockburn Fire Prot. Dist., 80 Ill. App. 3d 327, 35 Ill. Dec. 551, 399 N.E.2d 617 (1979), Wilkes v. Deerfield-Bannockburn Fire Prot. Dist., 80 Ill. App. 3d 327, 35 Ill. Dec. 551, 399 N.E.2d 617 (1979).

4.2 Notice of Violation

Upon discovery of any violation of Fire & Life Safety Codes, the district shall provide written notice to the responsible party specifying:

- The nature of the violation
- The code section violated
- The required corrective action
- The deadline for compliance
- The penalty for non-compliance

4.3 Compliance Period

Responsible parties shall have thirty (30) days from receipt of notice to correct violations, unless the violation presents an immediate danger to life or property, in which case immediate compliance may be required.

Section 5. Violation Penalties

5.1 Fee Schedule for Code Violations

The following fees shall be assessed for violations of Fire & Life Safety Codes:

- Minor violations (first offense): \$150.00
- Minor violations (subsequent offenses): \$300.00
- Major violations (first offense): \$500.00
- Major violations (subsequent offenses): \$1,000.00

- Critical violations presenting immediate danger: \$1,500.00

5.2 Daily Penalties

For violations not corrected within the specified compliance period, additional daily penalties of \$100.00 per day may be assessed until compliance is achieved within the first 90 days. For violations not corrected after 90 days, additional daily penalties of \$250.00 per day may be assessed until compliance is achieved.

Section 6. Fee Collection and Appeals

6.1 Payment Terms

All fees and penalties assessed under this ordinance shall be paid within thirty (30) days of the date of assessment. Unpaid fees may be collected through any legal means available to the district, including placement of liens on real property.

6.2 Appeal Process

Any person assessed fees or penalties under this ordinance may file a written appeal to the Board of Trustees within fifteen (15) days of assessment by filing a written appeal stating the grounds for objection. The Board shall thereafter refer the matter to an independent administrative hearing officer for a formal evidentiary hearing affording due process per Illinois law. The decision rendered by said administrative hearing officer shall be binding upon the District and appellant.

Section 7. Enforcement

The Fire Chief or designated representatives are hereby authorized to enforce the provisions of this ordinance and to assess fees and penalties as provided herein. Fire protection districts may prescribe by ordinance the rates and procedures for fees related to fire protection services. Des Plaines Firemen's Ass'n v. City of Des Plaines, 267 Ill. App. 3d 920, 204 Ill. Dec. 831, 642 N.E.2d 732 (1994).

Section 8. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional, such invalidity shall not affect the validity of the remaining portions of this ordinance.

Section 9. Effective Date

This ordinance shall take effect thirty (30) days after its passage and publication as required by law.

Adopted this 26th day of January, 2026 by a roll call vote of 3 yeas and

0 nays, to-wit:

Members Voting Yea: Barton Munger
John Donahue
Glenn Trommels

Members Voting Nay: —

Members Absent: —

Bart Munger
Bart Munger, President

John Donahue
John Donahue, Treasurer

Glenn Trommels
Glenn Trommels, Secretary

Board of Trustees of the HARLEM
ROSCOE Fire Protection District

I, Glenn Trommels, do hereby certify that I am the Secretary of the HARLEM ROSCOE FIRE PROTECTION DISTRICT, and that the attached is a true, full and correct copy of the False Alarm Fees And Fire & Life Safety Code Violation Penalties Ordinance duly adopted by the Board of Trustees at a meeting held on the 26th day of January 2026, at which a quorum of said Board of Trustees was present and voted in favor of said ~~Tax Levy~~ Ordinance; that said Ordinance has not in any way been altered, amended, or repealed, and was published according to law and is now in full force and effect.

Glenn Trommels
Glenn Trommels, Secretary

SUBSCRIBED AND SWORN
to before me this 26th day of
January, 2026

[Signature]
Notary Public