

Memo

To: Mayor and City Council
From: DC Morgan
Date: December 8, 2014
Re: Alarm Registration and False Alarm Ordinance

Introduction

The purpose of this memo is to introduce and summarize a proposed Alarm Registration and False Alarm Ordinance.

Recommended Action

Staff requests that the corporate authorities adopt the Alarm Registration and False Alarm Ordinance (attached) and the fee schedule (attached).

Summary

- The City of Urbana has never had an ordinance that addresses alarm calls that require police response
- In 2012 Urbana Police responded to 20,589 calls for service
 - 1,123 of those were alarm calls (5.45%).
 - Of those 1,123 alarm calls, 10 calls revealed an actual crime (0.89%)
- In 2013 Urbana Police responded to 21,844 calls for service
 - 1,325 of those were alarm calls (6.07%).
 - Of those 1,325 alarm calls, 5 calls revealed an actual crime (0.38%)
- Urbana Police spent approximately 437 man hours responding to alarm calls in 2013
 - Estimated \$20,932.30 cost to City in 2013
- Staff conducted research on other municipalities that have alarm ordinances

Proposed Alarm Ordinance

There are an estimated 1,000 alarms in the City of Urbana. If the ordinance is approved, alarm owners will be asked to register and pay a registration fee of \$50.

On an ongoing basis, information on Alarm calls will be sent to the Alarm Coordinator. An automated process will notify alarm owners of false alarms and inform them of the appeals process to contest that an alarm was in fact false. New registrants will receive a 14 day grace period in which no false alarms will be counted.

As detailed in the fee structure, the fees are assessed only after multiple false alarms in a twelve-month period at the same location.

False alarms at locations that do not register their alarm with the City will receive a letter upon their first false alarm activation notifying them that they have 14 days to register their alarm or pay a \$200 fine.

Appeals Process

The ordinance includes an appeals process for citizens who choose to dispute their false alarms.

Proposed Registration Fee Schedule (new Schedule O)

- Initial registration fee will be \$50.
- Annual renewal registration will be \$25.
- A fee of \$10 will be charged for anyone transferring or making any changes to their registration within the registration year.

False Alarm Response Fees:

- All locations will not be charged for the first 2 false alarm activations during any 12 month period.
- \$100 fee for third through ninth false alarm activations
- \$150 fee for tenth and subsequent false alarms
- \$200 fee for those alarms that are not registered with the City of Urbana

How to Track Alarms – “In House” or Outsource?

The City of Urbana Information Technology Division estimated the cost to build a system for online registration and monitoring would cost approximately \$27,500 in staff time (approximately 3.5 months). However there would be very little cost for maintenance of the system once it is built.

The outsource companies that were contacted take 50% of all initial registration fees and a percentage of all other fees collected.

Staff would prefer to develop the solution “In House” in order to tightly integrate with other finance processes, such as the register for walk-up payments at the Collector’s office and the Local Debt Recovery Program. There is a risk, however, that the system may not be developed in time for the planned start of the alarm tracking. In

that scenario, the implementation could be postponed, or alarms would be tracked in a semi-manual process for a period of time.

Estimated Revenue

It is estimated that there are at least 1,000 alarms in the City of Urbana. If half of the alarm users register, that would bring in revenue of \$25,000.00 the first year. In 2013, 429 of the 1,325 false alarms would have been billable if the proposed ordinance were in effect as it is written. This equals a total of \$46,950.00 of billable fees. If you consider a collection rate of 80%, the revenue from fees the first year would be approximately \$37,560.00.

The estimated \$62,560.00 in revenue the first year would cover the initial cost of building the system as well as the cost in resources to respond to and process the false alarm calls for service. In subsequent years the \$25 annual fee for renewal would go towards clerical resources to manage mailings and billings for the year. Fees in subsequent years should cover the cost of resources to respond to and process the false alarm calls for service for each year.

ORDINANCE NO. 2014-12-112

AN ORDINANCE AMENDING CHAPTER 15 (MISCELLANEOUS OFFENSES AND PROVISIONS) OF THE URBANA CITY CODE TO PROVIDE FOR THE REGULATION OF ALARM SYSTEMS AND FALSE ALARMS

WHEREAS, the City of Urbana, Illinois is a home-rule unit of local government pursuant to the Illinois Constitution of 1970, Article VII, Section 6; and

WHEREAS, the Urbana City Code has been periodically recodified and republished by the City of Urbana to incorporate amendments thereto duly adopted by the City of Urbana; and

WHEREAS, the City Council has adopted and had enforced one or more duly adopted ordinances concerning miscellaneous offenses which, from time to time, occur or may occur within the boundaries of Urbana;

WHEREAS, the Urbana Police Department has expended valuable resources which could have been devoted to more pressing incidents when responding to false alarms transmitted by residential and business alarm systems;

WHEREAS, the City Council deems it reasonable to provide a means and mechanism by which the Urbana Police Department can better monitor and respond to actual alarms while, at the same time, encouraging and fostering the reduction of false alarms;

WHEREAS, the City Council, after due consideration, now deems it appropriate and reasonable to amend Chapter 15 of the Urbana City Code ("Miscellaneous Offenses and Provisions") by adopting a comprehensive ordinance which is intended to allow better responses by the Urbana Police Department to actual alarms which signal dangerous or potentially dangerous incidents or the commission or threatened commission of crimes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AND FOR THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, follows:

Section 1. Chapter 15, "Miscellaneous Offenses and Provisions", shall be and hereby is amended to include a new section 15-90 entitled "Alarm Registration and False Alarms" in substantially the form as Exhibit A appended hereto and made a part hereof as if set forth in full herein.

Section 2. Chapter 14, "Licenses and Permits", Section 14-7, "Schedule of Fees", shall be and hereby is amended to include a new Subsection (O) entitled "Alarm Registration and False Alarms" in substantially the amounts as Exhibit B appended hereto and made a part hereof as if set forth in full herein.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 4. The City Clerk is directed to publish this Ordinance and cause the appropriate sections of Chapter 15, Miscellaneous Offenses and Provisions, of the Urbana City Code to reflect the amendments as hereinabove stated and set forth.

Section 5. The Finance Department is directed to incorporate into the City's schedule of fees and fines as provided for in Urbana City Code Section 14-7, Schedule of Fees, the Schedule (O) as hereinabove stated and set forth.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the City Council of the City of Urbana, at a regular meeting of said Council on the ____ of _____, 2014 at which a proper quorum was present.

PASSED by the City Council of and for the City of Urbana, Illinois this ____ Day of _____, 2014 with the "ayes" and "nays" being recorded as follows:

AYES: _____.

NAYS: _____.

ABSTENTIONS: _____.

Phyllis D. Clark, City Clerk.

APPROVED by the Mayor this _____ Day of _____, 2014.

Laurel Lunt Prussing, Mayor.

EXHIBIT A

Sec. 15-90. Alarm Registration and False Alarms.

A. Scope of Section. This section shall apply to the installation, ownership, operation, and maintenance of any residential and non-residential Alarm which emits and/or transmits an Alarm Signal which causes or which may cause the dispatching of the Police Department.

B. Definitions. The following words and phrases, when used in this section, shall have the following meanings:

1. *Alarm* means any device or equipment, including any devices and/or equipment operating in a system, which is designed and intended to emit or transmit an audible, visual, mechanical, or electronic signal which indicates the possible presence of a disturbance or other unauthorized or unwarranted activity at, in, or on an Alarmed Premises which requires or may require immediate or urgent attention by the Police Department. For purposes of this section, *Alarm* shall not include smoke detectors, carbon monoxide detectors, and vehicle alarms which are not designed or intended to notify the Urbana Police Department, a CAD Service, or a Private Alarm Monitoring Agency.

2. *Alarmed Premises* means any building, structure, facility, dwelling unit, or specific real property where an Alarm has been or will be placed or installed for the purpose of (i) detecting the presence of an actual or possible unlawful, unauthorized or unwarranted disturbance, (ii) notifying the Police Department, directly or through another person, of such disturbance, and (iii) dispatching the Police Department to location of the Alarm Signal.

3. *Alarm User* means any person who places or installs or who intends to place or install one or more Alarms on, at or in an Alarmed Premises. *Alarm User* shall include the owner of the Alarmed Premises, any tenant of the Alarmed Premises or any person left in a position of authority, responsibility and control over the premises.

5. *Alarm Signal* means any audible, visual, mechanical, or electronic warning signal which is emitted or transmitted by an Alarm to one or more persons for the purpose of alerting or warning any such person of the presence or occurrence of a possible unlawful, unauthorized or unwarranted disturbance or activity on, at, or in an Alarmed Premises.

6. *CAD Service* means a computer-aided dispatching system or service maintained and operated for the purpose of dispatching the Police Department to the Alarmed Premises.

7. *Police Department* means the City of Urbana Police Department and its personnel.

8. *Chief* means the Chief of the Police Department and his or her duly authorized designee.

9. *Alarm Coordinator* means one or more individuals who have been designated by the Chief who have authority and responsibility for enforcing certain sub-sections of this section as identified or described in this section.

10. *Private Alarm Monitoring Agency* means any person, other than an Alarm User, who is engaged in the business of monitoring Alarms for one or more Alarm Users for the purpose of (i) ascertaining and/or verifying the presence or occurrence of an actual or possible unlawful, unwarranted or unauthorized disturbance or activity on, at or in an Alarmed Premises; (ii) notifying a the Alarm User of such actual or possible unlawful, unwarranted or unauthorized disturbance or activity disturbance; and, where appropriate, (iii) dispatching the Police Department to the Alarmed Premises.

11. *Emergency* means the presence or absence of an event, condition or circumstance which, if left unattended to by the Police Department, threatens, has threatened or may threaten (i) human life, health, or safety; (ii) injury to an Alarmed Premises; and/or (iii) loss of, damage to, or destruction of any personal property located on, at or in such Alarmed Premises.

12. *False Alarm* means the emission and/or transmission of an Alarm Signal in the absence of any Emergency on, at or in an Alarmed Premises.

13. *Do It Yourself Alarm* means an Alarm which is not monitored by a Private Alarm Monitoring Agency.

14. *Schedule O* means the schedule of fines and fees for various licenses, permits and other fees as adopted from time to time by the City Council and maintained by the City Clerk and/or the City's Finance Department pursuant to Section 14-7 of the Urbana City Code..

C. Registration of Alarms.

1. Each Alarm placed or installed on, at or in any location within the City of Urbana must be registered with the Police Department.

a. If any Alarm has been placed or installed on, at or in any Alarmed Premises prior to the effective date of this section, the Alarm User shall have ninety (90) days in which to register the Alarm with the Police Department.

b. If a person places or installs an Alarm on, at or in any Alarmed Premises on or after the effective date of this section, the Alarm User shall have five (5) business days in which to register the Alarm with the Police Department.

2. Alarm Users shall be required to renew the registration of their respective Alarms with the Police Department annually. Renewal of Alarm registration must be completed no later than the last day of April in each calendar year.

3. Registration of an Alarm with the Police Department shall entitle the Alarm User to transfer such registration from one Alarmed Premises to another Alarmed Premises. In the event that an Alarm User seeks to transfer the Alarm User's Alarm registration from one premises to another, the Alarm user shall provide the Police Department with updated Alarm registration information and pay the Alarm registration transfer fee provided for in Schedule O. If a person who has not previously registered an Alarm with the Police Department acquires or occupies an Alarmed Premises and intends to activate and operate or continue the previous Alarm User's activation or operation of an Alarm at such Alarmed Premises, such person shall register the Alarm (regardless if such Alarm was previously registered by a prior owner/tenant) and shall pay the initial Alarm registration fee provided in Schedule O.

4. In order for an Alarm to be considered lawfully registered with the Police Department, whether such Alarm registration is an initial, transfer, or renewal registration, the Alarm user must –

- a. pay the Alarm registration, transfer, or renewal fee, as the case may be, as provided in Schedule O; and
- b. provide the Police Department with such current Alarm registration, transfer, or renewal information, as the case may be, as the Police Department deems appropriate.

The Alarm User shall be responsible for updating the Alarm registration information within five (5) business days from the effective date of any change in information.

5. The Alarm User, by placing the Alarm User's signature on the Alarm Registration Form, shall be deemed to represent that the information included on the Alarm Registration Form is complete, true and accurate to the knowledge of the Alarm User. By executing the Alarm Registration Form, the Alarm User agrees to accept receipt of any notice which is required by this section or any of its sub-sections in any manner provided herein.

6. If the information provided on the Alarm Registration Form remains the same at the time of re-registering the Alarm, the Alarm User need only pay the requisite fee for re-registering the said Alarm and sign an acknowledgement that the information on the Alarm Registration Form remains current.

7. A fee for registering, transferring and re-registering each Alarm shall be in the amount set forth in Schedule O. Thereafter, the full registration and re-registration fee shall be charged to the Alarm User regardless of when the Alarm User registers or re-registers each Alarm.

8. No Alarm registration shall be deemed complete and no Alarm shall be deemed registered or re-registered unless and until the Alarm Registration Form and any changes

required to be made thereto, as the case may be, have been completed and the registration or re-registration fee, as the case may be, has been fully paid.

9. Reference to the Alarm Registration Form shall include the information contained thereon and any changes to any such information.

10. Upon completion of registering an Alarm, the Alarm User shall be provided with a copy of the Alarm Registration Form with an indication that the Alarm has been successfully registered with the Police Department. In those cases where, upon re-registration of an Alarm, the Alarm User updates the information contained in the Alarm Registration Form, acknowledgement of such re-registration shall be by the same means for registering an Alarm. In those cases where re-registration of an Alarm involves no changes to information contained in the Alarm Registration Form, acknowledgement to the Alarm User that the Alarm has been re-registered may be made by providing the Alarm User with a receipt evidencing the payment of the re-registration fee. The means and method for indicating the successful registration shall be determined by the Chief.

D. Authority of the Chief. With the exception of the setting of fees provided for in this section, the Chief shall have overall authority to enforce this section and its sub-sections and for establishing such rules, regulations and/or protocols as the Chief deems necessary and proper for enforcing this section. The Chief shall also have the authority specifically granted by this section. Nothing herein shall be deemed or construed to prohibit the Chief from delegating authority to the Alarm Coordinator or such other individual as he or she deems necessary or appropriate to enforce this section or any sub-section or part thereof. The corporate authorities, as defined in Section 1-1-2(2) of the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*), shall have the authority to set any and all fees provided for in this section.

E. Duties and Authority of Alarm Coordinator. The Alarm Coordinator shall have the duties, responsibilities and authority set forth in this section as well as those delegated by the Chief.

F. Alarm Users. Every Alarm User and each person identified on the Alarm Registration Form as having authority over and/or responsibility for securing the Alarmed Premises and/or the Alarm shall:

1. Be knowledgeable about the operation and maintenance of each Alarm located on, at or in any Alarmed Premises.
2. Maintain the Alarm in such manner so as to minimize the number and/or frequency of False Alarms.
3. Promptly notify the Private Alarm Monitoring Agency, if any, of any False Alarm as soon as possible.
4. Abstain from and prevent any manual activation of the Alarm except in the presence of an Emergency.

5. Give the Police Department notice at least five (5) business days of any intent to activate any Alarm for the purpose of testing any such Alarm.

G. Alarms Which Transmit Alarm Signals Directly to a CAD Service.

1. No Alarm shall be placed, installed or operated on, at or in any Alarmed Premises in such manner so as to transmit an Alarm Signal directly to a CAD Service without the written permission to do so by the Alarm Coordinator. The Alarm Coordinator shall not give written permission to any Alarm User to place or install on, at or in any Alarmed Premises any Alarm which transmits an Alarm Signal directly to a CAD Service unless the Alarm User can demonstrate that such Alarm is required for the personal physical safety and security of the Alarm User and/or the occupants or users of the Alarmed Premises. Notwithstanding the immediate foregoing, the Alarm Coordinator shall not, under any circumstance, grant permission to any Alarm User to place, install or operate a Do It Yourself Alarm which directly transmits an Alarm Signal to a CAD Service.

2. The City may assess an additional fee on an Alarm User if the Police Department expressly permits the Alarm User to directly transmit an Alarm Signal to a CAD Service. Such fees shall be in an amount as provided in Schedule O.

3. No Alarm shall be permitted to transmit an Alarm Signal directly to a CAD Service until the Alarm Registration Form has been completed, the Alarm Coordinator has given written approval for the Alarm to transmit an Alarm Signal directly to a CAD Service and all fees have been fully paid.

4. Each annual re-registration of an Alarm which is permitted to transmit an Alarm Signal directly to a CAD Service shall include a statement which affirms the reasons or basis for which approval of such direct transmission was originally granted.

5. If conditions or circumstances change such that the Alarm User no longer qualifies to allow the Alarm to transmit an Alarm Signal directly to a CAD Service the Alarm User shall promptly provide notice to the Alarm Coordinator which advises of the cessation of the direct transmission of an Alarm Signal.

H. Alarms Which Transmit Alarm Signals to Private Alarm Monitoring Agencies.

1. Every Private Alarm Monitoring Agency which enters into an agreement to monitor an Alarm within the City of Urbana shall provide the Alarm Coordinator with a written verification procedure or protocol which describes the means and method by which the Private Alarm Monitoring Agency will monitor each Alarm it has agreed to monitor.

a. If the Private Alarm Monitoring Agency's Alarm monitoring agreements provide that it shall use identical Alarm monitoring procedures or protocols for all Alarms it has agreed to monitor, the Private Alarm Monitoring Agency need only provide one copy of such procedure or protocol.

b. If the Private Alarm Monitoring Agency has agreed to use different procedures or protocols for monitoring Alarms which it has agreed to monitor, then the Private Alarm Monitoring Agency must provide a copy of the specific procedure or protocol it has agreed to use for each Alarm it has agreed to monitor.

2. The written verification procedure or protocol provided to the Alarm Coordinator must, at a minimum, include the following:

a. The name, address and telephone number where the Private Alarm Monitoring Agency may be contacted on a twenty-four hour, seven-day a week basis without regard to any holidays.

b. A detailed description of the procedure or protocol which the Private Alarm Monitoring Service uses –

(i) when attempting to establish direct live contact with the one or more individuals identified on the Alarm Registration Form when the Private Alarm Monitoring Agency's receives an Alarm Signal from the Alarm User's Alarm;

(ii) when attempts to establish direct live contact with the one or more individuals identified on the Alarm Registration Form fail; and

(iii) for alerting the Police Department and/or the CAD Service, as the case may be, regarding the Private Alarm Monitoring Agency's receipt of an Alarm Signal.

c. A statement that the Private Alarm Monitoring Agency –

(i) undertakes at least two (2) attempts to establish direct live communication with one or more persons whom the Private Alarm Monitoring Agency is directed to contact;

(ii) shall refrain from initiating contact with a CAD Service or direct communication with the Police Department upon being informed that the Alarm Signal the Private Alarm Monitoring Agency received was a False Alarm;

(iii) shall contact a CAD Service to initiate the dispatching of the Police Department upon determining that the Alarm Signal signifies an actual Emergency;

(iv) shall contact a CAD Service to initiate the dispatching of the Police Department in the event efforts to establish direct live communication with a person whom the Private Alarm Monitoring Agency was authorized to contact fail.

I. False Alarms.

1. The accidental, negligent, willful, wanton, or intentional activation of an Alarm or transmission of an Alarm Signal in the absence of an Emergency shall constitute a False Alarm in violation of this section. In the event of the transmission of a False Alarm to which the Police Department is dispatched, whether or not by a CAD Service, the City shall have the authority to charge the Alarm User a response fee in an amount as provided in Schedule O.

2. The Alarm User shall be responsible to reimburse the City for any additional costs and expenses which the City experiences or suffers as a result of the Police Department's response to an Alarm Signal which is determined to be a False Alarm.

3. In the event that an Alarm Signal is determined by the Alarm User or such other individual who is identified on the Alarm registration Form to be a False Alarm, such individual shall promptly notify the Private Alarm Monitoring Agency or, if the Alarm is not monitored by a Private Alarm Monitoring Agency, the Police Department or the CAD Service that the Alarm Signal was a False Alarm.

4. If the Police Department is dispatched by a Private Alarm Monitoring Agency to respond to an Alarm Signal which is determined to be a False Alarm and where such Private Monitoring Agency has failed to (i) provide the Alarm Coordinator with the written verification procedure or protocol required by sub-section I. of this section or (ii) follow the procedure or protocol which the Private Alarm Monitoring Agency provided to the Alarm Coordinator, the Alarm Coordinator shall provide notice to the Alarm User and the Private Alarm Monitoring Agency that –

a. the Alarm User, within fourteen (14) days from the date of the notice, shall provide the information specified in Sub-Section I.4.; and

b. the Private Alarm Monitoring Agency shall have fourteen (14) days from the date of the notice to provide the Alarm Coordinator with its Alarm Signal verification procedure or protocol as required by sub-section I of this section.

5. There shall be a rebuttable presumption that all Alarm Signals constitute a False Alarm until such time as the Alarm Coordinator determines that the Alarm Signal signaled –

a. the presence of an actual or reasonably perceived Emergency;

b. the commission of a crime on, in or at the Alarmed Premises; or

c. the occurrence of other activity or conditions which reasonably warrant the prompt dispatching of the Police Department.

6. The Alarm Coordinator shall make the initial determination insofar as whether an Alarm Signal constituted a False Alarm.

7. Within fourteen (14) days after the determination that an Alarm Signal constituted a False Alarm, the Alarm Coordinator shall send a notice to the Alarm User regarding the False Alarm. Such notice shall contain the following –

- a. That the Police Department received or was notified of an Alarm Signal which, after reasonable investigation, constituted a False Alarm;
- b. The location to which the Police Department was dispatched to respond to the False Alarm;
- c. The date and time when the Police Department was dispatched to respond to the False Alarm;
- d. That the Alarm User shall have fourteen (14) days from the date of the notice to submit an appeal to the Chief which contests the Alarm Coordinator's initial determination that the Alarm was a False Alarm; and
- e. Such other information as the City deems appropriate.

8. The City shall have the authority to collect from the Alarm User a False Alarm fee where three (3) or more False Alarms are received from an Alarmed Premises to which the Police Department is dispatched in any twelve-month period. The City shall collect the False Alarm fee for each False Alarm in excess of two (2) False Alarms concerning an Alarmed Premises to which the Police Department is dispatch in any twelve-month period.

9. In the event that three (3) or more but no more than nine (9) False Alarm notices have been sent to an Alarm User concerning an Alarmed Premises in a twelve-month period, the Chief shall send a notice to the Alarm User for that Alarmed Premises which notice shall include the following:

- a. The date and time of each Alarm Signal which has been determined to be a False Alarm;
- b. The requirement that corrective action must be undertaken by the Alarm User to eliminate future False Alarms;
- c. A warning that any future False Alarms will provide authority to the Chief to order that the Police Department respond to Alarm Signals from the Alarmed Premises only on a restricted basis as provided in sub-section J;

d. A statement that a response fee may, at the discretion of the Chief, be assessed to the Alarm User for each Police Department response to the aforesaid False Alarms with each such response being in the amount set for in in Schedule O; and

e. Such other information as the City deems appropriate.

10. The notice provided for in this sub-section I. shall be placed in the Alarm User's file which contains the Alarm User's Alarm Registration Form and all updates, if any, thereto.

11. If within the time provided for in the notice issued pursuant to this sub-section I. of this section the Alarm User tenders to the Chief or Alarm Coordinator information which seeks to rebut the presumption that an Alarm Signal constituted a False Alarm, the Chief shall consider such information along with any information gathered by the Police Department at the time it was dispatched to the Alarmed Premises in response to the Alarm Signal in question in order to reach a determination whether the Alarm Signal constituted a False Alarm.

12. After considering the information provided in this sub-section I., the Chief's determination shall be noted in the Alarm User's file.

13. Any determination by the Chief whether or not an Alarm Signal constitutes a False Alarm shall be final.

14. Within fourteen (14) days of when the Chief makes a determination that an Alarm Signal constituted a False Alarm, the Alarm Coordinator shall send notice to the Alarm User which advises the Alarm User of the Chief's final determination.

J. Restricted Response to False Alarms.

1. In the event that an Alarm emits or transmits ten (10) or more False Alarms for an Alarmed Premises in any twelve-month period to which the Police Department is dispatched, the Police Department may, at the sole discretion and upon the order of the Chief, respond to any future Alarm Signal from the Alarmed Premises on a restricted basis as provided in this sub-section J.

2. For purposes of this sub-section J.1., "Restricted Response Order" shall mean an order issued by the Chief which directs Police Department personnel to respond only to Alarm Signals concerning conduct, conditions or circumstance of a particular specified nature as described in such an order.

3. Any Restricted Response Order issued shall include the following information:

a. The location of the Alarm Premises which is the subject of the Restricted Response Order.

b. The dates on which the Police Department responded to Alarm Signals which were determined to be False Alarms.

c. The conditions, circumstances, conduct, or events to which the Police Department will respond when dispatched in response to an Alarm Signal from the Alarmed Premises.

d. A statement that the Police Department shall not respond to any Alarm Signal other than those identified or described in the Restricted Response Order.

e. A statement that the Restricted Response Order shall be lifted or rescinded upon the Alarm User's presentation of sufficient information that the Alarm has been replaced, modified or repaired to eliminate the problem which caused the repeated False Alarms.

f. Such other information as the City deems appropriate.

4. Upon the occurrence of the eleventh False Alarm at an Alarmed Premises in a twelve month period to which the Police Department is dispatched, the Alarm Coordinator shall send a notice to the Alarm User which contains the following:

a. the date and time of each False Alarm;

b. a directive that the Alarm User has fourteen (14) days in which to correct or repair the Alarm so that it ceases emitting and/or transmitting False Alarms;

c. a statement that within thirty (30) days of the date of the notice, the Chief shall issue a Restricted Response Order which, when issued, will limit the Police Department's response to only Alarm Signals which are emitted or transmitted signaling the occurrence of certain type or types of conduct, circumstances or events;

d. a statement that the Alarm User may avoid the imposition of a Restricted Response Order for the Alarmed Premises by providing the Chief, within fourteen (14) days of the date of the notice, with a written report prepared by an independent alarm-servicing and/or repair company which identifies or describe the problem believed to have caused the emission or transmission of the False Alarms and the means by which such problem has been corrected; and

e. such other information as the City deems appropriate.

5. If the Alarm User provides a written report which identifies the condition which caused the repeated emission or transmission of the False Alarms and which evidences the repair of such condition, the Alarm Coordinator shall provide notice to the Alarm User that the Police Department will not issue the Restricted Response Order referenced in the Restricted Response notice.

6. If the Alarm User fails to provide the written report provided for in sub-section J.5. or if the Alarm Coordinator determines that the Alarm User's efforts to correct the condition or conditions as described in the report of repair submitted by the Alarm User is not likely to significantly reduce the number of False Alarms from the Alarmed Premises, the Chief shall issue a Restricted Response Order and the Alarm Coordinator shall provide notice of the issuance of the Restricted Response Order along with a copy of the Restricted Response Order to the Alarm User.

7. Within fourteen (14) days of the date of the notice advising of the imposition of a Restricted Response Order, the Alarm User may appeal such Restricted Response Order by submitting a written request to the Police Department which requests reconsideration by the Mayor of the imposition of the Restricted Response Order. The said request for reconsideration shall include a detailed statement insofar as why the Alarm User believes the Restricted Response Order should be rescinded and what, if anything was done to correct the Alarm so as to eliminate future False Alarms. If a person other than the Alarm User repaired or replaced the Alarm, the Alarm User shall provide a report prepared by said person which identifies the reason why the False Alarms occurred and the repairs or replacement made so as to eliminate future False Alarms.

8. Within fourteen (14) days of the Police Department's receipt from the Alarm User of a request to appeal the imposition of the Restricted Response Order the Police Department shall prepare a response to the Alarm User's request to rescind the imposition of the Restricted Response Order. Within seven (7) days of completing the Police Department's response, the Police Department shall forward to the Mayor or Mayor's designee the Alarm User's appeal to rescind the Restricted Response Order any statement and report, if any, submitted therewith along with the Police Department's response to the Alarm User's request.,

9. Within fourteen (14) days of the Mayor's or the Mayor's designee's receipt of the appeal request submitted by the Alarm User and the Police Department's response thereto, the Mayor or the Mayor's designee shall issue a written determination whether to rescind or affirm the imposition of the Restricted Response Order. Such determination shall be supported by findings. A copy of the determination and findings shall be sent to the Alarm User. Such determination and findings shall constitute a final administrative adjudicatory action for purposes of the Illinois Administrative Review Act.

10. Nothing in this sub-section J. shall be deemed or construed as barring the Police Department from instituting further action in the event that additional repetitive False Alarms are emitted or transmitted from the Alarmed Premises following the issuance of the finding by the Mayor.

11 In the event that the Restricted Response Order has been issued and, in the case of any appeal thereof, has been affirmed, the Alarm User may request that further consideration be given to rescinding the Restricted Response Order by -

- a. tendering full payment of all fees and fines, if any, provided for in this section which are outstanding, due and payable by the Alarm User;
- b. submitting evidence that all persons who have been identified on the Alarm Registration Form pursuant to sub-section C. have taken steps to become informed on how to eliminate future False Alarms;
- c. Submitting a certificate of inspection issued by an independent company which maintains and/or repairs alarm systems that the Alarm which issued the repetitive False Alarms has been inspected, tested, upgrade, modified, or otherwise repaired so as to eliminate or significantly reduce the emission or transmission of False Alarms; and
- d. the Chief finding that the Alarm User's submissions are sufficient to support revocation or rescission of the Restricted Response Order.

The Chief may take into consideration, when considering the Alarm User's request for reconsideration, the absence of emission or transmission of any False Alarm from the Alarmed Premises during the pendency of the appeal referenced in this sub-section K. plus an additional four-week period immediately following the issuance of the determination and findings referenced in sub-section K. of this section. Should the Chief find that the Alarm User's submission is sufficient to support revocation or rescission of the Restricted Response Order, such order shall immediately be revoked and rescinded and the Alarm Coordinator shall send notice to the Alarm User of such revocation and rescission. Should the Chief affirm the continued imposition of the Restricted Response Order, such affirmation shall constitute a final administrative adjudicatory review for purposes of the Illinois Administrative Review Act.

12. In the event that the Police Department is dispatched to an Alarmed Premises which is the subject of a Restricted Response Order and it is determined that the dispatch was the result of a False Alarm, the City shall impose a response fee for such dispatch in the amount provided for in Schedule O.

K. Limited Twenty-Four (24) Hour Response.

In the event that three (3) False Alarms occur at an Alarmed Premises to which the Police Department is dispatched within any twenty-four (24) hour period, the Chief, a Police Department watch commander, or either of their designees, may issue a limited response order regarding when the Police Department will respond to an Alarm Signal from the Alarmed Premises during the next twenty-four (24) hour period following the Police Department's response to the aforesaid third False Alarm. Criteria which the Chief, watch commander, or either of their designees will consider in determining whether a limited response order shall be issued include:

- a. the nature of and the conditions existing at, on or in the Alarmed Premises;

- b. the staffing level of the Police Department at the time the limited response is implemented;
- c. the frequency of the False Alarms, the events or conditions likely leading to the emission or transmission of the False Alarms, and the time span between those False Alarms;
- d. the overall history of False Alarms at the Alarmed Premises as verified from Police Department and CAD Service records;
- e. the presence, past or present, of any cautions regarding an Alarmed Premises provided by a CAD Service;
- f. the ability of the Police Department to establish live contact with an individual identified on the Alarm Registration Form pursuant to sub-section C., and/or
- g. the time of day.

M. Fees, Fines, Costs, Expenses and Revocation of Alarm Registration.

1. The City shall have the right to collect from each Alarm User the following fees in such amounts as provided for in Schedule O:
 - a. An initial Alarm registration fee for each Alarm owned, operated or maintained by an Alarm User
 - b. An annual re-registration fee for the re-registration of each Alarm owned, operated or maintained by and which was previously initially registered by an Alarm User
 - c. A late re-registration fee for the re-registration of each Alarm owned, operated or maintained by and which was previously initially registered by an Alarm User.
 - d. An Alarm remigration transfer fee for the transferring of any Alarm registration from one Alarmed Premises to another Alarm Premises.
 - e. A response fee for each dispatch of the Police Department in response to three (3) or more False Alarms in any twelve consecutive month period which are determined to be False Alarms.
 - f. A response fee for each dispatch of the Police Department in response to ten (10) or more False Alarms in any twelve consecutive month period which are determined to be False Alarms.

- g. A response fee for each dispatch of the Police Department in response to a False Alarm which occurs on Alarmed Premises which is subject to a Restricted Response Order.
- h. A response fee for each dispatch of the Police Department to any Alarm Signal, whether or not a False Alarm, which is emitted or transmitted by an Alarm which is not registered, whether initially, by re-registration, or by registration transfer.
- i. An annual fee for allowing an Alarm User to connect an Alarm directly to a CAD Service.

Governmental entities shall not be required to pay any fee provided for in this section.

- 2. The City shall have the right to charge each Alarm User the additional cost and expense which the City sustains or suffers as a result of the dispatching of the Police Department to an Alarmed Premises where the Alarm Signal is determined to be a False Alarm.
- 3. The City shall have the right to impose a fine in an amount provided for in Section 1-10 of the Urbana City Code per violation of this section per day each such violation remains unresolved, uncorrected or unpaid by the Alarm User for any one or more of the following violations:
 - a. Dispatching of the Police Department in response to an Alarm Signal emitted or transmitted from an Alarm which is not registered or re-registered with the Police Department.
 - b. Configuring an Alarm so that it sends an Alarm Signal directly to a CAD Service without the advance written permission from the Police Department to allow for such direct connection.
 - c. Dispatching of the Police Department in response to an Alarm Signal emitted or transmitted from an Alarm in, on or at Alarmed Premises which is the subject of a restricted response order where the Alarm Signal is determined be a False Alarm.
 - d. Refusing to comply with any finding issued by the City or agreement entered into by the City concerning the presence and repair or remediation of one or more conditions which cause or may be causing an Alarm to be issuing repetitive False Alarms.
 - e. Configuring an Alarm in such manner as it emits continuously or allowing an Alarm to continuously emit an audible Alarm Signal for a period lasting more than fifteen (15) minutes after it initially emits or transmits an Alarm Signal.

f. Creating a condition or circumstance whereby the Police Department is unable to reset, disconnect or disable an Alarm which has emitted a continuously audible Alarm Signal for a period lasting more than fifteen (15) minutes.

g. Failure to pay any fee which is due and payable within the time period provided for payment of any such fee.

h. Failure to update information on the Alarm Registration Form within a reasonable period of time after any change in such information regardless of the reason for such change.

i. In the case of an Alarm for which permission has been granted by the Police Department to directly connect such Alarm to a CAD Service the failure to notify the Police Department when any such Alarm fails to meet the criteria necessary for allowing such direct connection.

4. The City shall have the right to revoke any Alarm registration for any one or more of the following reasons:

a. The Alarm User's failure or refusal to undertake reasonable efforts to significantly reduce the number of False Alarms emitted or transmitted from the Alarm Premises after due notice of such False Alarms has been given.

b. The failure or refusal to pay any fee assessed or fine imposed pursuant to this section after due notice has been given that such fee or fine is past due and owing.

c. The issuance of two or more restricted response and/or limited response orders in any consecutive two (2) year period.

N. Judicial Proceedings.

1. Any final administrative decision rendered through the administrative processes provided for in this section may be subject to judicial review pursuant to and governed by the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq.

2. Failure to file a complaint within the requisite time period and in the manner provided for in the Illinois Administrative Review Act shall result in any fine which shall be deemed due and payable as of the day immediately following the last date when an action could have been filed for administrative review pursuant to the Illinois Administrative Review Act.

3. In the event that an Alarm User fails to file an action under the Illinois Administrative Review Act within the time provided in that act or in the event a court upholds a final administrative decision favorable to the City, any fine or fee then unpaid shall become immediately due and owing by the Alarm User. The City shall provide notice to the

Alarm User of any and all fees and fines then due and owing to the City and the Alarm User shall have thirty (30) days from the date of such notice in which to pay all such fees and fines. In the event that the Alarm User fails or refuses to fully pay any outstanding fees or fines, the City may initiate a court action to collect all outstanding fees and fines outstanding from the Alarm User together any and all costs and expenses of initiating such proceeding.

O. Limitations on Liability. The City shall not be responsible or liable for any injury or damage to person or property which arises from or which is the direct or proximate caused by any of the following:

1. Defects in the proper installation, testing, use, operation, repair, and/or maintenance of any Alarm or component thereof and/or the lack or limited emission or transmission of any Alarm Signal due to the faulty operation of the Alarm.
2. The lack of or sufficiency of training in the testing, use, operation, repair, and/or maintenance of any Alarm or component thereof.
3. The Police Department's efforts to turn off an Alarm after the Police Department has arrived at the Alarmed Premises from which the Alarm Signal was emitted or transmitted, whether or not such Alarm Signal is determined to be a False Alarm.
4. The Police Department's efforts to turn off an Alarm after it has emitted a continuous Alarm Signal which is audible or visible on the Alarm Premises for a period in excess of fifteen (15) minutes.
5. The revocation of any Alarm registration so long as such revocation is undertaken in accordance with this section.
6. The issuance of a restricted response order or a limited response order so long as such issuance is undertaken in accordance with this section.
7. The reasonable conduct of the Police Department while at the Alarmed Premises in response to an Alarm signal.

P. Notices. Any notice required to be given pursuant to this section shall be in writing and shall be deemed proper if given by -

- a. depositing the same in an envelope bearing proper postage for First Class U.S. Mail delivery and properly addressed to the Alarmed Premises;
- b. personal delivery to an individual residing at the Alarmed Premises or who is employed by the Alarm User at the Alarmed Premises; or
- c. e-mail, if the e-mail address belongs to the Alarm User or such person as the Alarm User has identified on the Alarm registration form.

EXHIBIT B

SCHEDULE (O) – ALARM REGISTRATION AND FALSE ALARMS

1. Registration Fees:

(a)	Initial registration_____	\$ 50.00
(b)	Renewal registration_____	\$ 25.00
(c)	Late registration (per month)_____	\$ 25.00
(d)	Non-registered user**_____	\$200.00
(e)	Transfer of registration_____	\$ 10.00
(f)	Change of information on registration_____	\$ 10.00

**Must register within fourteen (14) days or pay the non-registered user fee. First time registration allows for a fourteen (14) day grace period for which no false alarms will be counted against the alarm user.

2.False Alarm Fees:

(a)	1 – 2 False Alarms in a 12 month period_____	N/C
(b)	3 – 9 False Alarms in a 12 month period_____	\$100.00 each
(c)	10 or more False Alarms in a 12 month period_____	\$150.00 each

3.Restricted Response False Alarm Fee_____ \$200.00 each