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**THE CITY OF ROCHELLE**  
**Ogle County and Lee County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 OF THE  
ROCHELLE MUNICIPAL CODE PERTAINING TO EMERGENCY SERVICES**

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**CHET OLSON, Mayor**  
**SUE MESSER, City Clerk**

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**KATE SHAW-DICKEY**  
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**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE**  
Ogle County and Lee County, Illinois

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 OF THE  
ROCHELLE MUNICIPAL CODE PERTAINING TO EMERGENCY SERVICES**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle (“City”), Ogle County and Lee County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, the City of Rochelle (“City”) desires to amend certain sections of Chapter 38 of the Rochelle Municipal Code (“Emergency Services Ordinance”) pertaining to the requirements of certain alarm systems; and

**WHEREAS**, said amendments to the Emergency Services Ordinance will adequately address the advancements in technology regarding the design, function, and operation of alarm systems; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to amend said Emergency Services Ordinance; and

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
ROCHELLE, ILLINOIS:**

**SECTION ONE:** That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

**SECTION TWO:** That Chapter 38 Article II entitled “ALARM SYSTEMS” of the Rochelle Municipal Code be and is hereby amended by deleting the following strikethrough language and adding the following underlined language:

## ARTICLE II. - ALARM SYSTEMS

### Sec. 38-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm* includes and means any device known as a burglary, ~~telephone dialer~~, holdup, panic, smoke, fire or medical alarm.

*Burglary alarm* means a security system designed to protect a building or area by a mechanical or electrical device designed to detect or enable a person to notify others of an unauthorized intrusion. The system emits a sound or transmits a signal or message when activated.

*Holdup or panic alarm* means a security system designed to allow notification to the police department during normal business or occupancy by authorized persons.

*Smoke, fire or medical alarm* means a security system designed to allow notification to the fire department.

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*False alarm* means the activation of an alarm which results in a response by the police or fire department where an emergency does not exist. ~~False alarms fall into two categories; they are:~~

~~(1) — Class 1 alarms. Class 1 alarms are those alarms that the permit holder can demonstrate were caused by acts of nature, such as storms, high winds, lightning or the loss of electrical power from the supplier.~~

~~(2) — Class 2 alarms. Class 2 alarms are those alarms related directly to human error, malfunction of the alarm, or failure of the permit holder to adequately inform and train his personnel with the operating instruction and workings of the security system.~~

*Alarm Holder* – the person, firm, partnership, association, corporation, company or organization of any kind ~~g~~ in control of any building, structure, or facility or portion thereof wherein a fire protection system is maintained.

~~*Permit holder* means the person, business or entity to which an alarm has been issued.~~

### Sec. 38-32. -- Permit required.

~~No person shall install, connect, operate or maintain, or cause to be installed, connected, operated or maintained an alarm system upon any property which such person owns, operates out~~

~~of, or rents/leases without first obtaining an alarm permit in accordance with the provisions of this article. Any such person who fails to comply with these provisions will be subject to a violation of this section and this article.~~

**~~Sec. 38-33. -- Application for permit.~~**

~~All applications for alarm permits shall be filed with the chief of police on such forms as he prescribes. Such applications will contain the names, addresses, and telephone numbers of the person who will respond to the alarm or render service, repairs and maintenance to that alarm system during any hour of the day or night. It will also furnish any other relevant information as the chief of police may require for the evaluation and processing of that application. If any person operates or maintains more than one alarm system, he may have the option of applying for a single permit for a particular property or for separate permits for each property or business. The alarm system provided must meet police and fire department inspection, be UL approved, or equivalent.~~

**~~Sec. 38-34. -- Permit fee.~~**

~~Every application for an alarm system permit shall be accompanied by a nonrefundable fee of such amount as established from time to time by the council by resolution. The fee is established to cover part of the cost of processing the applications and permits and shall be in addition to any other permit fee established by the city.~~

**~~Sec. 38-35. -- Expiration of permit.~~**

~~Each alarm permit that is issued shall expire one year after the date of issuance. New permits will be issued as stipulated in this article. The renewal fee is established from time to time by the council by resolution.~~

**~~Sec. 38-36. -- Transfer of permit.~~**

~~No alarm system permit shall be transferred or assigned without the written approval of the chief of police. The transfer fee shall be as established from time to time by the council by resolution.~~

**Sec. 38-37. - Violations; penalties; excessive false alarms.**

(a) ~~Class 1 alarms. If three or more class 1 alarms occur in a one-year period, it will be the responsibility of the permit holder to have the alarm system repaired and a copy of said repairs sent to the police or fire chief of the city.~~

(b) ~~Class 2 False alarms.~~

(1) ~~After the third~~ Upon the occurrence of the ~~third~~<sup>fourth</sup> class-2 False alarm at any one location for which a permit an alarm has been issued installed within any given ~~calendar year~~ twelve-month period, whether the false alarms are intentional or unintentional and which results in a response by the police or fire department

~~response is requested by the activation of said alarm system,~~ the permit holder Alarm Holder will be notified by United States mail of the infractions of said alarm system and a warning will be given to the ~~permit holder~~ Alarm Holder.

(2) Upon the occurrence of the fourth ~~through the eighth~~ infraction of said alarm system within any given ~~twelve month period~~calendar year, the ~~permit holder~~ Alarm Holder will be charged a penalty of \$50.00 for ~~the~~each infraction.

(3) Upon the occurrence of the ~~fifth~~ninth ~~through the 13<sup>th</sup>~~ infraction of the alarm system within any given ~~twelve month period~~calendar year, the ~~permit holder~~ Alarm Holder will be charged a penalty of ~~\$100.00~~ \$1050.00 for each infraction.

(4) Upon the occurrence of the ~~sixth~~14<sup>th</sup> infraction ~~and each infraction thereafter~~ within any given ~~twelve month period~~calendar year, the ~~permit holder~~ Alarm Holder will be charged a penalty of ~~\$15500.00 per occurrence.~~ ~~for the 14<sup>th</sup> infraction and each infraction after the 14<sup>th</sup> which occurs through the end of the fiscal year.~~

~~(c) Failure to obtain permit. Any person connecting any alarm which when activated contacts the police and/or fire department by phone or any other method without first obtaining a permit shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500.00.~~

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO EMERGENCY SERVICES,” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CITY CLERK