

CITY OF GENESEO

ORDINANCE NO. 1753

**AN ORDINANCE REGULATING
BURGLAR AND HOLDUP ALARM BUSINESSES,
SYSTEMS, AND USERS**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF GENESEO
THIS 10TH DAY OF JUNE, 2003
APPROVED BY THE MAYOR JUNE 11, 2003
ORDINANCE NO. 1753**

**AN ORDINANCE REGULATING
BURGLAR AND HOLDUP ALARM BUSINESSES,
SYSTEMS, AND USERS**

WHEREAS, the purpose of this article is to provide minimum standards and regulations applicable to burglar and holdup alarm systems, alarm businesses, alarm agents and alarm users; require permits therefore; establish fees; and provide for punishment of violations of provisions as defined in this article.

WHEREAS, the Public Safety Board did recommend adoption of these standards and regulations at its regular meeting of June 5, 2003.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENESEO, ILLINOIS:

SECTION I: That the above preambles to this ordinance shall be made part of and are hereafter a part of this ordinance.

SECTION II: Title 7, Chapter 12 of the Code of the City of Geneseo, is hereby added as follows:

7-12-1: Definitions

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein:

Alarm agent: Any person who is employed by an alarm business, either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on or in any building, structure or facility, any alarm system. Exemption: The provisions of this article do not apply to a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

Alarm system: Any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure, or facility or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both; and which emits a sound or transmits a signal or message when actuated and to which police are expected to respond. In this article, the term "alarm system" shall include the terms "audible alarm", "automatic dialing device", "burglar alarm system", and "holdup alarm system" as those terms are hereinafter defined.

Answering service: A telephone answering business providing among its services receiving, on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice over a signal channel circuit to the communication center of the police department.

Appellant: A person who perfects an appeal pursuant to this article.

Applicant: A person, firm, or corporation that files an application for a new or renewal permit as provided in this article.

Audible alarm: A device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated. This audible alarm may or may not be combined with a method of transmitting a signal to a remote point. Exemption: The provisions of this article are not applicable to audible alarms affixed to motor vehicles.

Automatic dialing device: An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the

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emergency situation that the alarm system is designed to detect.

Burglar alarm system: A method of detecting and signaling the presence, entry or attempted entry of an intruder into protected premises.

Central station system: A system or group of systems, usually operated for its customers by a person, in which the operations of protected circuits and devices are transmitted to, recorded in, maintained and supervised from a central station having trained operators and guards in attendance at all times, that have the duty to take appropriate action upon receipt of a signal or message including the relaying of messages by a signal channel circuit to the communications center of the police department.

City: The City of Geneseo or its authorized employees or agents.

Director alarm system: An alarm system which has the capability of transmitting signals to and receiving them at the communications center of the Geneseo Police Department.

False alarm: The intentional or unintentional activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents which necessitates response by the Geneseo Police Department where an attempted or actual burglary or holdup does not exist. Such terminology does not include, for example, alarms caused by tornadoes, earthquakes, or other violent conditions.

Holdup alarm system: An alarm system signaling a robbery or attempted robbery.

Modified central station: An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits and relay the messages by a “signal channel circuit” to the communications center of the police department.

Police chief: The chief of the police department of the City of Geneseo, or his authorized representative.

Primary trunk line: A telephone line leading into the communications center of the police department, that is for the purpose of handling emergency calls on a person-to-person basis, and which line is identified by a specific listing among the emergency numbers in a telephone directory issued by the telephone company serving the city.

Protected premises: That part of a building, structure, or facility to which protection is afforded by an alarm system.

Signal channel circuit: A telephone service that only provides a two-way telephone service from one location to another location. In the police station, it will be used to report emergency signals from an “answering service”, a “central station” or from a “modified central station” to the police communication center on a person-to-person basis.

Subscriber: A person who buys and/or leases, or otherwise obtains an alarm signaling system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm device.

7-12-2: Standards and Regulations

The police chief may prescribe reasonable minimum standards and regulations for the construction and

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maintenance of all alarm system installed within the city. All devices shall meet or exceed such standards and regulations before permits may be issued pursuant to this article. The police chief may require inspection and approval of all alarm systems installed within the city.

Audible Alarms. All alarm systems that emit an audible signal that may be heard by persons outside the protected building, structure, or facility shall conform to the following requirements:

- a) Every person maintaining an audible alarm shall provide the police chief with the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm system is activated. It is the responsibility of every person maintaining an alarm system to assure that the names and telephone numbers recorded with the police department are kept current.
- b) No person shall install an audible alarm system which creates a sound similar to that of an emergency vehicle siren or a civil defense warning system.
- c) No person shall install an audible alarm system which does not automatically discontinue emitting an audible sound within one-half hour after it is activated.

Prohibited Systems.

- a) Automatic dialing devices. No alarm system using an automatic dialing device will be allowed to send a pre-recorded voice message or coded signal over a primary trunk line or direct line into the communications center of the police department.
- b) Panic alarm. Panic or trouble alarms used to signal any type of fight, disturbance or any other activity other than an actual or attempted burglary or holdup will not be allowed.

Automatic Dialing Device; Intermediary Services.

- a) Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:
 - 1) A central station;
 - 2) a modified central station; or,
 - 3) A licensed answering service.
- b) The relaying of messages by intermediate services to the police department shall be over a signal channel circuit on a person-to-person basis.
- c) The police chief may limit the number of "signal channel circuits" that come into the communications center of the police department.

Police Alarms.

No alarm system equipment, unless police-owned and operated, shall transmit any message on the police base radio frequency.

Responsibility For Alarm Response.

Every person who has on his premises under his control or ownership an alarm system, audible or silent, shall, upon notification that the alarm system is giving a signal, proceed within twenty (20) minutes to the

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premises and render all necessary services. Provided, however, that the owner of the premises may enter into an agreement with an alarm business to respond in his stead.

7-12-3: Permits

- a) Alarm system permit. No person shall possess or use an alarm system without first applying for and receiving an alarm system permit therefore in accordance with the provisions of this article. The permit shall be kept on the premises where the alarm system is located. The police chief shall issue an appropriate identification number and establish requirements for its posting.
- b) Alarm business permit. No person shall engage in, conduct or carry on an alarm business without first applying for and receiving an alarm business permit therefore in accordance with the provisions of this article. This includes a central station, modified central station, and an answering service. The permit shall be kept on the premises where the business is located. The police chief shall issue an appropriate identification number and establish requirement for its posting.
- c) Agent permit. No person shall engage in, conduct, or operate as an alarm agent without first applying for and receiving an alarm agent permit therefore in accordance with the provisions of this article.
 - 1) Every person engaged in the business of repairing, servicing, altering, replacing, removing, designing, selling, leasing, maintaining, or installing alarm systems shall carry on his person at all times while so engaged a valid alarm agent permit and shall display the permit to any police office upon request.
 - 2) It shall be a violation of this article for the applicant to willfully fail to return an identification card to the issuing agency or business upon termination o his employment with an alarm business. It shall also be a violation of this article for the alarm business to fail to return to the police chief an identification card issued by the police chief upon termination of the employment of the alarm agent.
- d) Direct alarm system permit. No direct alarm system shall be permitted within the police department except such as is connected to an indicator panel installed in uniform consoles with uniform operation within the communication facilities of such department pursuant to a permit issued in accordance with the provisions of this article.
 - 1) An owner or lessee of an alarm system may authorize an alarm business or alarm agent to connect such system to an indicator panel installed in the communication facilities of the police department in accordance with this article, upon first obtaining a permit therefore.
 - 2) If the location of the communication facilities of the police department shall be changed at any time, the cost of moving any alarm system or parts thereof shall be borne by permittees.
 - 3) The police chief may limit the number of such permits and may set standards and regulations governing direct alarm systems.
- e) The permit provisions contained in this section shall apply to all existing alarm system as

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well as any future systems.

- f) Upon approval by the chief of police of applications for a permit or for renewal thereof, the chief shall endorse his approval thereon and transmit the permit to the permittee. Permits shall be applied for renewal on an annual basis.

7-12-4: Applications

Applications for all permits required under this article shall be on a form prescribed by the chief of police and may request such information as is necessary to evaluate and act upon the permit application. Applications shall be accompanied by a nonrefundable requisite fee as set forth in Section 7-12-6 of this Ordinance. The fee is established to cover part of the cost of investigating and processing the applications and permits. The fee shall not be charged on applications for existing alarm systems.

7-12-5: Investigation; Denial

- a) Alarm business; alarm agent. Every application for an alarm business or alarm agent permit shall require a picture and fingerprints of the applicant. The police chief shall conduct an appropriate investigation of the applicant to determine whether the permit shall be issued. The police chief may require additional information of applicants which he deems necessary to conduct his investigation. The permit shall be denied by the chief of police if:
 - 1) The character or reputation of the applicant is determined to be inimical to the safety or general welfare of the community;
 - 2) The applicant for the alarm business permit or alarm agent does not comply with the standards and regulations adopted pursuant to this article;
 - 3) The applicant, his employee or agent has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit; or,
 - 4) The applicant has had a similar type permit previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.
- b) Alarm systems; direct alarm systems. The permit shall be denied by the police chief if the alarm system does not comply with the standards and regulations adopted pursuant to this article. The permit shall be issued to the person owning, using, or possessing the alarm system. If the permit is denied, the reasons for denial shall be set forth in writing and provided to the applicant. If the basis for denial can be corrected, the writing shall so state and shall explain how these correction may be made and set a reasonable time limit for making such corrections. The notice of denial shall inform the applicant that he may appeal the denial in accordance with provisions of this Ordinance, and set forth the procedure for appeal.

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7-12-6: Fees

- a) Permit fees under this article shall be paid to the city collector. Said fees are as follows:
 - 1) For an alarm system permit, fifty dollars (\$50.00).
 - 2) For an alarm business, central station, modified central station, or telephone answering system permit, fifty dollars (\$50.00) annual fee payable in advance of July 1 of each year.
- b) The city reserves the right to own all indicator panels and accessory equipment for direct alarm systems located within the station. In such case, each permittee, in addition to the annual permit fee, shall pay an initial installation fee and an annual user fee, as the same may be established by ordinance, and uniformly applied to cover the cost of the maintenance of such facilities. In the event the city decides not to own the equipment within the station, but to provide for its installation and maintenance by a third party, it shall establish and regulate reasonable fees and charges which may be charged permittees. All such fees provided in subsection a)1) to be charged by the city shall be payable on the date of installation and shall cover the system until the resident or occupant changes.
- c) Regardless of the status of an alarm permit, the members of the police department will always respond as promptly and effectively as possible to any and all alarm actuations. However, there will be a service charge for each false alarm that the police department responds to while the alarm permit is under suspension or revocation. A fee of twenty-five dollars (\$25.00) will be assessed for each false burglary alarm and a fee of twenty-five dollars (\$25.00) will be assessed for each false holdup alarm that the police department responds to during this period. This service charge will be deposited into the city's general citizens' fund. This service charge will not exempt the permit holder from the violation penalty adopted pursuant to this article.

7-12-7: Liability of City

The city shall take every reasonable precaution to assure that alarm signals received by the city are given appropriate attention and are acted upon with dispatch. Nevertheless, the city shall not be liable for any defects in operation of any alarm devices or signal lines system, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source, nor for the failure or neglect of any person with a permit issued pursuant to this article, in connection with the installation and operation of equipment, the transmission of alarm signals or the delaying of such signals. In the event the city finds it necessary to disconnect a defective automatic protective device or signaling device, the city shall incur no liability y such action.

7-12-8: Conflict of Interest

No employee of the police department nor member of any such employee's immediate family shall have any interest, directly or indirectly, in any alarm business within the limits of the city. No such employee or member of his immediate family shall be employed by an alarm business, subject to the provisions of this article.

7-12-9: Locations Outside the City Limits

The Geneseo police department will be governed by Geneseo city ordinance regulating burglar and holdup alarm businesses, systems, and users when responding to any alarm for another jurisdiction.

7-12-10: Penalties

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- a) Any person or business who violates any provision of this ordinance shall, in addition to any other penalty, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00), subject to subsection c)5) below.
- b) In addition to a fine imposed in subsection a) above, any permit issued under this article may be suspended by the police chief for violation of any of the provisions of this article, for a reasonable period of time, not exceed seven (7) days, or may be revoked completely.
- c) The following shall constitute grounds for suspension and/or revocation of a permit issued under this article.
 - 1) Where an alarm system is knowingly activated by a subscriber, his employee or agent in a situation where no burglary or robbery is actually in progress;
 - 2) Where the permittee, his employee or agent has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit or in any report or record required to be filed with any city agency;
 - 3) Where any alarm business permittee or alarm agent is charged with a crime involving moral turpitude or where the character, reputation or moral integrity of the permit holder or his employee is determined inimical to public safety or the general welfare of the community;
 - 4) Where the permittee has had a similar type permit previously revoked for good cause within the past year, unless the applicant can show a material change in circumstances since the date of revocation; or
 - 5) Where an alarm system, while under a valid permit, actuates excessive false alarms, it shall constitute a public nuisance. There shall be no penalty for the first two (2) false alarms by the system in any one calendar year. Thereafter, there shall be a penalty for each false alarm for the third, fourth, and fifth violations in said year in the amount of \$50.00 (\$50.00 each or twenty-five dollars (\$25.00) if paid within thirty (30) days of the issuance of the citation. For any additional false alarms in said year, there shall be a penalty of one hundred dollars (\$100.00) each or fifty dollars (\$50.00) if paid within thirty (30) days of the issuance of the citation.

7-12-11: Suspension or Revocation

- a) Procedure.
 - 1) The police chief, in the case of suspension, shall serve the permittee with a written order of suspension which shall state the reasons for such suspension. The order shall be effective immediately if personally served, or forty-eighty (48) hours after the same has been deposited in the course of transmission in the United States Postal Service. Immediately upon such an order becoming effective, the permittee shall discontinue the use of any alarm system requiring a permit under this article and cease all operations conducted under the authority of any permit issued pursuant to this article.
- b) Appeal Procedure.

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- 1) The permittee shall have a period of ten (10) days after the issuance of “notice of suspension or revocation” order to present to the chief of police or his designee as to the circumstances surrounding the incident which the permittee considers to be beyond the control of the permittee or its alarm agent. The chief shall have the authority to dismiss the ticket upon good cause shown.
 - 2) Failure to file a letter of appeal within the said ten (10) days shall constitute a waiver of appellant’s right to review, but the chief, in his discretion, may nevertheless grant such review.
 - 3) If the appellant disagrees with the decision of the chief, the appellant may have a hearing before the Public Safety Board on said matter.
- c) Surrender of Permit.
If any permit is revoked pursuant to this article, the permittee shall surrender the permit to the services division of the police department.

SECTION III: This ordinance shall become effective upon its passage by the City Council, its approval by the Mayor, and its due publication in accordance with law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GENESEO ON THIS 10TH DAY OF JUNE, 2003 AND APPROVED BY THE MAYOR ON THIS 11TH DAY OF JUNE, 2003.

Merle LeSage, Mayor

(SEAL)

Frances R. Delp, City Clerk

AYES: 8 Eberhardt, Ewert, Gillet, Henderson, Kennett, Ludwig, Peterson, Schmid
NAYS: 0
PASSED: 0
ABSENT: 0

STATE OF ILLINOIS)
COUNTY OF HENRY) SS
CITY OF GENESEO)

I, Frances R. Delp, City Clerk of the City of Geneseo, Henry County, Illinois do hereby certify that the foregoing is the original ordinance of Ordinance No. 1753.

I further certify that a pamphlet form of said ordinance consisting of eight (8) pages and a cover sheet thereof was published and a copy of such pamphlet was posted in the municipal building commencing on the 11th day of June, 2003 and continuing for at least ten (10) days thereafter; copies of said pamphlet were also available for public inspection upon request in the office of the City Clerk.

IN WITNESS WHEREOF, I have affixed my official signature and the seal of the City this 11th day of June, 2003.

Frances R. Delp, City Clerk