

ORDINANCE NO. 2017-O-03

**AN ORDINANCE ADOPTING PENALTIES FOR NONCOMPLIANCE WITH THE
UPDATED FIRE PREVENTION CODES AND STANDARDS OF THE
DEERFIELD-BANNOCKBURN FIRE PROTECTION DISTRICT, LAKE COUNTY, ILLINOIS**

WHEREAS, the Deerfield-Bannockburn Fire Protection District (the "District"), Lake County, Illinois, is a fire protection district duly incorporated under the laws of the State of Illinois, including the Illinois Fire Protection District Act (the "Act", 70 ILCS 705/0.01 et seq.); and

WHEREAS, the Board of Trustees of the District (the "Board") has full power pursuant to Section 6(i) of the Act (70 ILCS 705/6(i)), to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the Board for carrying into effect the objects for which the District was formed; and

WHEREAS, the Board has express power pursuant to Section 11 of the Act (70 ILCS 705/11) to adopt and enforce fire prevention codes and standards parallel to national standards to promote fire prevention; and

WHEREAS, pursuant to said authority the Board adopted Ordinance 2017-O-02 on May 11, 2017, adopting the International Code Council's International Fire Code, 2012 Edition, with certain amendments ("2012 IFC"); and

WHEREAS, the Board finds and determines that it is proper and in the best interest of the District and residents to impose penalties for noncompliance with the 2012 IFC.

NOW, THEREFORE, Be It Ordained, by the Board of Trustees of the Deerfield-Bannockburn Fire Protection District, Lake County, Illinois, as follows:

Section One: The Board finds and determines the above recitals to be true and correct, and incorporates them as if written out here in full.

Section Two: Following are criteria and penalties imposed for false fire alarms referenced in Section 907.10.1 (Schedule of fines) in the 2012 IFC, as amended.

1. No fee shall be assessed for the first two (2) false fire alarms at the same premises during a calendar year.
2. The third false alarm within the same calendar year: No fines will be assessed, but a warning letter will be issued.
3. The fourth false alarm within the same calendar year: A fine of \$100.00 is assessed.
4. The fifth false alarm within the same calendar year: A fine of \$150.00 is assessed.
5. The sixth or greater fire alarm within the same calendar year: A fine of \$200.00 is assessed.
6. If the false alarm is given intentionally, then an additional fine of \$500.00 shall be added to the fine listed above.
7. If any false alarm user refuses to pay or fails to pay within 60 days of notice of the fine, the user will be deemed to have further violated this Ordinance and will incur an additional fine of not less than \$75.00, nor more than \$500.00 for each offense plus all legal fees and all costs caused by enforcement. Such fees and costs shall include, but not be limited to, staff costs of inspection or re-inspection, legal fees, and staff cost at enforcement. A separate offense shall be deemed committed for each day on which a violation occurs or continues.
8. Failure to pay any fine, which is reduced to judgment, could result in a lien filed against the fire alarm user's property.
9. The Fire Chief is hereby authorized to waive any or all of the fees due under this Ordinance. He/she may do so by policy or on an individual basis.
10. All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general fund of the Deerfield-Bannockburn Fire Protection District.
11. Nothing in this Ordinance shall authorize the District to refuse to provide any service to any person, business or other entity that has not paid for services previously provided or that owes money for services previously rendered.

Section Three: Following are criteria and penalties imposed for noncompliance with any other provision of the 2012 IFC, as amended.

1. Fine. Whenever the doing of any act or omission to do any act contrary to the 2012 IFC as herein amended constitutes a violation of any section or provision of said 2012 IFC as amended herein, any person who shall be convicted of any such violation shall be fined not less ONE HUNDRED DOLLARS (\$100.00) but in no case more than seven hundred fifty dollars (\$750.00) for each and any violation.
2. Court Costs and Fees Additional. Whenever a finding of guilty is made by the court or a plea of guilty is entered by a defendant, the court may, in addition to a fine imposed, impose court costs and fees as determined from time to time by the Lake County Clerk of the Circuit Court pursuant to law and regulation, and Illinois Supreme Court Rule. Furthermore, the court may order any defendant so pleading to reimburse the District reasonable attorneys' fees for enforcement of said 2012 IFC as amended herein.
3. Continuing Violations. Each and every day on and after which a violation of provisions enumerated in this 2012 IFC as amended herein exists shall be deemed to constitute a new and separate violation, for which any person found liable/guilty by a preponderance of

the evidence of said violation shall be subject to the class fine, plus applicable hearing costs, as provided below.

Section Four: The Board of Trustees of the District hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of said Board of Trustees that it would have passed all other portions of this Ordinance independent of the elimination here from of such portion as may be declared invalid.

Section Five: Neither the enactment of this Ordinance nor the repeal of any ordinance or parts of ordinances as provided for herein shall be construed to affect or abate any action or cause of action for violation of said prior ordinance or ordinances.

Section Six: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with the law.

ADOPTED this 11th day of May, 2017, by the following roll call vote:

AYES: Bettiker, Barkemeyer, Hansen

NAYS: None

ABSENT: None



Philip Bettiker, President, Board of Trustees
Deerfield-Bannockburn Fire Protection District

ATTEST:



Jeffrey Hansen, Secretary, Board of Trustees
Deerfield-Bannockburn Fire Protection District

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

SECRETARY'S CERTIFICATE

I, Jeffrey Hansen, the duly qualified and acting Secretary of the Board of Trustees of the Deerfield-Bannockburn Fire Protection District, Lake County, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

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which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 11th day of May, 2017.

I do further certify that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of May, 2017.



Jeffrey Hansen, Secretary, Board of Trustees
Deerfield-Bannockburn Fire Protection District