

ORDINANCE NO. 25 - _____

**AN ORDINANCE
AMENDING TITLE 10 (POLICE REGULATIONS),
CHAPTER 6 (PUBLIC SAFETY EMERGENCY RESPONSE ALARM),
ARTICLE A. (SECURITY ALARM SYSTEMS) OF
THE NAPERVILLE MUNICIPAL CODE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 10 (Police Regulations), Chapter 6 (Public Safety Emergency Response Alarm), Article A. (Security Alarm Systems) of the Naperville Municipal Code is hereby amended by deleting the stricken language and by adding the underlined language as follows:

TITLE 10 – POLICE REGULATIONS

CHAPTER 6 – PUBLIC SAFETY EMERGENCY RESPONSE ALARM

ARTICLE A. (SECURITY ALARM SYSTEMS)

SECTION:

10-6A-1: APPLICABILITY:

The provisions of this Article apply to the operation of all nonresidential, residential, and vehicle security alarm systems which emit an audible signal. Security alarm systems owned or operated by the City of Naperville, or located on City-owned property, shall be exempt from the payment of fees provided in this Article.

10-6A-2: DEFINITIONS:

ALARMED PREMISES:	Any residential or nonresidential building, structure, or facility where a security alarm system is installed to signal the occurrence of any actual or attempted burglary or other emergency to which Police Department personnel are expected to respond.
AUDIBLE ALARM SIGNAL:	Any security alarm signal that may be heard outside of an alarmed premises or vehicle, which results in the dispatch of Police Department personnel.
AUTOMATIC TELEPHONE ALARM:	A telephone device or telephone attachment which automatically relays a prerecorded message to report a robbery, burglary, or

	other emergency by means of a telephone line that terminates at any office or telephone registered to the City or at the Naperville PSAP.
<u>CALENDAR YEAR:</u>	<u>The period commencing on January 1 and ending on December 31 of each year.</u>
<u>CITY OWNED PROPERTY:</u>	<u>Includes property owned, leased, and/or operated by the City.</u>
DIGITAL ALARM COMMUNICATOR SYSTEMS:	A system which transmit signals from a digital alarm communicator located at an alarmed premises through the public switched telephone network to a digital alarm communicator receiver located at a private alarm monitoring agency.
DIRECT CONNECT SECURITY ALARM:	A security alarm system directly connected to the Naperville public safety answering point (PSAP), which is monitored by employees of the City of Naperville.
<u>DO IT YOURSELF (DIY):</u>	<u>Do-it-yourself means the alarm system and components are purchased and installed by the alarm user or consumer.</u>
<u>DURESS ALARM:</u>	<u>Silent alarm system generated by the manual activation of a device intended to signal a life-threatening situation or a crime in progress requiring law enforcement response.</u>
ENHANCED CALL VERIFICATION (ECV):	A monitoring procedure requiring a minimum of two (2) calls, to two (2) different numbers attempting to reach a responsible party, prior to requesting police service.
FALSE SECURITY ALARM:	Activation or transmission of any residential or nonresidential alarm signal to Police Department personnel where it is determined that no actual emergency exists or evidence of criminal activity exists to justify police response.
	A false security alarm may be caused by human error, mechanical malfunction, weather or unknown causes.
<u>HOLD-UP ALARM:</u>	<u>Silent alarm signal generated by the manual activation for a device at a commercial property intended to signal a robbery in progress.</u>
LIMITED RESPONSE:	The Police Department's response to security alarm signals from residential or nonresidential alarmed premises which have been identified as nuisance alarms.
<u>MIY SYSTEM (Monitor it Yourself):</u>	<u>The monitoring of an alarm system by the alarm user.</u>
NONRESIDENTIAL SECURITY ALARM SYSTEM:	Any security alarm system installed, operated or used in a building or structure that does not contain residential dwelling units.
NUISANCE ALARM:	Three (3) or more false security alarms at one location, occurring within a 24-hour period.
<u>PANIC ALARM:</u>	<u>An audible or silent signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation, requiring police response.</u>
PERSON:	Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or its legal representative, agent or assigns.
PRIVATE SECURITY ALARM CONTRACTOR:	Any person engaging in a business that sells, installs, maintains, alters, repairs, replaces, services or responds to security alarm systems at an alarmed premises.
PRIVATE SECURITY ALARM MONITORING AGENCY (AGENCY):	Any person engaging in the private alarm contractor business, employing one or more person(s) in operating a certified, central security alarm system monitor agency.

RESIDENTIAL SECURITY ALARM SYSTEM(S):	Any security alarm system installed, operated or used on the premises of any building which includes independent living facilities, i.e., permanent provisions for living, sleeping, eating, cooking and sanitation.
RESPONSE FEES:	The fees charged to security alarm users to reimburse the City for response services for false security alarm signals.
RESPONSE SERVICE:	Action taken by the Police Department personnel in response to a security alarm activation.
RESTRICTED RESPONSE:	An order issued by the Chief of Police in accordance with this Article, restricting the response of Police Department personnel to security alarm signals from a residential or nonresidential alarmed premises. Police will be dispatched to all robbery, panic, alarms duress and holdup alarms at alarmed premises placed on restricted response, however, if the alarm is determined to be a false alarm, the alarm user will be assessed a fee.
ROBBERY, PANIC ALARM OR HOLDUP ALARM:	A device designed for the detection of a robbery, holdup or the commission of an unlawful act within the alarmed premises, intentionally activated, which generates an inaudible signal to the monitoring station, but may or may not generate an audible sound at the alarmed premises.
RUNAWAY ALARM:	<u>An alarm system that produces repeated alarm signals from the same zone that do not appear to be caused by separate human action.</u>
SECURITY ALARM COORDINATOR:	The person designated by the Chief of Police who shall have responsibility and authority for enforcing the provisions of this Article.
SECURITY ALARM SYSTEM:	Any assembly of mechanical or electrical equipment arranged to activate an audible signal, visible signal, or remote signal to which Police Department personnel are expected to respond.
	Excluded from this definition are vehicle security alarms, electric, wired or battery operated, single station smoke detectors that emit audible or visual signals, and are primarily designed to alert occupants of an alarmed premises of a fire related emergency.
SECURITY ALARM USER:	A person who owns, operates, maintains, or controls premises or property where a digital alarm communicator system or a direct connect security alarm system is installed and maintained for use.
SECURITY ALARM VERIFICATION PROCESS:	The independent procedure by which a private security alarm system monitoring agency determines that a signal from a security alarm system does, or does not, require immediate emergency response.
VEHICLE SECURITY ALARM:	Any audible signal emitted from a vehicle that may be heard outside of the vehicle.

10-6A-3: DUTIES OF SECURITY ALARM USERS:

Every security alarm user shall:

1. Be knowledgeable about the operation of the security alarm system(s) and know their user and verification codes;
2. Maintain the alarmed premises and the security alarm system(s) in a manner that will minimize or eliminate false security alarms;

3. Notify the private security alarm monitoring agency of any false security alarm activation as soon as the security alarm user is aware of the false security alarm; and
4. Abstain from and prevent any manual activation of the security alarm system(s) except when emergency assistance is required or for City-approved testing.
5. Make every reasonable effort to arrive at the alarm system's location within thirty (30) minutes after being requested by the monitoring company or law enforcement to:
 - 5.1. Deactivate the alarm system
 - 5.2. Provide access to the alarm site; and/or
 - 5.3. Provide alternative security for the alarm site.
 - 5.4. Be subject to the same duties and responsibilities of an alarm system monitoring agency if the alarm user installs a Do-It-Yourself (DIY) or Monitor-It-Yourself (MIY) system. Any fines and response limitations that apply to the user of the professionally installed systems shall also apply to the user of a Do-It-Yourself (DIY) or Monitor-It-Yourself (MIY) system.

10-6A-4: ALARM VERIFICATION PROCESS DUTIES OF MONITORING COMPANIES:

Every security alarm system monitoring agency doing business within the City of Naperville shall provide an independent procedure which attempts to determine whether a burglar alarm signal from a security alarm system requires immediate response and shall incorporate enhanced call verification (ECV). The alarm verification process is not required for holdup, panic, duress or other alarms received by independent verification, such as a 911 call.

1. The verification system shall include at least one of the following:
 - 1.1. An attempt to establish voice communications with the security alarm agency or a person authorized by such agency at or near the alarmed premises, which person may indicate whether there is an immediate need for an emergency response; If verification cannot be established the alarm company shall attempt to contact a second responsible person such as a key holder prior to notifying the police department.
 - 1.1.1. The alarm monitoring agency shall attempt telephone and/or video (if applicable) verification to the protected premises after receipt of the alarm signal to determine if emergency response is required. If verification cannot be established the alarm company shall attempt to contact a second responsible person such as a key holder prior to notifying the police department.
 - 1.1.2. When the alarm is verified as being false as a result of getting a valid pass code, the operator will not request police dispatch.
 - 1.1.3. When an alarm monitoring agency operator does not receive a valid pass code due to the premises phone recording a busy signal or no answer, the agency must attempt to contact a different phone number where a responsible party can typically be reached such as listed key holder to determine if emergency response is required.

- 1.1.4. When the alarm monitoring agency has made an attempt to call the premises and an additional key holder without success, the police will be notified that an alarm has been activated and police response is requested;
 - 1.2. A means by which the security alarm agency or a person authorized by such agency can send a special signal to the agency that will cancel the alarm immediately after the signal has been sent and prevent the agency from calling the PSAP;
 - 1.3. The installation of a video system that enables the agency to ascertain whether activity is occurring that warrants the immediate emergency response of Police Department personnel;
 - 1.4. A confirmation from either the security alarm agency or a person authorized by such agency which verifies a need for immediate Police Department response; or
 - 1.5. An alternate system that the security alarm coordinator determines will be reliable under the circumstances.
2. Upon the Police Department's first response to a false security alarm from a private security alarm monitoring agency which does not include an independent verification process, the alarm coordinator shall notify the owner or agent of the alarmed premises that:
 - 2.1. The owner shall have a period of not to exceed sixty (60) days within which to bring the security alarm system into conformity with the requirements of this Section; and
 - 2.2. After such period, the Police Department will provide response services only to alarm signals from alarmed premises that are independently verified in accordance with this Section.
3. When requesting law enforcement response to an alarm site, provide information which may include, but is not limited to, the following information:
 - 3.1. Provide the name, address, and telephone number of the user, or a designee, who can be called in an emergency, 24 hours a day; and contact a key holder or other emergency contact who will respond immediately;
 - 3.2. The location of the alarm activation to include all additional addresses identifies (suite number, apartment number, unit number, etc.); and
 - 3.3. The type of alarm activation (panic, duress, hold-up, motion, etc.) and the identification of the alarm signal (north, south, front door, back slider, etc.).
4. Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.
5. Alarm installation companies shall not install or issue a device to activate a hold-up alarm, which is a single action, non-recessed button.
6. Annually provide an updated list of all alarm users within the City of Naperville.
7. There shall be no testing or demonstrating alarm systems without first notifying the Police Department of such a test or demonstration and obtaining the permission of the Naperville Police Department. Any activation due to a test or demonstration without said notice and permission shall be deemed a false alarm.

10-6A-5: DIRECT CONNECT SECURITY ALARMS; USER APPLICATIONS; FEES; REGISTRATION:

1. Limitation: Direct connect security alarms shall be permitted only in those instances where the security alarm system is required for the personal safety of the security alarm user, as determined by the alarm coordinator. Direct connect security alarms shall be permitted on City-owned property, with application, registration and all fees being waived.
2. Application For Registration: For every new direct connect security alarm installation, every renewal thereof, and any time there is a change in the registration information required by this Section, every security alarm user shall file a completed application for a direct connect security alarm registration with the ~~Police False Alarm Coordinator~~ Chief of Police, or their designee for review and approval. Each application shall contain the following information:
 - 2.1. Name and address of the applicant;
 - 2.2. Name and address of the property owner if different from the applicant;
 - 2.3. Name and address of the alarmed premises;
 - 2.4. A general description and purpose of the security alarm system, i.e., burglar, safe, or holdup. Indicate whether there is a silent alarm and whether there are audible or visual alerting signals on the alarmed premises;
 - 2.5. The names, addresses and telephone numbers of at least three (3) persons responsible for the alarmed premises where the security alarm system is located;
 - 2.6. If different from those persons listed in Subsections 10-6A-5.2.1 and 10-6A-5.2.2 of this Section, the names, addresses and telephone numbers of at least three (3) persons who should be called and who will respond to the alarmed premises if requested in the event the security alarm is activated; and
 - 2.7. The name, address and telephone number of the person, firm or corporation that installed the security alarm system, and of the person, firm or corporation responsible for any maintenance or repair of the security alarm system.
3. Renewal Of Registration: All direct connect security alarm registrations shall be renewed annually at the end of each calendar year.
4. Amended Application: Within thirty (30) days after a change in status of any of the information required by this Section, the security alarm user shall file an amended application for registration with the Police False Alarm Coordinator.
5. Administrative Late Fee: A one hundred dollar (\$100.00) administrative late fee will be charged for the filing of any amended applications more than thirty (30) days after a change in status of any of the information required by this Section.
6. Annual Application Fees And Monthly Monitoring Service Fees Required For Direct Connect Security Alarms:
 - 6.1. The application fee for such direct connect security alarm system registrations shall be one thousand dollars (\$1,000.00) per system, per year and shall be prorated for periods of less than one year.

- 6.2. In addition to the yearly application fee, the alarm user shall pay a monthly monitoring service fee in the amount of one hundred dollars (\$100.00).
 - 6.3. These fees set forth in this Section are in addition to any fees assigned by the vendor.
7. Issuance: The City shall issue a direct connect security alarm registration after payment of all applicable fees and a completed application, an amended application, or application renewal is reviewed and approved by the security alarm coordinator, who may, where necessary, cause an inspection of the security alarm system(s) before the registration is approved.

10-6A-6: SECURITY ALARM SYSTEMS; AUDIBLE ALARM STANDARDS:

Any security alarm system emitting an audible security alarm signal which may be heard outside of the alarmed premises shall conform to the following requirements:

1. Any audible alarm signal emitted from a security alarm system that may be heard outside of the alarmed premises shall automatically discontinue emitting the audible sound within fifteen (15) minutes after initial activation of such security alarm system.
2. Where any security alarm user causes or permits an audible alarm signal to continue to emit an audible sound unabated in excess of fifteen (15) minutes, any responding Police Department personnel shall be authorized to reset, disconnect, or disable such security alarm.
3. The security alarm user shall, however, be solely responsible for any damage to property or personal injury resulting from the action of Police Department personnel in resetting, disconnecting, or disabling the security alarm system, and for assuring that the security alarm system is accurately reset and functions properly.

10-6A-7: VEHICLE SECURITY ALARM SYSTEMS; AUDIBLE ALARM STANDARDS:

1. Any audible signal emitted from a vehicle security alarm that may be heard outside of the vehicle shall automatically discontinue emitting the audible sound within fifteen (15) minutes after initial activation of such alarm.
2. Where any vehicle security alarm user causes or permits an audible alarm signal to continue to emit an audible sound unabated in excess of fifteen (15) minutes, any responding Police Department personnel shall be authorized to reset, disconnect, or disable such vehicle security alarm.
3. The owner of the vehicle, however, shall be solely responsible for any damage to property or personal injury resulting from the action of Police Department personnel in resetting, disconnecting, or disabling such a vehicle security alarm, and for assuring that the vehicle security alarm system is accurately reset and functions properly.

10-6A-8: DIRECT CONNECT SECURITY ALARM SYSTEM TESTS:

1. Immediately after notifying the Naperville PSAP, a security alarm user may conduct a test of security alarm systems at reasonable times and for reasonable periods of time.

2. Any test that is not preceded immediately by notification to the Naperville PSAP shall be deemed a false security alarm.

10-6A-9: FALSE SECURITY ALARM ACTIVATION(S) OR REPORT(S):

1. Except in a bona fide emergency, any security alarm user who, with or without intent, activates or permits the activation of a security alarm system for the purpose of summoning response services shall pay a fee to reimburse the City for the cost of such response services to such a false security alarm.
2. Any person with knowledge that an activated alarm was caused by an electrical or other malfunction shall immediately notify the private security alarm monitoring agency or the Naperville PSAP of such malfunction.

10-6A-10: FALSE SECURITY ALARM DETERMINATIONS; REBUTTABLE PRESUMPTION:

For the purposes of this Article, there shall be a rebuttable presumption that an alarm activation was a false security alarm where the security alarm coordinator determines that:

1. There was no evidence of a ~~crime~~ criminal activity occurred or attempted, or other activity on the alarmed premises warranting a call for immediate Police Department response;
2. No individual who was on or near the alarmed premises or who had access to an alternate monitoring system from such premises called for Police Department dispatch or verified a need for any immediate response services; or
3. There was no physical evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the security alarm user caused the activation of the alarm.
4. An alarm signal that a person intentionally activated in response to an actual or threatened criminal activity will not be counted as a false alarm.

10-6A-11: FALSE SECURITY ALARM NOTICE:

1. On a regular basis, the security alarm coordinator shall send an official false security alarm notice to any security alarm user for whom any false security alarm(s), within the meaning of this Article, has been recorded.
 - 1.1. Such notice shall include the date and time on which the false security alarm was recorded;
 - 1.2. The notice shall be delivered to the security alarm user either by postage paid U.S. mail, personal delivery, or with the alarm user's approval, electronic mail or e-mail; and
 - 1.3. The notice shall inform the security alarm user that they have fourteen (14) days from the date on which the notice was mailed or personally delivered within which to submit a written report to the security alarm coordinator for the purpose of rebutting the presumption that the alarm activation at issue was a false security alarm.
2. If the security alarm user presents evidence to rebut the presumption of a false security alarm, the security alarm coordinator shall review all of the evidence

- together with the facts and circumstances in the case before making a determination whether the alarm activation at issue was a false security alarm.
3. If the security alarm coordinator finds that the security alarm user has successfully rebutted the presumption of the false security alarm(s), the false security alarm notice shall be deleted from the security alarm user's record.
 4. If the security alarm coordinator finds that the security alarm user has not rebutted the presumption of the false security alarm(s), the security alarm coordinator shall record the false security alarm(s) in the security alarm user's record.
 5. The security alarm coordinator's decisions with respect to false security alarm determinations shall be final.

10-6A-12: FALSE SECURITY ALARM RESPONSE FEE(S):

1. A response fee is hereby imposed on all security alarm users to reimburse the City for the increased costs incurred to provide response services to false security alarms from any security alarm system.
2. For the third and subsequent recorded false security alarm within any calendar year for any alarmed premises, the security alarm coordinator, or their designee, shall send an invoice for response fees to the security alarm user in accordance with the provisions of this Article.
3. Such invoice shall be personally delivered, ~~or~~ sent by postage paid U.S. mail, or, with the alarm user's approval, via e-mail to the security alarm user, or the user's designated agent, where the false security alarm(s) occurred.
4. Payment of the invoice for response fees for false security alarms shall be due and payable within thirty (30) days after it is mailed in accordance with the following schedule, as amended by the City from time to time:
 - 4.1. ~~The counting period will be based on a rolling period, which is the number of false alarms in any 12-month period, beginning with the first false alarm activation~~ Calendar Year.
 - 4.2. For the third through the fifth false security alarms in ~~any 12-month period~~ a Calendar Year, the security alarm user shall pay a response fee of one hundred dollars (\$100.00) for each false security alarm.
 - 4.3. For the sixth through the tenth false security alarms in ~~any 12-month period~~ a Calendar Year, the security alarm user shall pay a response fee of two hundred dollars (\$200.00) per false security alarm.
 - 4.4. After the tenth false security alarm in ~~any 12-month period~~ a Calendar Year, the security alarm user shall pay a response fee of three hundred fifty dollars (\$350.00) per false security alarm.
 - 4.5. Any location placed on restricted response that has a ~~robbery~~, panic, duress or holdup alarm activated that is later determined to be a false alarm, will continue to be charged at the same fee structure they were prior to being placed on restricted response until reinstated.
 - 4.6. All invoices for response fees shall be paid at the Finance Department, City of Naperville.
 - 4.7. The Finance Department shall keep a complete and accurate record of all invoices for response fees and the amounts paid thereon.

5. Where a security alarm user is in arrears for more than sixty (60) days with respect to payment of outstanding invoices for any fee set forth in this Article, the Chief of Police may order a restricted response to any security alarm signals from the alarmed premises or disconnection.
6. In addition to the provisions of this Section, the City may take any other lawful action to collect arrearages for invoices for reimbursement of response fees. Any delinquent account shall be subject to a service charge equal to three percent (3%) per month of the amount then due. The three-percent service charge shall be added to the amount then due each month that any part of the charge is delinquent.
7. The City of Naperville may file a lien against the protected premises for any outstanding fine which is reduced to judgement.
8. If cancellation of an alarm dispatch requests occurs prior to a police officer arriving at the scene, no false alarm fee will be assessed.

10-6A-13: EXCESSIVE FALSE SECURITY ALARMS; RESTRICTED RESPONSE; WARNINGS:

After ~~ten (10)~~ seven (7) false security alarms have been recorded for any security alarm user in a Calander Year, the Chief of Police, or their designee, should review the following with the business owner or residential alarm user and also send a letter by postage paid U.S. mail or personal delivery:

1. The date and time on which each of the false security alarms was recorded;
2. The need to take corrective action to eliminate false security alarms; and
3. A warning that after ~~ten (10)~~ eight (8) false security alarms in a Calander Year, the Chief of Police, or their designee, may order restricted response to any signal from a specified security alarm system.

10-6A-14: RESTRICTED RESPONSE TO SPECIFIED SECURITY ALARM SIGNALS; REINSTATEMENT:

1. In accordance with the provisions of this Section, the Chief of Police, or their designee, may order the restricted response of Police Department personnel to any alarmed premises for which:
 - 1.1. ~~Eleven (11)~~ After eight (8) or more false security alarms have been recorded in any calendar year, or
 - 1.2. Fees invoiced pursuant to this Article remain unpaid for sixty (60) or more days.
2. The Chief of Police, or their designee, shall send a notice of restricted response to the security alarm user by postage paid U.S. mail or personal delivery. Said notice of restricted response shall include the following information:
 - 2.1. A list of all unpaid invoices for response fees, if any, and the dates on which they occurred;
 - 2.2. The dates and times at which false security alarms, if any, have been recorded for the alarmed premises since January 1 of the current year;
 - 2.3. A statement that without further action by the security alarm user, the Chief of Police, or their designee, shall order the restricted response of Police Department personnel to the alarmed premises ~~thirty (30)~~ ten (10)

- days after the date on which the notice of restricted response was mailed or personally delivered;
- 2.4. A statement that the security alarm user may avert such restricted response by paying all unpaid response fees or submitting a written report to the security alarm coordinator within fourteen (14) days after the date on which the notice of restricted response was mailed or personally delivered;
 - 2.5. Such report shall describe actions taken or to be taken to identify and eliminate the cause of the excessive, unabated false security alarms.
3. If the security alarm user pays all unpaid fees or submits such a report and requests to avert a restricted response order, the security alarm coordinator shall review and evaluate such report and determine whether the proposed action will substantially reduce the likelihood of false security alarms.
 - 3.1. If the security alarm coordinator determines that all unpaid response fees have been paid or the proposed action will substantially reduce the likelihood of false security alarms, they shall notify the security alarm user by postage paid U.S. mail or personal delivery that no further action to order a restricted response will be taken at the present time.
 - 3.2. If the security alarm coordinator determines that the proposed action will not substantially reduce the likelihood of false security alarms, they shall send the security alarm user, by postage paid U.S. mail or personal delivery, a copy of the signed order of restricted response which shall be effective immediately, without further notice.
 4. Within fourteen (14) days after the date on which a copy of such an order of restricted response was mailed or personally delivered, a security alarm user whose alarmed premises is the subject of such an order may appeal the Chief of Police's order by submitting a written request for reinstatement of response services to the alarmed premises and for a meeting to review the revocation with the City Manager or their designee.
 5. Within fourteen (14) days after receiving a request for a review meeting and reinstatement, the City Manager, or their designee, shall send written notice of the time and place of the scheduled review meeting to the security alarm user by postage paid U.S. mail or personal delivery.
 6. At the review meeting, the City Manager or his or her designee shall act as the hearing officer and provide for the proceedings to be recorded. At the meeting:
 - 6.1. The security alarm coordinator shall have the right to present written and oral evidence concerning the order of restricted response;
 - 6.2. The parties shall have the right to be represented by counsel, and to cross examine any witness. The rules of evidence shall not be strictly applied; and
 - 6.3. The hearing officer shall have the right to question the parties directly and to exclude irrelevant or duplicative evidence.
 7. After considering all of the evidence presented by the parties, the hearing officer shall prepare written findings of fact which shall be the basis of their decision whether or not to reinstate response services to the security alarm user's alarmed premises.

- 7.1. If the hearing officer determines that the security alarm user has taken action that will substantially reduce the likelihood of false security alarms, they shall notify the security alarm user by postage paid U.S. mail or personal delivery that response services to the alarmed premises shall be reinstated immediately.
 - 7.2. If the hearing officer determines that the security alarm user has not taken action which will substantially reduce the likelihood of false security alarms, they shall notify the security alarm user by postage paid U.S. mail or personal delivery that the response services shall not be reinstated, and that the order of restricted response shall remain in effect.
 - 7.3. The decision of the hearing officer shall be final.
8. If response service is reinstated pursuant to this Section, and any subsequent false security alarm is recorded for the alarmed premises, the security alarm coordinator may again take action to secure an order of restricted response for the alarmed premises pursuant to the provisions of this Section.
9. No response services shall be provided to a signal from a security alarm system for which restricted response has been ordered pursuant to this Section unless such signal is verified by:
 - 9.1. A personal telephone call from a person who identifies a suspicious situation at the alarmed location;
 - 9.2. Communication between the PSAP and a person at or near the alarmed premises noting a suspicious situation beyond the observation that an audible alarm was detected; or
 - 9.3. Other independent evidence showing a need for immediate emergency assistance at the alarmed premises.
10. Reinstatement: Any security alarm user placed on restricted response may be reinstated by following the required steps:
 - 10.1. All security alarm fees and late penalties must be paid in full.
 - 10.2. The alarmed location can request reinstatement after four (4) weeks of no false activations.
 - 10.3. All alarmed locations with excessive false alarms, ~~eleven (11)~~ eight (8) or more, will be required to have employees or homeowners who arm and disarm the system attend a "false alarm reduction education program".
 - 10.4. The alarm user must submit a certificate of inspection confirming the security system has been upgraded, tested and any system problems have been corrected.
 - 10.5. Upon reinstatement, the alarm user will receive a certificate of reinstatement confirming the date the Naperville police will resume responding to alarm activations.

10-6A-15: PROHIBITIONS:

1. It shall be unlawful for any security alarm system user or vehicle security alarm system user to cause or permit an audible alarm signal to continue to emit an audible sound, which can be heard outside of the alarmed premises or vehicle, unabated in excess of fifteen (15) minutes.

2. It shall be unlawful for any person to install or cause to be installed any automatic telephone alarm connected to a telephone line which terminates at any office or telephone registered to the City or at the Naperville PSAP.

10-6A-16: SEVERABILITY CLAUSE:

If any provision or part of this Article is declared invalid and of no further force and effect, the other provisions of this Article shall remain in full force and effect.

10-6A-17: PENALTIES:

In addition to any fees or charges established herein, any person convicted of a violation of any of the provisions of Section 10-6A-15 of this Article may be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

10-6A-18: CITY'S LIMITED LIABILITY:

1. The City assumes no liability for any defects in the operation of any security alarm system or for the failure or neglect of any person associated with the installation, operation or maintenance of a security alarm system; for the transmissions of security alarm signals; for the relaying of such signals and messages; for the failure or neglect of any security alarm user; for the transmission or receipt of alarm signals; or for any failure or neglect to respond upon receipt of a security alarm signal from any source.
2. In the event the City finds it necessary to revoke any direct connect security alarm registration, or to otherwise provide for the disconnection of any security alarm system, the City shall have no liability for such action.
3. No special duty other than that owed to the general public shall be created by virtue of this Article, by virtue of the issuance of a direct connect security alarm registration by the City, or as a result of the transmission to or receipt of security alarm signals by the Police Department or the Naperville PSAP.

10-6A-19: CONFLICT RESOLUTION:

1. To the extent that any provision of this Code conflicts with this Article, the provisions of this Article shall control and prevail.

10-6A-20: LIMITED RESPONSE TO SPECIFIED SECURITY ALARM SIGNALS:

1. In accordance with the provisions of this Section, the watch commander or their designee may order the limited response of Police Department personnel to any alarmed premises for which nuisance alarms occur at one location in any 24-hour period.
 - 1.1. The watch commander or their designee may limit the response of Police Department personnel to any alarmed premises for which three (3) or more false security alarm activations have occurred in any 24-hour time period and ~~no key holder has been reached~~ attempts to resolve the alarm were unsuccessful. The watch commander or their designee will use their discretion to determine the status of future responses to residential or

nonresidential alarmed premises. The criteria used to make the determination will include:

- 1.1.1. Type of premises.
- 1.1.2. Staffing level.
- 1.1.3. Frequency of alarms, time span between alarms.
- 1.1.4. Alarm history in CAD.
- 1.1.5. Known CAD cautions.
- 1.1.6. Availability of key holders.
- 1.1.7. Source of alarm is determined to be noncriminal (i.e., helium balloons observed near motion detector).
- 1.1.8. Time of day.
- 1.2. The watch commander or their designee may limit the response of Police Department personnel to any alarmed premises that produces a runaway alarm in that the repeated alarm signals from the same zone that does not appear to be caused by separate human action.

SECTION 2: This Ordinance shall take full force and effect upon its approval.

ADOPTED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVAL this _____ day of _____, 2025.

Scott Wehrli
MAYOR

ATTEST:

Dawn Portner
CITY CLERK