

Chapter 17

POLICE AND FIRE

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For state law as to police protection and public order, see Ill. Comp. Stat., ch. 65, § 5/11-1-1 et seq.

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### **Section 17.1SEC. Police department created.**

There is created the Department of Police. Such department shall consist of such officers and employees as the Village Manager may authorize from time to time, including, without limitation, a Chief of Police, deputy chiefs of police, lieutenants, sergeants, police officers, community service officers, school crossing guards and civilian personnel. (Ord. No. 625, § 1; Ord. No. 3197, § 1.)

### **Section 17.2. Chief of Police--Appointment.**

The Chief of Police shall be appointed by the Village Manager and may be removed from office at any time at the discretion of the Village Manager. (Ord. No. 625, § 2; Ord. No. 2849, § 3.)

NOTE: For state law authorizing Board of Police and Fire Commissioners to appoint members of the Police Department, see Ill. Comp. Stat., ch. 65, § 5/10-2.1-4. (3913, Amended, 01/06/1997)

### **Section 17.2.1. Chief of Police--Duties.**

The Chief of Police shall be the chief executive of the police department and report to the Village Manager and be responsible to the Village Manager for the effective administration of the police department and all activities assigned thereto. The Chief of Police shall direct police work of the Village, shall be responsible for the enforcement and maintenance of law and order, and shall have the authority: a) to manage, direct, and control the operations and administration of the department; b) when authorized by the Village Manager, to appoint, remove or demote Deputy Police Chiefs; c) to execute and enforce all laws and all lawful orders of the Village Manager, Mayor and Village Council; d) to protect the rights of persons, to protect property within the Village, and to provide proper police response to meet the needs of the Village; e) to promulgate rules and regulations governing the conduct of members of the department, subject to the review and approval of the Village Manager; and f) to maintain a list of towing operators qualified to provide police directed towing services, and to establish the rates, rules and regulations for such services, and to recommend the amount of an administrative fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to be charged vehicle repair shops for Village authorization of a tow of an abandoned vehicle at the shop, such recommendation to be approved by the Village Treasurer pursuant to the provisions of this Code and any Village rules or regulations. (Ord. No. 3197, § 1.)

(Ord. 5132, Amended, 04/20/2010; 3913, Amended, 01/06/1997; 3890, Amended, 10/28/1996; 3636, Amended, 03/14/1994)

### **Section 17.3. Powers and duties of police officers.**

Police officers when on duty, shall devote their time and attention to the discharge of their duties required by law and the ordinances of the Village, and shall be under the direction of the Chief of Police. They shall have the power and it shall be their duty in the Village to serve and execute warrants and other processes, for the apprehension and commitment of persons charged with a violation of any provision of this Code or other Village ordinance, or any crime or misdemeanor, or offense against the peace of the Village or state, or held for examination or trial, or taken in execution for the commission of any crime, or misdemeanor, or violation of any laws or ordinances of the Village. All police officers shall have the power to: a) arrest, with or without process, all persons who break the peace or are found violating any ordinance of the Village or any criminal law of the state; b) commit arrested persons for examination; c) if necessary, detain arrested persons in custody until they can be brought before the proper authority for trial. Police officers shall have such further power as may be conferred upon them by the ordinances of the Village. (R.O. 1925, § 541; Ord. No. 3197, § 1.)

NOTE: For state law authorizing Village to prescribe the duties and powers of all police officers, see Ill.

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Comp. Stat., ch. 65, § 5/11-1-2.

### **Section 17.3.1. Same--Police officers as witnesses.**

All police officers making an arrest shall attend as witnesses, when the trial may be had, and shall procure all necessary evidence in their power, and furnish, at the request of the court, a list of witnesses in the cause. (Ord. No. 2261, § 7.)

### **Section 17.3.2. Administrative Booking Fee.**

An administrative fee of thirty dollars (\$30.00) shall be imposed upon an arrestee when posting bail or bond for any criminal, Village ordinance or bookable arrest, including, but not limited to warrants. (Ord. 4683, Add, 06/07/2005)

### **Section 17.4. Resisting a police officer prohibited.**

It shall be unlawful for any person to resist any police officer in the discharge of such officer's duties, or in any way to interfere with, prevent or hinder such officer in the discharge of police duties, or to offer or endeavor to offer, or in any manner to assist any person in the custody of any police officer to escape or attempt to escape from custody, or to attempt to rescue any person in such custody. (Ord. No. 3197, § 1; Ord. No. 3233, § 2.)

### **Section 17.5. Police officers furnishing bail prohibited.**

No member of the police force shall furnish bail for any person arrested for violation of any ordinance of the Village or of the criminal laws of the State of Illinois. (R.O. 1925, § 543; Ord. No. 3197, § 1.)

### **Section 17.6. Impersonating an officer.**

No person, including any person removed or suspended from a position as a police officer, or any person who has resigned or retired from such a position, shall, within the Village, falsely represent that he or she is a police officer, or shall maliciously or with intent to deceive, use or imitate any of the signs, signals or devices adopted and used by police officers in the discharge of their duties, or shall wear in public the uniform or badge adopted as a uniform or badge for such police officers. (R.O. 1925, § 544; Ord. No. 3197, § 1.)

### **Section 17.7. Duty of citizens to aid police.**

It shall be the duty of any person in the Village, when called upon by the Chief of Police or his/her designee, to properly aid and assist in the execution of police duties. (R.O. 1925, § 545; Ord. No. 3197, § 1.) (Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 17.8. Emergency use of special police officers.**

In time of public peril, riot, pestilence or apprehension thereof, and at all conflagrations and during any public election or celebration or unusual congregation of people in the Village, the Mayor may appoint and swear in, for a time not to exceed one year, as many special police officers as may be deemed necessary. Persons so appointed shall conform to and be subject to all rules and regulations governing police officers of

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the Village. They shall, while on duty at the place designated, possess all the powers and perform all the duties of regular police officers. Such special police officers shall serve without compensation, unless provision for compensation is made in writing by the Mayor and approved by the Village Council. All such appointments shall be reported by the Mayor to the Council at its next regular meeting. (Ord. No. 3197, § 1.)

### **Section 17.9. Downers Grove auxiliary police; establishment, appointment, powers and duties, uniforms.**

(a) *Establishment and composition.* A special police unit of auxiliary officers is hereby established, which unit shall consist of a sufficient number of such officers to serve the Village as determined by the Chief of Police. Such officers and unit shall be known and may be referred to for all purposes as "auxiliary officers" and the "Downers Grove auxiliary police", respectively. Auxiliary officers shall not be members of the Village's regular police department, shall not be considered "conservators of the peace" as defined in the Illinois Municipal Code at 65 ILCS 5/3.1-15-25 and shall not be utilized by the Village to supplement members of the regular police department of the Village in the performance of their assigned duties except as provided in paragraph (c) hereof, or as otherwise provided by law.

(b) *Appointment; qualifications; training; term.* Auxiliary officers shall be appointed by the Village Manager, upon joint recommendation of the Chief of Police and the Downers Grove auxiliary police, shall serve at the pleasure of the Village Manager, and may be removed at the discretion of the Village Manager with or without notice and with or without cause. Auxiliary officers shall not be commissioned as law enforcement officers. Prior to the appointment, each applicant shall be fingerprinted and such fingerprints shall be submitted to the Federal Bureau of Investigation or some other source of criminal history information, as determined by the Chief of Police, for review of the applicant's history. Each auxiliary officer shall meet the following qualifications:

- (1) Be at least eighteen years of age.
- (2) Reside within a ten mile radius from the corporate limits of the Village of Downers

Grove.

Each auxiliary officer shall receive a course of training prior to assuming the duties as set forth in paragraph (c) hereof, in accordance with police department directives.

(c) *Duties.* Auxiliary officers shall be subject to the direction and control of the Chief of Police and shall be assigned to perform the following duties and responsibilities, as assigned by the Chief of Police:

- (1) Support for community relations activity including large scale special events;
- (2) Quasi law enforcement duties including but not limited to emergency procedures, disaster relief or similar special operations;
- (3) Aiding or directing traffic;
- (4) Aiding in the control of natural or man-made disasters.

(d) *Uniforms.* Auxiliary officers shall wear uniforms at all times when on duty, and shall wear identification symbols which are different and distinct from identification symbols worn by members of the regular police department. Auxiliary officers shall not carry firearms.

(e) *Status and compensation.* Auxiliary officers shall be deemed employees of the Village serving on a volunteer basis and shall receive such compensation for certain duties as determined by the Chief of Police and approved by the Village Manager. (Ord. No. 656, § 1; Ord. No. 993, § 1; Ord. No. 1445, § 1; Ord. No. 1802, §§ 1, 2; Ord. No. 2394, § 1; Ord. No. 2521, § 1; Ord. No. 2977, § 1; Ord. No. 3300, § 1.) (Ord. 4824, Amended, 12/05/2006; 3543, Amended, 02/22/1993)

### **Section 17.10. Same--Organization.**

All activities of the Downers Grove auxiliary police shall be organized and conducted, under the jurisdiction and control of the Chief of Police, in accordance with a constitution and bylaws, rules and regulations, as the same may from time to time be adopted and amended by the Downers Grove auxiliary

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police, subject to approval by the Chief of Police and the Village Manager; provided, that no provision of such constitution and bylaws, rules and regulations shall be inconsistent with the provisions of Section 17-9. (Ord. No. 656, § 2; Ord. No. 993, § 1; Ord. No. 1445, § 1; Ord. No. 1802, § 1; Ord. No. 2977, § 2; Ord. No. 3300, § 1.)

### **Section 17.10.1. Downers Grove traffic control unit.**

(a) *Establishment; divisions.* A special traffic control unit is hereby established for the Village to consist of a parking division and a moving violation division, consisting of such number of traffic control persons in each division as may from time to time be appointed by the Chief of Police. Such special traffic control unit shall be known as and referred to as the "Downers Grove traffic control unit" or simply, the "traffic control unit". The traffic control unit shall not be considered regular policemen and shall not exercise the powers and duties of regular policemen but shall be considered only as special police and as civilian employees of the Village's police department.

(b) *Appointment; training.* The members of the traffic control unit shall serve upon their appointment by the Chief of Police and at the pleasure of the Chief of Police. The Chief of Police, with the prior approval of the Village Manager, shall establish reasonable qualifications and training requirements for each of the two divisions of the traffic control unit, but in no event shall a person qualify for a position with the traffic control unit if he has been convicted of a felony or other crime involving moral turpitude.

(c) *Powers of traffic control persons.* Subject to the direction and control of the chief of police, the traffic control persons shall have the following powers:

(1) Moving violation division traffic control persons shall be empowered to direct traffic and to enforce the Vehicle Code of the state and Chapter 14 of the Municipal Code and to issue citations for the violations of any provision thereof.

(2) Parking division traffic control persons shall be empowered to enforce parking regulations and other regulations contained in Chapter 14 of the Municipal Code and to issue citations for the violation of any provision thereof.

(3) At the direction of the Village Manager, traffic control persons may be empowered to issue certain citations under Section 1-16 of this Code.

(d) *Uniforms.* Traffic control persons shall wear uniforms when on duty and shall wear identification symbols that are different and distinct from identification symbols worn by the regular police and the reserve police. (Ord. No. 1994, § 1.).

(3612, Amended, 11/29/1993)

### **Section 17.10.1ART. Article II. Fire**

NOTE: For state law as to fire protection generally, see Ill. Comp. Stat., ch. 65, §§ 5/11-6-1 to 5/11-10-3. For authority of village to establish fire department, see Ill. Comp. Stat., ch. 65 § 5/11-6-1.

### **Section 17.11. Fire chief--Position created; appointment.**

There shall be a fire chief who shall devote his/her full time to the supervision of the fire protection system of the Village. He shall be appointed by the Village Manager and shall serve at the Village Manager's pleasure and may be removed from office at any time at the discretion of the Village Manager. (Ord. No. 2849, § 3.).

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 17.12. Same--Powers.**

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The fire chief shall have the care and supervision of all apparatus and appliances for the extinguishment of fires belonging to the Village, and he shall see that the apparatus is at all times kept in proper order and repair, and ready for use. It shall be his/her duty, when possible, to attend all fires that may occur in the Village, and he shall have command of all persons connected with the fire department when on duty. He shall have power to permit all companies serving in the Village to take water from any fire plug, well, cistern, or reservoir that is convenient to the fire, and may call on any able-bodied men residing in the Village, that may be needed to assist the fire company to extinguish any fire. He shall preserve order at fires, and report to the Village Manager all violations of the law or the Village ordinances at any fire that may come to his/her knowledge. (R.O. 1925, § 145.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 17.13. Same--Authority to compel citizens to assist at fires.**

Every able-bodied resident of the Village who shall be present at a fire, shall be subject and obedient to the orders of the fire chief in extinguishing the fire and in the removal and protection of property. (R.O. 1925, § 146.)

### **Section 17.14. Same--Examination of buildings; quarterly reports.**

It shall be the duty of the fire chief, and he shall have full power and authority, to examine any and all buildings erected or in process of erection in the Village, for the purpose of ascertaining if all the provisions of this Chapter pertaining to the construction of buildings have been complied with, and it shall be his/her duty to report to the Village Manager any and all violations of such provisions and regulations. He shall report at least once in every three months, and oftener if necessary. Such reports shall state the condition of any and all fire companies in the Village, the fire apparatus, the water supply, and any matter pertaining to the Village fire department. (R.O. 1925, § 147.)

NOTE: For state law authorizing Village to establish fire safety regulations, see Ill. Comp. Stat., ch. 65, 5/11-8-2.

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 17.15. Assistant fire chief.**

It shall be the duty of the assistant fire chief, and he shall have the full power, in the absence of the fire chief at a fire, to act in his/her stead and to perform and exercise all of the duties devolving upon the fire chief. (R.O. 1925, § 148.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

#### **Section 17.15.1. Bureau of Fire Prevention.**

(a) A bureau of fire prevention is hereby established in the fire department of the Village, and shall be operated under the supervision of the chief of the fire department.

(b) The chief in charge of the bureau of fire prevention shall be appointed by the Village Manager, after determining his/her qualifications. His/her appointment shall continue during good behavior and satisfactory service, subject to removal at any time by the Village Manager for cause.

(c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the Village Manager the employment of technical inspectors, who, when authorization is made by the Village Council, shall be selected after a determination of their fitness for the position by the Village Manager. The position of technical inspector shall be open to both members and nonmembers of the fire department, and

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appointments made shall be for an indefinite term with removal for cause, unless other terms of employment are prescribed by resolution of the Village Council.

(d) The bureau of fire prevention shall enforce the provisions of the Fire Prevention Code adopted by Section 17-43 and the provisions of the Life Safety Code adopted by Chapter 7, Article XIII.

(e) All required inspection and maintenance reports shall be submitted to the bureau of fire prevention in the manner prescribed by the Fire Prevention Bureau Chief.

(f) A report of the bureau of fire prevention shall be made annually and transmitted to the Village Manager, which shall contain information of all proceedings under the Fire Prevention Code adopted by Section 17-43, together with such statistics as the chief of the fire department may wish to include therein, and the chief of the fire department shall also recommend therein any amendments to such Code which, in his/her judgment, shall be desirable. (Ord. No. 1282, § 2; Ord. No. 1790, § 2; Ord. No. 2602, § 3.) (Ord. 5271, Amended, 07/17/2012; Ord. 5156, Amended, 10/12/2010; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 17.16. Volunteer fire companies--Authorized; organized; organization.**

There shall be organized in the Village such voluntary fire companies and hook and ladder companies as the Council may, from time to time, by resolution, provide; such companies shall adopt for their government and management such bylaws, rules and regulations as they may deem proper and necessary to enable them to carry into effect the purpose of their organization; provided, that the bylaws and regulations of any such company, shall not have any force and effect until the same shall have been submitted to, and approved by, the fire chief and the Village Council. (R.O. 1925, § 150.)

### **Section 17.17. Same--Duties.**

Any fire company shall have the custody of such fire apparatus as shall be placed in its care by the fire chief, and shall control and operate such apparatus at fires under the direction and authority of the fire chief. (R.O. 1925, § 151.)

### **Section 17.18. Right of way in going to and remaining at fires; right of way returning from fires.**

The fire department and members thereof, shall have the right of way in all streets, alleys and public places in the Village, in going to or remaining at or responding to an alarm of fire, and it shall be unlawful for any person to obstruct, interfere with, or prevent the use of any such right of way or passage of the department. In returning from fires, the vehicles of the fire department shall have only the joint use of the streets and public places with other travel. (R.O. 1925, § 152.)

NOTE: For state law as to operation of vehicles on approach of authorized emergency vehicles, see Ill. Comp. Stat., ch. 11, § 907.

### **Section 17.19. Right of entry of fire department.**

The fire department and the members thereof shall have the right to enter upon any premises within the Village, for the purpose of extinguishing any fire or saving persons or property thereat, or securing a supply of water or to find any cistern, well or other water supply and determine the best way to reach the same in case of fire or in the performance of their duties, and it shall be unlawful for any person to interfere with, prevent or obstruct the department or any member thereof from so coming or being on such premises. (R.O. 1925, § 153.)

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### **Section 17.20. False alarms.**

Whoever, without reasonable cause, by outcry or otherwise, makes or circulates, or causes to be made or circulated, any false alarm of fire, shall be punished as provided in Section 1-15. (R.O. 1925, § 155.)

NOTE: For state law as to false alarm, see Ill. Comp. Stat., ch. 720, § 5/26-1.

### **Section 17.21. Reserved.**

### **Section 17.22. Interference with fire department.**

No person shall wilfully offer any hindrance to any officer or fireman in the performance of his/her duty at a fire or shall wilfully in any manner destroy, injure or deface any fire apparatus belonging to the Village. (R.O. 1925, § 168.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 17.23. Driving over hose.**

No vehicle shall be driven over any unprotected hose of the fire department, when laid down on any street or alley by order of the fire chief, or other proper officer, without consent of the fire chief or other proper officer or member in charge of such hose. (R.O. 1925, § 169.)

NOTE: For state law as to crossing fire hose, see Ill. Comp. Stat., ch. 11, § 1412.

### **Section 17.24. Interference with inspections.**

No person shall in any manner interfere with the fire chief or his/her designee while he is engaged in the investigation, inspection or examination of any building in the Village, or, who shall prevent him from making such inspection, investigation or examination. (R.O. 1925, § 172.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4710, Amended, 10/04/2005)

### **Section 17.25. Interfering with fire department equipment.**

All intermeddling or interference with, or injury to, any fire department property, whether at the scene of any fire or elsewhere, excepting the necessary hauling, use and care thereof, by the members of the fire department, is hereby prohibited. (R.O. 1925, § 173.)

### **Section 17.26. When fire calls outside Village limits authorized.**

The fire department shall not respond to fire calls outside of the corporate boundaries of the Village, except in the following circumstances:

- (a) Where mutual aid agreements exist with other municipalities or fire protection districts; or
- (b) Where prepaid written contracts have been entered into with the Village by commercial establishments, fire districts, or groups of property owners. (Ord. No. 1064, § 1.)

NOTE: For state law authorizing Village to furnish fire protection outside the corporate limits, see Ill. Comp. Stat., Ch. 65, § 5/11-6-2.

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### **Section 17.27. Out-of-Village fire protection rates.**

The Village shall charge in consideration for contracts to furnish out-of-Village fire protection, certain rates to be determined as follows:

(a) When the out-of-Village property to be protected is used as single family residential, religious, educational, charitable, not-for-profit community service or governmental property, then the rate shall be the same as the applicable in-Village rate taxed to Village residents.

(b) When the out-of-Village property to be protected is used as multiple residential, commercial, or industrial property, then the rate shall be two times the applicable in-Village rate taxed to Village residents. (Ord. No. 1990, § 1.)

### **Section 17.28. Emergency Medical Service and Transportation Fee.**

(a) Fees as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be imposed upon each person who uses emergency medical service and/or transportation provided by the Downers Grove Fire Department

(b) No fee shall be charged to any person for emergency medical services provided under the following conditions:

(1) The person is a Village employee and the emergency services and/or transportation provided are related to an injury or illness covered by the Village's worker's compensation or Village health insurance;

(2) The person dies prior to being admitted to the hospital; or

(3) The Village Manager or his/her designee may waive the fee, or a portion of the fee, if he determines that the person is incapable of paying the fee.

(Ord. 5156, Amended, 10/12/2010; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4710, Amended, 10/04/2005; 4277, Amended, 03/20/2001; 3742, Amended, 04/24/1995)

### **Section 17.28ART. Article III. Board of Fire and Police Commissioners**

NOTE: For State law as to Board of Fire and Police Commissioners, see 65 ILCS 5/10-2.1-1 et seq. (Ord. 5702, Amended, 06/12/2018)

### **Section 17.29. Application of article.**

(a) The provisions set forth in this Ordinance shall govern the functioning of the Board of Fire and Police Commissioners of the Village (the "Board"). The Board of Fire and Police Commissioners of the Village of Downers Grove derives its power and authority from the Board of Fire and Police Commissioners Act of the Illinois Municipal Code, Chapter 65, Illinois Compiled Statutes, Section 5/10-2.1-1 et. seq and from the home rule powers of the Village of Downers Grove, as provided in Article VII, Section 6 and 10(a) of the Constitution of the State of Illinois of 1970. Should a conflict exist between State statute and any Village ordinance, pursuant to home rule powers of the Village, the ordinance shall take precedents and prevail over the statutory provision, unless specifically preempted by State statute. Unless otherwise provided herein, the term "firefighter", or its equivalent, shall include all employment positions within the fire department subject to the jurisdiction of the Board, including but not limited to firefighter/paramedics; and the terms "police", "police officer", or their equivalent, shall include all employment positions within the police department subject to the jurisdiction of the Board. The term "officer" shall mean a person holding a classified position in either the Fire or Police Departments of the Village of Downers Grove.(Ord. No. 2036, § 3; Ord. No. 2849, § 4; Ord. No. 3266, § 36.)

(Ord. 5702, Amended, 06/12/2018; 3704, Rep&ReEn, 12/05/1994; 3482, Amended, 07/13/1992)

**Section 17.30. Examination and qualification of applicants.**

(a) Examinations. Examinations shall be conducted for the appointment of all firefighters and police officers in the Village's Fire and Police Departments, except the Fire Chief, the Chief of Police, the deputy or assistant chiefs of each department, battalion chiefs, division chiefs, auxiliary police officers and civilian employees of the respective departments. Except as provided in Section 2-72(a)(1) of this Code, each applicant for employment in a position as a fireman or police officer in the fire or police departments of the Village shall be no less than twenty one years of age, a citizen of the United States, and shall be otherwise qualified as provided by law. The examination procedures shall be public, competitive, and shall be subject to reasonable and uniform (within each department) requirements as to health, habits, moral character, physical condition, experience and any other qualifications that the Board deems appropriate for the proper and competent performance of the duties and responsibilities of the position applied for. The Village may, at its discretion, charge an applicant a fee to cover the costs of said examination. If the position requires special qualifications, the Board may require evidence of special training or practical experience. Appropriate notice of the time and place of the examination and procedures shall be given by the Board as it deems appropriate.

(Ord. No. 2036, § 3; Ord. No. 2849, § 5; Ord. No. 3266, § 37.)

(Ord. 5702, Amended, 06/12/2018; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 4399, Amended, 04/16/2002; 3704, Rep&ReEn, 12/05/1994)

**Section 17.31. Eligibility for appointment.**

(a) Eligible lists. The Board shall prepare and maintain lists, referred to in this Article as "eligible list(s)", of applicants who have successfully passed an examination testing procedure, and who are otherwise eligible for a position in the fire or police departments. The eligible lists shall be modified by the Board from time to time, in no event later than sixty (60) days after the completion of each examination testing procedure, so as to include all persons successfully passing each subsequent examination testing procedure. The eligible lists shall at all times be posted in a suitable public place or places designated by the Board.

(b) Eligibility for reemployment.

(i) If any officer has been removed from a position because of a reduction in forces in the department or displacement or abolition of the position, such person shall be notified by the Board as promptly as practicable if such position is thereafter reinstated and shall have prior right to such position if such person then remains otherwise qualified. Written application for reinstatement to such position must be made within thirty (30) days after notice is given by the Board advising such person of his/her eligibility for reinstatement to such position. Upon filing of such application, such person's name shall be ranked first on the eligible list for such position. In the event there should be two or more persons eligible for reemployment for any reinstated position, their names shall be entered on the eligible list in the order determined by the Board on the basis of the relative excellence of their prior service in such position.

(ii) An officer who has been on leave of absence and who wishes to return to active duty in his/her former position shall not be credited with seniority for the period of such leave. Such officer shall notify the Board of his/her request to return to active duty, and if such officer is otherwise qualified and if the position formerly held by such officer has not otherwise been filled or abolished, such officer shall be reinstated to his/her former position at the rank or grade held at the time the leave of absence commenced. Such reinstatement shall occur not later than sixty (60) days after filing with the Board the request for reinstatement. If such former position has been abolished or otherwise filled, reemployment of an officer requesting reinstatement shall follow the procedures set forth in subparagraph (i), paragraph (b) of this Section 17-31.

(c) Temporary appointment. In order to prevent a stoppage of public business, to meet extraordinary situations, or to prevent material impairment of either the police or fire service to the public, the Board may make temporary appointments to remain in force until regular appointments may be made under

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the provisions of paragraph (b) of this Section 17-31. Provided, no person shall be temporarily appointed within the police department unless such person is certified as a police officer. No temporary appointment shall be for a period in excess of twelve (12) consecutive months, and no one person shall receive more than one temporary appointment in any single period of twenty-four (24) consecutive months. Service under any temporary appointment may not be considered or given any weight in any examination testing procedure for a permanent appointment under this Article.

(d) Probationary period. Each new police officer or firefighter and each police officer or firefighter who was not previously employed by the Village and was hired initially for a position above the first line supervisory ranks, shall be on probation for a period of twelve (12) months or as otherwise provided for by collective bargaining agreement; provided, however, that such probationary period shall not include time spent on such formal training courses as may be required or time taken, by permission, for sick leave or leaves of absence. A probationary employee may be discharged from employment with the Village by the chief of the appropriate department, subject to approval by the Village Manager, with or without cause, and without hearing, at any time during the probationary period. Except for firefighters appointed to the lowest rank, the Board, upon recommendation of the department chief such chief, may extend such probationary period for any employee for an additional period not to exceed twelve (12) months. Unless such actions are taken by the chief or the Board, respectively, as stated herein, upon completion of the probationary period, an employee shall receive full status as a permanent firefighter or police officer of the Village and be subject to the provisions of this Article. (Ord. No. 2036, § 3; Ord. No. 2701, § 1; Ord. No. 2849, § 6; Ord. No. 3266, § 37.)

(Ord. 5702, Amended, 06/12/2018; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 3704, Rep&ReEn, 12/05/1994; 3482, Amended, 07/13/1992)

### **Section 17.32. Promotions.**

(a) Promotional examinations. Except as provided in Section 2-72(a)(1) of this Code, in all cases where practicable, vacancies in the fire and police departments shall be filled by promotion on the basis of promotional selection standards and procedures as established, and from time to time amended, by the Board. All promotional testing procedures shall be competitive and open to all officers who qualify under criteria determined by the Board. Promotions shall in every case involve a material change in duties and an increase in responsibilities, and shall not be made merely for the purpose of effecting an increase in compensation or granting a higher title or honor. The Board shall establish in advance and publicize minimum standards for each promotional selection procedure. The Board shall determine the weight to be assigned to the separate procedures, tests or qualification categories within any promotional selection procedure. An applicant for promotion who fails to pass any discreet test or meet the minimum requirements of any qualification category within the promotional selection procedure shall disqualify the applicant for that position. Appropriate Nnotice of the time and place of each promotional selection procedure shall be given by the Board as it deems appropriate.

(b) Promotional lists. The Board shall maintain promotional lists comprised of those applicants for promotion successfully passing the promotional selection procedure, and who are otherwise eligible for the promotion applied for, showing the aggregate score of each applicant. Promotional lists shall at all times be posted in a suitable public place or places designated by the Board.

(c) Any officer promoted shall be on probation for a period of six (6) months after the date of promotion. The Chief of the appropriate department may demote such officer to the previous rank held for unsatisfactory performance or other justifiable reasons, at any time during such probationary period, subject to the approval of the Village Manager. Such officer shall be entitled to an appeal of such action to the Village Manager, and following such appeal, the Village Manager may affirm or reverse the determination of the chief or may extend the probationary period for an additional period not to exceed six (6) months. Unless the employee is demoted by the chief, or the probationary period is extended as provided herein, the employee shall receive full status in the promoted position and be subject to the provisions of this Article.

(d) Demotion. Any officer may, at the joint request or consent of the employee, department chief

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and Village Manager be placed in a lower rank.

(e) Notwithstanding any other provision contained in this Code, the chiefs of the police and fire departments, with the approval of the Village Manager, may make administrative appointments within those departments by the assignment of special duties and compensation therefor, to members of such departments. Appointments made under this section may be without regard to and shall have no effect upon the rank or grade of the person so appointed. Such appointments shall in no event be construed as being a promotion, a creation of a new rank or grade or any other act subject to any other requirement of this Code. (Ord. No. 1810, § 1; Ord. No. 1924, § 1; Ord. No. 1953, § 1; Ord. No. 1987, § 1; Ord. No. 2036, §§ 1, 3; Ord. No. 2173, § 1; Ord. No. 2449, § 1; Ord. No. 2518, § 1; Ord. No. 2849, §§ 1, 7; Ord. No. 2976, § 1; Ord. No. 3266, § 37.)

(Ord. 5702, Amended, 06/12/2018; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 3704, Rep&ReEn, 12/05/1994)

### **Section 17.33. Disciplinary actions.**

The Board and the department chiefs shall have the power to conduct hearings and impose discipline for cause, including demotion, suspension or discharge, as provided by State law, Village Ordinance and Board Rules and Regulations.

(a) Suspension. Following written charges and a hearing as provided by law, the Board may suspend an officer for cause. The chief of the fire department or the chief of the police department may suspend an officer as provided by law. Provided, the chief shall notify the Board in writing of any suspension and the officer so suspended may appeal to the Board for a review of the suspension as provided by State law.

(b) Demotion. Following written charges and a hearing as provided by law, the Board may, for cause, but only at the request of the department chief, demote to any lower grade or rank, officers of the police and fire departments. Such disciplinary demotion may be in lieu of discharge and in addition to any suspension that may be also be imposed.

(c) Discharge. Following written charges and a hearing as provided by law, the Board may order an officer discharged for cause. (Ord. No. 2036, § 3; Ord. No. 2849, § 8; Ord. No. 3118, § 19; Ord. No. 3197, § 2; Ord. No. 3266, § 37; Ord. No. 3346, § 9.)

(Ord. 5702, Amended, 06/12/2018; 3704, Rep&ReEn, 12/05/1994)

### **Section 17.34. Reserved.**

### **Section 17.34ART. Article IV. Police and Firemen's Pensions**

#### **Section 17.34DIV. Division 1. Fire Pensions.**

### **Section 17.35. State law adopted.**

The provisions of the statutes of the state authorizing the creation of a fireman's pension fund are made a part of this division by reference, and all provisions of such statutes shall apply to the Village. (Ord. No. 567, § 1.)

NOTE: For state law as to firemen's pension funds, see Ill. Comp. Stat., ch. 40, § 5/4-101 et seq.

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**Section 17.36. Same--Foreign fire insurance companies.**

(a) All corporations, companies and associations not incorporated under the laws of this state and which are engaged in effecting fire insurance in the Village shall pay annually to the Village, in accordance with Chapter 65, Section 5/11-10-1 of the Illinois Compiled Statutes, an amount equal to two percent of the gross receipts which, during the year ending on every first day of July, shall have been received from fire insurance upon property situated within the Village by their respective agency.

(b) The Village Treasurer may keep and deposit all money received under this section in the "foreign fire insurance tax fund." (Ord. No. 2167, § 9; Ord. No. 2379, § 1; Ord. No. 2861, § 2.) (4181, Amended, 02/15/2000; 3627, Amended, 02/07/1994)

**Section 17.36DIV. Division 2. Police Pension Fund.**

**Section 17.37. State law adopted.**

The provisions of the statutes of the state authorizing the creation of a police pension fund are made a part of this division by reference, and all provisions of such statutes shall apply to the Village. (Ord. No. 2861, § 2.)

**Section 17.38. Reserved.**

**Section 17.39. Reserved.**

**Section 17.40. Reserved.**

**Section 17.41. Reserved.**

**Section 17.42. Reserved.**

**Section 17.42ART. Article V. Fire Prevention Code**

**Section 17.43. 2015 ICC International Fire Code - Adoption.**

The International Code Council International Fire Code, as promulgated by the International Code Council ("ICC"), being particularly the 2015 edition thereof, is hereby adopted for the purpose of establishing rules and regulations governing conditions hazardous to life and property from fire or explosion. The same is adopted in its entirety, save and except such portions as are hereinafter deleted, modified or amended, and is, together with such amendments, incorporated as fully as if set out at length herein. Said Code, as modified and amended, may be referred to for all purposes as the "Downers Grove Fire Prevention Code" or the "Fire Prevention Code". One copy of said Code, including such amendments to it as shall hereinafter be enacted, shall be filed in the office of the Village Clerk, and additional copies shall be made available by the bureau of fire prevention. (Ord. No. 2857, § 8; Ord. No. 3185, § 2.)

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(Ord. 5630, Amended, 08/12/2017; Ord. 5079, Amended, 11/06/2009; Ord. 4662, Amended, 04/05/2005; 3941, Amended, 06/09/1997; 3762, Amended, 07/24/1995)

### **Section 17.44. Definitions.**

For the purposes of the Fire Prevention Code, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Code official.* The person granted the authority to enforce the fire prevention and safety regulations of the Village as set forth in Section 103.2 of the ICC International Fire Code, or his or her designee.

*Legal representative or legal officer.* The Village Attorney for the Village of Downers Grove.

*Village.* The Village of Downers Grove.

(Ord. No. 2857, § 8.)

(Ord. 5079, Amended, 11/06/2009; Ord. 4662, Amended, 04/05/2005; 3762, Amended, 07/24/1995)

### **Section 17.45. International Fire Code - Amendments.**

The deletions from and modifications and amendments to the Fire Prevention Code are as follows:

**Section 103.2** is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

**103.2. Appointment.** The Fire Code Official shall be appointed by the chief appointing authority of the Village.

**Section 108.1** is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

**108.1 Appeal procedures.** Any person aggrieved by any decision or interpretation of the fire official made under the provisions of this Code may take an appeal to the Building Board of Appeals in accordance with the procedures prescribed in Chapter 7, Article IX of the Downers Grove Municipal Code.

**Section 108.3** is deleted in its entirety.

**Section 109.4** is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

**109.4 Violation penalties.** Any person, firm or corporation violating any of the provisions of the code or failing to comply with any order issued pursuant to any section thereof shall be guilty of a petty offense, and upon conviction thereof shall be punished as provided in Section 1-15 of the Downers Grove Municipal Code. Each day that a violation continues, after a service of notice as provided for in this Code, shall be deemed a separate offense.

**Section 111.4** is amended by adding the following fine amounts:

"not less than seventy-five dollars (\$75.00) or more than seven hundred fifty dollars (\$750.00)"

**Section 202.** is amended by adding the following definitions:

**FIREWORKS.** The term "fireworks" shall have the same meaning as that term is defined and used in the Illinois Fireworks Regulation Act (425 ILCS § 30/2).

**HIGH RISE BUILDING.** A building with a floor used for human occupancy that is located more than fifty-five (55) feet above the lowest level of fire department vehicle access.

**Section 307.1** is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

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**307.1 General.** Open burning shall be allowed only as permitted in Section 13-35 of the Downers Grove Municipal Code.

**Section 307.2 through 307.5** are deleted in their entirety.

**Section 401.2** is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

**401.2 Review.** Where required by the Fire Code Official, fire safety plans, emergency procedures and employee training programs shall be reviewed by the Fire Code Official.

**Section 405.2** is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

**405.2 Frequency.** Required emergency evacuation drills shall be held at the intervals specified in Table 405.2, or as otherwise directed by the Fire Code Official. Participation in required emergency evacuation drills shall be mandatory by occupants listed in Table 405.2.

**Section 503** is amended by adding the following:

**503.1.4 Fire lanes on private property used by the public.**

a. For private property used by the public such as schools, hospitals, churches, shopping centers, apartment complexes, office complexes, theaters, bowling alleys and similar facilities, fire lanes shall be established and designated in the locations deemed necessary by the fire code official. The owner or occupant of the property shall execute an agreement with the Village allowing the Village to enforce the fire lane restrictions by issuing parking tickets for vehicles illegally parked in fire lanes designated under this section. The Village Manager is authorized on behalf of the Village Council to execute agreements with property owners, lessees or managers for the enforcement of fire lane restrictions on private property. Such agreement shall be signed prior to issuance of any applicable building permits for the property.

b. Fire lanes may be established and designated on property as aforesaid where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department vehicles for the protection of persons and property.

**Section 505.1** is amended by adding the following at the end of the paragraph:

Address numbers shall also be provided on the exterior of all marked emergency exits and rear doors.

**Section 506.1.2** is amended by deleting the Exception.

**Section 506.1.2(5)** is amended by adding the following at the end of the paragraph:

Two (2) sets of each type of key shall be provided for each elevator.

**Section 506.1.2(6)** is amended by deleting the same in its entirety and by substituting in lieu thereof the following:

At least one (1) key box shall be provided for every two (2) elevators installed. Elevator key boxes shall be located within three (3) feet of an elevator or as approved by the Fire Code Official. Elevator key boxes shall be within sight of the doors of any elevator.

**Section 510.4.2.3** is amended by adding the following at the end of the paragraph:

In the event that standby power is supplied by a generator, a UPS shall be installed with a minimum of one (1) hour of full standby power.

**Section 510** is amended by adding the following section:

**510.4.2.6 Kill Switch.** A properly labeled and protected switch shall be provided in the Fire Command Center that will disable all primary and backup power to the Emergency Responder Radio Coverage System

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once activated.

**Section 510.5.3** is amended as follows:  
Substitute 95 percent for 90 percent.

**Section 510.5.3(4)** is amended as follows:  
Substitute 95 percent for 90 percent.

**Section 607.7** is amended by adding the following at the end of the paragraph:  
Elevator keys shall be provided in accordance with 2015 IFC 506.1.2 (amended).

**Section 607.8** is amended by deleting the same in its entirety.

**Section 609.2** is amended by deleting the Exception.

**Section 901.1** is amended by adding the following sentence:

"All fire protection systems shall comply with the requirements of this Code and the Village Alarm Code in Chapter 17, Article VI of the Downers Grove Municipal Code."

**Section 901.4** is amended by adding the following at the conclusion thereof:

1. New fire detection and alarm systems shall be installed by a licensed State of Illinois Fire Alarm Contractor. The system shall meet the requirements of NFPA 72, Downers Grove Fire Prevention Code and the Village Alarm Code in Chapter 17, Article VI of the Downers Grove Municipal Code.
2. Repairs, alterations, and replacements to existing fire alarm systems shall be done by a State of Illinois licensed Fire Alarm Contractor in accordance with NFPA 72, Downers Grove Fire Prevention Code and the Village Alarm Code in Chapter 17, Article VI of the Downers Grove Municipal Code.

**Section 901.4.1** is amended by adding the following language to the end of the first sentence:

"and shall continue to be periodically tested pursuant to Chapter 17, Article VI of the Downers Grove Municipal Code. Before any re-occupancy, a test of the system shall be witnessed by the code official."

**Section 901** is amended by adding the following section;

**901.6.3 Engineering Study.** Upon change of occupancy or no later than every five (5) years, the fire sprinkler system in a Use Group S Occupancy (excluding parking structures) shall undergo an engineering study to verify the adequacy of the system. All associated records shall be submitted to the Fire Code Official for record keeping.

**Section 901.9** is amended by adding the following to the end of the paragraph:

Termination of monitoring service shall be in accordance with the Downers Grove Fire Alarm Code.

**Section 901** is amended by adding the following section:

**901.11 Resetting fire alarm systems.** Upon activation of a fire alarm system, the system shall not be reset (restored to a secured or clear condition) by any person until Fire Department personnel are on the scene and direct the system to be reset.

**Section 901** is amended by adding the following section:

**901.12 Silencing fire alarm systems.** Upon activation of a fire alarm system, the system shall not be silenced (alarm devices shut off) by any person until Fire Department personnel are on the scene and direct the system to be silenced.

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**Section 902.1** is amended by adding the following definition:

**SIGNIFICANT REMODELING.** In areas with a total square footage of greater than one thousand five hundred (1,500) square feet, when the square footage of the remodeling or reconstruction exceeds thirty-five percent (35%) of the total building occupancy, tenant or suite space. Reconstruction or remodeling square footage shall be cumulative over all construction projects and shall be determined by the Code Official.

**Section 903.1** is amended by adding the following language at the end of the sentence:

**903.1** Chapter 9 of the 2015 International Building Code shall not take precedence over any fire protection or life safety system requirements of this ordinance. Any existing building or structure which exceeds the maximum area or height limits of the Downers Grove Building Code, Section 903 and Table 903, shall be equipped with an electrically supervised automatic fire suppression system throughout the building in accordance with this Code and the Building Code if:

- (a) The building or structure undergoes any significant remodeling, addition of usable floor space, or change of actual use which increases the hazard level in the building in any manner in accordance with the NFPA Life Safety Code and the International Fire Code; or
- (b) The building or structure undergoes a change to a more restrictive use.

**Section 903.2** is amended by deleting the same in its entirety and substituting in lieu thereof the following:

**903.2 Where required.** Approved automatic sprinkler systems shall be installed in all new buildings and structures.

**Section 903.3** is amended by adding the following at the end of the paragraph:

**Flexible Sprinkler Heads.** Flexible sprinkler heads shall have limited use as approved by the Fire Code Official and are not for general coverage. In all cases flexible sprinkler heads shall be installed in accordance with the product listing.

**Section 903.3.1.2** is amended by adding the following at the end of the sentence:

If such buildings are constructed of Type I or Type II construction only.

**Section 903.3.5** is amended by adding the following to the end of the paragraph:

Water supply tests shall be conducted within one year of fire sprinkler plan submittal and shall be witnessed and documented by the Public Works Department or other Water Jurisdiction. The test shall be conducted in close proximity to the job site, at an approved location. Fire sprinkler design shall have a safety factor of ten (10) psi or ten percent (10%) of system demand, whichever is greater.

**Section 903.4** is amended by deleting Exceptions 2-5.

**Section 903.4.3** is amended by deleting the same in its entirety and substituting in lieu thereof the following:

**Floor control valves.** Approved floor control valves, containing supervised indicating control valves and monitored waterflow switches, shall be installed at the point of connection to the riser on each floor in all multi-story buildings.

**Section 903** is amended by adding the following section:

**903.4.4 Waterflow switches.** Single story multi-tenant buildings, such as strip centers and office/warehouse occupancies, shall have a monitored waterflow switch and supervised indicating control valve installed for each tenant space, as deemed necessary by the Fire Code Official.

**Section 903** is amended by adding the following section:

**903.7 Dry sprinkler system.** All dry pipe systems shall have a dryer on the air compressor to

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minimize moisture within the system piping.

**Section 905.3.1** is amended by deleting the paragraph in its entirety and substituting in lieu thereof the following:

Class III standpipe systems shall be installed throughout buildings where any one of the following apply:

1. The building is three (3) stories or more in height, measured from the lowest level of fire department vehicle access.
2. Where the floor level of the highest story is located more than thirty (30) feet above the lowest level of fire department vehicle access.
3. Where the floor level of the lowest story is located more than thirty (30) feet below the highest level of fire department vehicle access.

**Section 906.1(1)** is amended by deleting the first sentence and replacing it with the following:

In all buildings of Use Groups A, B, E, F, H, I-, M, R-1, R-2, R-3 if containing a child care facility, R-4, S and U."

**Section 906.1(1)** is amended by deleting the Exception.

**Section 907** is amended by adding the following:

**907.1.4 Power source.** The power source for smoke detectors shall be an AC primary source with a battery backup power source. Exception: Smoke detectors powered by DC power from a fire alarm control panel and such panel being (primary) powered by AC power are acceptable if the system is connected to the Village's fire alarm receiving equipment in accordance with the provisions of Chapter 17, Article VI, of the Downers Grove Municipal Code.

**907.1.5 Fire protective signaling system.** The following shall be equipped with an electrically supervised fire protective signaling system connected to the Village's fire alarm receiving equipment in accordance with the provisions of Chapter 17, Article VI of the Downers Grove Municipal Code:

- (a) All buildings or structures equipped with a fire suppression system, fire sprinkler system or fire detection system except one- and two- family dwellings;
- (b) Any other building required by any code or ordinance to be equipped with a fire alarm, fire detection or fire suppression system.

Each fire protective signaling system shall be equipped with audio/visual fire alarm warning devices located so as to be seen, and heard effectively above all other sounds, by all occupants in every occupiable space within the building. The sound level of alarm devices shall be at least 15 dBA above the ambient sound level or 5 dBA above the maximum sound level having a duration of at least sixty seconds, whichever is greater, such levels to be measured five feet above the floor level in the occupiable area.

**Section 907.2** is amended by adding the following at the end of the paragraph:

**907.2 General Requirements for Manual and Automatic Fire Detection Systems in the Village.**

In all new buildings, additions, and buildings constructed under the 2015 International Building & Fire Codes, except in one- and two-family dwellings, a complete manual and automatic fire alarm detection system, connected to the Village's fire alarm board, shall be installed throughout the building in accordance with NFPA 72.

Exception: Fully sprinkled buildings. Fully sprinkled buildings shall have limited detection; the following locations shall have detection installed in all cases:

- (a) corridors
- (b) storage rooms seventy-five (75) square feet or more
- (c) copy rooms

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- (d) top of stairways
- (e) boiler rooms
- (f) electrical rooms
- (g) open office areas nine hundred (900) square feet or more
- (h) elevator lobbies
- (i) all mechanical rooms
- (j) above all fire alarm control units
- (k) under raised flooring
- (l) all other open areas and locations deemed necessary by the Fire Code Official
- (m) server/IT rooms seventy-five (75) square feet or more

**Section 907** is amended by deleting the following sections in their entirety:

**Sections 907.2.1, 907.2.2, 907.2.3, 907.2.4, 907.2.5, 907.2.6, 907.2.7, 907.2.8, 907.2.9, 907.2.10.**

**Section 907.2.11** is amended by adding the following at the end of the paragraph:

"single- and multiple- station smoke alarms are not permitted, instead the provisions of 907.2.11.7 shall be followed.

**Section 907** shall be amended by adding the following section:

**Section 907.5.2.4 Outside alerting devices.** Outside alerting devices shall be provided of a type and in a location approved by the Fire Code Official for both general fire alarm activation and fire sprinkler water flow.

**Section 907.6.6** is amended by adding the following section:

**907.6.6.3 Connection to Village.** All fire alarm systems shall be supervised by connection to the Village fire alarm receiving panel in the manner specified by the Municipal Code and shall transmit alarm, trouble, and supervisory signals. In lieu of connecting to the Village's alarm receiving panels as set forth above, any property within the municipal limits of Downers Grove which is under the jurisdiction of a fire protection district organized pursuant to State law shall instead connect to the alarm receiving panels of the fire protection district. Such alternative connection shall be according to the fire protection district's rules and regulations for connection. The Fire Code Official is authorized to require the installation of wireless fire alarm monitoring if the existing installation is causing nuisance alarms or monitoring outages.

**Section 907.6.6** is amended by deleting Exception #1 and Exception #2

**Section 907.8** is amended by adding the following to the end of the first paragraph:

Records of inspection, testing, and maintenance shall be submitted to the Fire Prevention Bureau in an approved manner. Annual testing of fire alarm systems shall include 100% of all devices.

**Section 907.8** is amended by adding immediately at the conclusion thereof the following: "and as specified in the Alarm Code in Chapter 17, Article VI of the Downers Grove Municipal Code.

**Section 907.8.2** is amended by deleting the same in its entirety and substituting in lieu thereof the following:

**907.8.2 Testing.** Complete and satisfactory tests shall be performed on all devices in accordance with Chapter 17, Article VI of the Downers Grove Municipal Code.

**Section 907.8.5** is amended by adding immediately at the conclusion thereof the following: "as specified in the Alarm Code in Chapter 17, Article VI of the Downers Grove Municipal Code."

**Section 909.3** is amended by adding the following language at the conclusion thereof:

"or as specified in the Village Alarm Code in Section 17, Article VI, of the Downers Grove

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Municipal Code, whichever is more often."

**Section 909.12.2** is amended adding the following:

"NFPA 70, the National Electrical Code as adopted and amended by the Village"

**Section 912** is amended by adding the following:

**912.1 Installation.** A 5" STORTZ connection shall be required and shall comply with 912.2 through 912.7, unless otherwise determined by the Fire Code Official.

**Section 912.2** is amended by adding the following to the end of the first paragraph:

Fire hydrants shall be located such that the distance from a fire hydrant to a fire department connection does not exceed one hundred (100) feet, or as approved by the Fire Code Official.

**Section 912.6** is amended by deleting the words "International Plumbing Code" and substituting in lieu thereof the following:

"State of Illinois Plumbing Code as adopted and amended by the Village"

**Section 912.6** is amended by adding the following sections:

**912.6.1 Backflow prevention.** Whenever a backflow prevention device is required to be installed on an existing hydraulically calculated sprinkler system, the system shall be recalculated to assure that the design density of the sprinkler system is satisfied. Should the design density be inadequate, the automatic sprinkler system shall be redesigned for compliance with the required design density. Whenever a backflow prevention device is required to be installed on an existing pipe scheduled sprinkler system, the system shall be verified/calculated to assure that the design density of the system is satisfied.

**912.6.2 Backflow prevention - antifreeze systems.** Wherever an existing antifreeze sprinkler system is not protected by a reduced pressure backflow prevention device, the system shall be altered to incorporate a reduced pressure backflow prevention device at the point of connection to that section of the system containing such additives.

**Section 913.1** is amended by adding the following at the end of the paragraph:

"and the IBC Section 913.1".

**Section 913** is as amended by adding the following section:

**913.2.3 Fire pump emergency power.** Any fire pump installed to meet the hydraulic design needs of an automatic fire sprinkler system shall be connected to an automatically switched emergency power generator to assure operation at all times. The emergency power generator, all switching equipment, and the connection to the fire pump shall meet all requirements of the National Electrical Code (NFPA 70) as adopted by the Village.

**Section 1001** is amended by adding the following section:

**1001.3 Maintenance.** Means of egress shall be maintained in accordance with the International Fire Code and the International Property Maintenance Code as adopted and amended by the Village.

**Section 1008.3** is amended by adding the following at the end of the paragraph:

Where emergency lighting is powered by a generator, a minimum of twenty percent (20%) of the emergency light fixtures shall be provided with battery back-up. For multi-story buildings, battery powered units shall be provided in enclosed stairways for proper illumination of each story.

**Section 1009.3** is amended by deleting Exceptions #4, #5, #6 and #8.

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**Section 1013.2** is amended by adding the following to the end of the paragraph:

Floor-level exit signs shall also be required in Group R-2 occupancies.

**Section 1031** is amended by adding the following section:

**1031.3.2 Check-out lanes.** At no time shall check-out lanes be blocked by stored carts, displays, chains or other fixed obstructions to free access.

**Section 1103.7** is amended by deleting the same in its entirety and in lieu thereof substituting the following: A Manual Fire Alarm and Automatic Fire Detection System in accordance with 907.2 shall be required in existing buildings in all other Use Groups as listed in Chapter 3 of the International Building Code ("IBC") except One and Two Family Residential Dwellings if:

1. The building, occupancy, tenant or suite undergoes a change in use to a more restrictive use; or
2. The building, occupancy, tenant or suite undergoes the addition of usable floor space, or change in use which increases the hazard level in the area in any manner as established by at least one requirement in the NFPA Life Safety Code, the International Fire Code or the International Building Code; or
3. The building, occupancy, tenant or suite undergoes any significant remodeling (as defined in Section 902.1); or
4. The building or structure contains a residential use and any other use in addition to residential.

Exception: Fully sprinkled buildings as per Section 907.2, above.

When identifying the need for the installation of a Manual Fire Alarm and Automatic Fire Detection System, a specific written finding shall be made by the Village based upon the above-stated requirements.

**Section 1103.8** is deleted in its entirety.

**Section 2108.2** is amended by deleting Exceptions #1 and #2.

**Section 3313.1** is amended by adding the following to the end of the paragraph:

In occupancies of Type III Construction or other construction types featuring wood construction, standpipes shall be installed prior to construction exceeding thirty (30) feet in height above the lowest level of fire department vehicle access.

**Section 5307.5** is amended by adding the following to the end of the paragraph:

In all cases an emergency alarm system shall be installed.

**Section 5307.5.2(3)** is amended by deleting the same in its entirety and in lieu of substituting the following:

Notification of a leak shall be provided in a manner and of a type approved by the Fire Code Official.

**Section 5701.4** is amended by adding the following:

**5701.4.1 Annual License Required.** An annual permit is required for underground storage of flammable/combustible liquids. A bond is required for any installation or removal of any underground storage tanks. Fees and bonds shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

**Section 5704.1** is amended by adding the following to the end of the paragraph:

**5704.1 General.** Combustible liquid storage tanks of any capacity installed above ground shall comply with this chapter. Flammable liquids shall not be stored above ground.

**Section 5704.2** is amended by adding the following:

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**5704.2.9.7.10 Fuel dispensing systems.** Above ground tanks shall be permitted for the storage of combustible motor fuels on premises to which the public does not have access when installed in a special enclosure constructed in accordance with NFPA 30A listed in the ICC Fire Prevention Code.

**Section 6101.2** is amended by deleting the same in its entirety and substituting in lieu thereof the following:

**6101.2 Permits required.**

(a) A permit shall be obtained from the Fire Code Official for each of the following:

- (1) installation of liquefied petroleum gas tanks regardless of the capacity;
- (2) sales or exchanges of filled tanks and the filling of tanks of any size for sale or use on site;

(3) for the storage of containers used in commercial, maintenance, construction, stock management or vehicles; and

- (4) any other use where tanks are used and stored on a regular basis.

(b) Prior to installation, use or storage of liquefied or petroleum gas, the applicant for a permit shall submit plans to the Fire Code Official detailing such installation, use or storage. If compliance with the requirements of this Code is shown by such plans, a permit shall be issued. The Fire Code Official shall inspect the site upon completion of the installation to determine compliance with the plans and the ordinances of the Village.

(c) Permit fees shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

**Section 6109** is amended by adding the following section:

**6109.16 Storage of containers.** Containers stored inside or outside a building shall be secured inside a shelf or rack system of non-combustible construction or shall be chained to a non-combustible wall. Either method of storage shall prevent the tank from "rocketing" if exposed to fire. If stored outside, tanks shall be protected from tampering.

**Chapter 80** is amended by adding the following referenced standards:

1. NFPA 3 - Recommended Practice for Commissioning of Fire Protection and Life Safety Systems, 2015 Edition.
2. NFPA 4 - Standard for Integrated Fire Protection and Life Safety System Testing, 2015 Edition.

**Appendix B, Fire-flow Requirements for Buildings**, is hereby adopted in its entirety.

**Appendix C, Fire Hydrant Locations and Distribution**, is hereby adopted in its entirety.

**Appendix D, Fire Apparatus Access Roads**, is adopted in its entirety.

**Appendix J, Building Information Sign**, is hereby adopted as follows:

Delete J101.1.1 through J101.7 and replace with the following: The building information sign shall be of a type and in a location as approved by the Fire Code Official.

(Ord. No. 2857, § 8; Ord. No. 3118, § 20; Ord. No. 3185, § 3.)

(Ord. 5630, Amended, 08/12/2017; Ord. 5271, Amended, 07/17/2012; Ord. 5172, Amended, 12/14/2010; Ord. 5079, Amended, 11/06/2009; Ord. 5062, Amended, 06/16/2009; Ord. 4679, Amended, 06/07/2005; Ord. 4662, Amended, 04/05/2005; Ord. 4533, Amended, 09/16/2003; 4465, Amended, 12/17/2002; 4257, Amended, 03/02/2001; 4148, Amended, 08/09/1999; 4133, Amended, 06/28/1999; 4081, Amended, 11/16/1998; 4000, Amended, 01/19/1998; 3991, Amended, 12/01/1997; 3941, Amended, 06/09/1997; 3827, Amended, 01/15/1996; 3762, Amended, 07/24/1995; 3627, Amended, 02/07/1994)

**Section 17.46. Fire Plan Examination Fees.**

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Upon application for any non-residential permit required by the Building Code, or any amendment thereto, the applicant shall pay a fire plan examination fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to the Village in accordance with the provisions of this section; any amendment to a permit shall not be approved until additional fees, if any, shall have been paid. Plan review fees shall be non-refundable.

(Ord. 5156, Amended, 10/12/2010; Ord. 5079, Amended, 11/06/2009; Ord. 4658, Amended, 03/01/2005; Ord. 4588, Amended, 05/18/2004; Ord. 4493, Amended, 04/01/2003)

### **Section 17.47. Permit and Inspection Fees.**

No permit shall be issued or inspection conducted until all fees as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" and any outstanding fees have been paid in full.

(Ord. 5156, Amended, 10/12/2010; Ord. 5079, Amended, 11/06/2009; Ord. 4588, Amended, 05/18/2004; Ord. 4493, Amended, 04/01/2003)

### **Section 17.48. Reserved.**

### **Section 17.49. Reserved.**

### **Section 17.50. Reserved.**

### **Section 17.51. Reserved.**

### **Section 17.52. Reserved.**

### **Section 17.53. Reserved.**

### **Section 17.53ART. Article VI. Alarm Code**

#### **Section 17.54. Definitions.**

(a) *Alarm Company* means any individual, partnership, corporation or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

(b) *Alarm System* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of illegal entry, a fire, or other events requiring urgent attention and to which police, fire or ambulance personnel are expected to respond. Individual, stand alone devices such as vehicle alarms and smoke detectors which emit audible or visual signals primarily designed to alert occupants of premises or those nearby of impending fire, criminal activity, or medical emergency shall not be considered as an alarm system and subject to the restrictions set forth herein.

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(c) *Alarm User* means jointly and severally, any person, firm, partnership, association, corporation, company or organization which owns, leases, or occupies the premises or property where an alarm system is maintained.

(d) *Automatic Dialer* means a telephone device or telephone attachment which automatically relays a prerecorded message to report a robbery, burglary, fire or other emergency by means of a telephone line.

(e) *Fire Alarm Coordinator* means the Fire Prevention Division Chief or the employee(s) designated by the Fire Chief as the Fire Alarm Coordinator.

(f) *Security Alarm Coordinator* means the employee designated by the Police Chief as the Security Alarm Coordinator.

(g) *Village System (Board Alarm)* means the Village of Downers Grove alarm receiving and monitoring panel as installed and maintained by the Village of Downers Grove. (Ord. No. 2681, § 1) (Ord. 5634, Amended, 08/12/2017; Ord. 5368, Amended, 02/11/2014; Ord. 4513, Amended, 06/03/2003; 4054, Amended, 08/03/1998; 3584, Amended, 08/23/1993; 3422, Amended, 01/06/1992)

### **Section 17.55. Connection to Village system--Application for connection required; obligation of owner.**

Any property owner, lessee, person, firm, partnership, association, corporation or organization in control of property may connect automatic fire or security alarm transmitting equipment to the Village System by applying to the Village according to the procedures established by this Article.

The Alarm User shall be responsible for compliance with the terms of this article with regard to all applications, requirements, and fees associated with connection to the Village System. (Ord. No. 2183, § 1; Ord. No. 2681)

(Ord. 5368, Amended, 02/11/2014; 3422, Amended, 01/06/1992)

### **Section 17.56. Connection to Village System--application; obligation of owner.**

(a) Where the Downers Grove Municipal Code requires a property owner to connect to the Village System, the property owner shall complete an application form as provided under this Article, shall obtain and maintain a connection in his or her name, and shall be responsible for compliance with the terms of this Article with regard to all applications, requirements, and fees associated with connection to the Village System.

(b) Where the Downers Grove Municipal Code does not require a property owner to connect to the Village system, the property owner may voluntarily request connection. The property owner shall complete an application form as provided under this Article, shall obtain and maintain a connection in his or her name, and shall be responsible for compliance with regard to all applications, requirements and fees associated with connection to the Village System.

(c) Commercial Alarm Systems shall have a single wireless radio connection, or if connecting via telephone line, it shall have two alarm POTS telephone lines. One line shall be designated solely for the Alarm System and cannot be used for any other purpose. The secondary telephone line is for system redundancy and it can be used for voice communications, but it shall not have any devices installed on it such as electronic devices, computers, fax machines or modems.

(d) Residential alarm systems may have a single wireless connection, or if connecting via telephone line, may operate with a single POTS telephone line that can be used for voice communications, but it shall not have any devices installed on it such as electronic devices, computers, fax machines or modems.

(Ord. 5634, Amended, 08/12/2017; Ord. 5368, Amended, 02/11/2014; Ord. 4513, Amended, 06/03/2003; 4054, Amended, 08/03/1998; 3584, Amended, 08/23/1993; 3422, Amended, 01/06/1992)

### **Section 17.57. Application requirements.**

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Application for connection to the Village System shall be made by the Alarm User on a form provided by the Village. The application shall contain the following information:

- (a) Name and address of the Alarm User.
- (b) Name and address of the premises where the Alarm System is located.
- (c) General description of the Alarm System which classifies it as burglary, safe, hold-up, fire, medical or other, and the presence of silent alarms and any audible or visual alerting signals on the premises. Any alarm system classified as other shall include a brief description as to category type.
- (d) The names, addresses and telephone numbers of at least three persons responsible for the premises where the Alarm System is located and would be contacted to reset the Alarm System.
- (e) The name, address and telephone number of the person, firm or corporation authorized to reset the Alarm System when no person described in paragraph (d) can be reached.
- (f) The name, address and telephone number of the person, firm or corporation which installed the Alarm System and of the person, firm or corporation responsible for the maintenance and repair of the Alarm System. (Ord. No. 2183, § 1; Ord. No. 2681)  
(3584, Amended, 08/23/1993; 3422, Amended, 01/06/1992)

### **Section 17.58. Alarm system requirements for connection.**

Alarm System connections to the Village System shall be made only after compliance with the following requirements:

- (a) Connection shall not overburden or otherwise interfere with the operation of the Village System.
- (b) The Alarm System shall be installed according to the manufacturer's specifications.
- (c) Alarm Systems shall be compatible, as determined by the Fire or Security Alarm Coordinator, with the Village System
- (d) The Alarm User shall make arrangements with the company installing the Alarm System and with their telephone service provider for a POTS telephone line(s) from the property to the Village System, if necessary.
- (e) For security Alarm Systems, mechanisms shall be adjusted so that an alarm signal will sound for no longer than ten (10) minutes after being activated.
- (f) For fire Alarm Systems, the Alarm User shall purchase and install a standard security lock box in the manner and location prescribed by the Fire Alarm Coordinator and containing keys to all entrances and exits to the building to allow immediate access in emergency situations. All lock boxes shall have reflective striping for visibility. At the request of the Alarm User, the Fire Alarm Coordinator may permit the installation of a security lock box tamper switch connected to a security Alarm System; however, no such connection to the fire Alarm System shall be allowed.
- (g) For fire Alarm Systems, the following standards and guides as adopted by the National Fire Protection Association (NFPA) are adopted by reference as the standards for the installation, maintenance and testing of fire Alarm Systems:
  - (1) NFPA 72 Standard for the Installation, Maintenance and use of Protective Signaling Systems current Edition, as amended.
- (h) The Fire Alarm Coordinator shall inspect the property prior to connection and make a written finding as to whether the above requirements have been met. For fire Alarm Systems required to be installed by the Downers Grove Municipal Code, the inspection shall be a prerequisite for the final occupancy permit given by the building official of the Village for new construction or remodeling of buildings. (Ord. No. 2183, § 1; Ord. No. 2681)  
(Ord. 5634, Amended, 08/12/2017; Ord. 5368, Amended, 02/11/2014; Ord. 5079, Amended, 11/06/2009; Ord. 4513, Amended, 06/03/2003; 4054, Amended, 08/03/1998; 3804, Amended, 12/04/1995; 3584, Amended, 08/23/1993; 3422, Amended, 01/06/1992)

### **Section 17.59. Fire Alarm System Requirements.**

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Fire alarm systems, when required, shall be installed per the Downers Grove Municipal Code and Village Alarm Code, NFPA 72, the Illinois Accessibility Code and the following as approved by the Fire Code Official:

- (a) Audio visual devices are required in all occupancies, in all occupied spaces, and are required to be heard at 15dB over ambient noise levels.
- (b) Visual alarm devices are required in all restrooms.
- (c) Air handling systems over 2000 cfm (cubic feet per minute) are required to be equipped with duct smoke detectors which deactivate the HVAC system.
- (d) Individual duct smoke detectors shall be monitored on a separate zone of the alarm panel OR multiple duct detectors can be monitored on the same zone if a remote LED/test-reset keypad for each individual duct detector is mounted immediately adjacent to the detector. These devices shall be mounted no higher than seven (7) feet off the floor.
- (e) Smoke detection in any air distribution system shall alarm as a supervisory signal.
- (f) A secondary power supply minimum capacity of 60 hours or as approved by the Code Official.
- (g) All visual alarm devices (strobes) shall synchronize.

(Ord. 5634, Amended, 08/12/2017; Ord. 5079, Amended, 11/06/2009; 4054, Repealed, 08/03/1998; 3584, Amended, 08/23/1993; 3422, Amended, 01/06/1992)

### **Section 17.60. Reserved.**

(Ord. No. 2183, § 1; Ord. No. 2681)

(Ord. 4513, Amended, 06/03/2003; 4054, Amended, 08/03/1998; 3584, Amended, 08/23/1993; 3422, Amended, 01/06/1992)

### **Section 17.61. Alarm system posting requirements.**

The Alarm User shall post or cause to be posted at or near the location where such Alarm System can be deactivated, a notice containing the name, address and telephone number of the Alarm User and the person, firm or corporation responsible for the maintenance and repair of such Alarm System.

### **Section 17.62. Maintenance, testing and alarm verification requirements.**

(a) All Alarm Users shall maintain the Alarm System in good working order. All alarm systems that are malfunctioning, in disrepair, or in need of component replacement shall come into Code compliance within thirty (30) days of notification by the Village. Each alarm user whose system has not been brought into Code compliance by the 31st day after notification will be charged a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" per day for each day not in Code compliance.

(b) The Alarm User shall have any fire Alarm System and all devices tested annually by a licensed testing agency or licensed electrical contractor.

(1) Tests under this section shall be conducted according to the standards as set forth in Section 17-58(g).

(2) The results of the testing agency or electrical contractors test shall be in writing, signed by the agency or contractor, and kept on file at the premises where the Alarm System is being used. A copy of the test results shall be submitted to the Village as directed by the Fire Alarm Coordinator in an approved manner through a third party company upon completion of the Alarm System test. Tests shall not be considered completed until the Village receives the written results thereof. If the written results are not received by the Village within thirty (30) days after the end of the applicable testing interval, the Alarm User shall be subject to the additional fee set forth in Section 17-71(b).

(c) Alarm Users shall require their alarm system service provider to verify alarm activations by telephone prior to reporting the alarm activation to the Dispatch Center. Alarm System service providers

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shall attempt verification on all Alarm Systems.

(d) It shall be the responsibility of both the Alarm User and the owner of the premises where the Alarm System is located to notify the Village within ten (10) days of a change of ownership, user or keyholder and to provide a telephone number and current address of said person.

(e) It shall be the responsibility of both the Alarm User and the owner of the premises where the Alarm System is located to notify the Village within ten (10) days of a change of telephone number or address. (Ord. No. 2183, § 1; Ord. No. 2681, § 2)

(Ord. 5634, Amended, 08/12/2017; Ord. 5368, Amended, 02/11/2014; Ord. 5156, Amended, 10/12/2010; Ord. 5079, Amended, 11/06/2009; Ord. 4513, Amended, 06/03/2003; 4054, Amended, 08/03/1998; 3422, Amended, 01/06/1992)

### **Section 17.63. Time limits--Alarm sound; response to Village notification.**

(a) It shall be unlawful for the security Alarm User to permit or cause a security Alarm System to sound in excess of ten minutes.

(b) The security Alarm User shall respond to the security Alarm System location within one hour from notification by the Village to reset security Alarm System, to provide access to the building and to provide security to the premises.

(Ord. 4513, Amended, 06/03/2003)

### **Section 17.64. Automatic Dialer alarm prohibited.**

(a) No person shall install, or cause to be installed, or maintain any Automatic Dialer Alarm in the Village.

Any Automatic Dialer alarm installed and operative on the effective date of this article, shall be and is hereby declared to be, a nuisance. Any such Automatic Dialer alarm shall be removed by the owner thereof within thirty days following the effective date of this Article. Automatic Dialer alarms not so removed shall be subject to abatement as a nuisance.

(b) No person shall make or cause to be made telephone calls utilizing an automatic telephone alarm to any telephone line which terminates at any office or telephone registered to the Village.

(c) Any person violating this section shall be subject to a fine of not less than three hundred dollars (\$300.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. No. 2681, § 1)

(4054, Amended, 08/03/1998; 3951, Amended, 06/30/1997; 3422, Amended, 01/06/1992)

### **Section 17.65. False alarms--determination; definition.**

Upon receipt of any reports or information from the responding department, the Fire or Security Alarm Coordinator shall determine whether an alarm was a false alarm. A "false alarm" is an Alarm Signal requiring a response by the police or fire department when a situation requiring such a response by the police or fire department does not exist. "False alarm" shall not include alarms of the following nature:

(a) Fire or smoke causes damage to the property as verified by the Fire Department.

(b) Responding police officers discover evidence of forcible entry, unauthorized entry, criminal activity or attempted criminal activity.

(c) Physical damage to the property caused by earthquake.

(d) Physical damage to the property caused by high winds.

(e) Physical damage to the property caused by flooding due to overflow of natural drainage.

(f) Physical damage to the property caused by lightning.

(g) Telephone line malfunction as determined by the Fire or Security Alarm Coordinator.

(h) Alarm Systems affected by electrical service interruption as determined by the Fire or Security Alarm Coordinator.

(i) The Alarm System was newly installed within the last thirty days in full compliance with the requirements of this article.

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(j) Alarms for Village operated facilities.

Upon determination that the alarm was false, the Fire or Security Alarm Coordinator shall so notify the Alarm User. If the Alarm User objects to such determination, a written appeal of the Fire or Security Alarm Coordinator's decision shall be filed with the Fire Chief or the Chief of Police, respectively, within fifteen days from receipt of the Fire or Security Alarm Coordinator's decision. The Fire or Police Chief, after a review of all information, reports, and evidence, including those submitted by the Alarm User, shall make a written decision on whether to uphold the Fire or Security Alarm Coordinator's decision within twenty days of receipt of the appeal; such written decision to be sent certified mail to the Alarm User. The decision of the Fire or Police Chief shall be the final decision on the matter. (Ord. No. 2681, § 1) (4054, Amended, 08/03/1998; 3422, Amended, 01/06/1992)

### **Section 17.66. Conducting tests, maintenance or repair work.**

Whenever an Alarm User, or agent(s) of the Alarm User, conducts tests, maintenance work, or repair work on any Alarm System connected to the Village System, the Alarm User shall notify the Dispatch Center of that fact prior to conducting such tests or work, and shall notify the Dispatch Center that such tests or work has been completed immediately after such completion.

(Ord. 5634, Amended, 08/12/2017; Ord. 5368, Amended, 02/11/2014; 3471, Amended, 06/08/1992; 3422, Amended, 01/06/1992)

### **Section 17.67. False Alarms--negligence.**

If the Downers Grove Police or Fire Department responds to a false alarm and it is determined by the Fire or Security Alarm Coordinator that the cause of the false alarm was negligence in failing to contact the Dispatch Center as required by Section 17-66, the Alarm User shall be subject to the fee set forth in Section 17-71(f). This determination of the Fire or Security Alarm Coordinator can be appealed pursuant to the procedures in Section 17-65. If an Alarm User is assessed the fee under this section, the alarm shall not be counted toward the accumulation of false alarms subject to further fees in Section 17-71(h) of this Article.

(Ord. 5634, Amended, 08/12/2017; Ord. 4513, Amended, 06/03/2003; 3471, Amended, 06/08/1992; 3422, Amended, 01/06/1992)

### **Section 17.68. Alarm Systems subject to disconnection from Village system.**

The following Alarm Systems may be subject to disconnection as provided in Section 17-69:

(a) Any Alarm System which does not or no longer meets the requirements required for connection as set forth in Section 17-58.

(b) Any Alarm System for which connection fees, false alarm fees or additional charges under this Article have been assessed and are thirty (30) days overdue.

(c) Any Alarm System which has ten or more false alarms within a sixty (60) day period.

For properties required to be connected to the Village System according to the Downers Grove Municipal Code and subject to disconnection pursuant to this section, the procedures for disconnection in Section 17-69 shall be followed, but a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed in lieu of disconnection.

(d) Any Alarm System which is no longer required pursuant to the Downers Grove Municipal Code to be connected to the Village System. (Ord. No. 2183, § 1; Ord. No. 2681, § 1)

(Ord. 5368, Amended, 02/11/2014; Ord. 5156, Amended, 10/12/2010; Ord. 4696, Amended, 07/05/2005; Ord. 4513, Amended, 06/03/2003; 4054, Amended, 08/03/1998; 3422, Amended, 01/06/1992)

### **Section 17.69. Disconnection procedures.**

Prior to disconnecting an Alarm System from the Village System, the following

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procedures shall be followed:

(a) The Village shall notify the Alarm User by certified mail that the Alarm System is subject to disconnection for one of the causes set forth in Section 17-68. The Alarm User has fifteen days from receipt of the notice to either, (1) submit proof to the Fire or Security Alarm Coordinator that the alarm meets the requirements under Section 17-58; (2) to pay the outstanding balance due the Village; or (3) submit a report to the Fire or Security Alarm Coordinator describing the actions to be taken to eliminate the cause of the false alarms.

(b) If the Fire or Security Alarm Coordinator determines that the proof submitted establishes that the Alarm System is in compliance with the requirements of Section 17-58, that any overdue payments have been made, or that the action to be taken by the Alarm User as described in the report will substantially reduce the likelihood of false alarms, the Fire or Security Alarm Coordinator shall notify the Alarm User that the Alarm System will not be disconnected from the Village System, but that if any subsequent violations of this article occur, the Alarm System may be disconnected.

(c) If the Alarm User is dissatisfied with the decision of the Fire or Security Alarm Coordinator, the Alarm User may request in writing a hearing on the matter. Such request for a hearing must be filed within ten days of receipt of the Fire or Security Alarm Coordinator's decision. Written notice of the time and place of the hearing shall be served on the Alarm User by the Fire or Security Alarm Coordinator by certified mail at least ten days prior to the date set for the hearing, which date shall not be more than twenty-one nor less than ten days after the filing of the request for the hearing.

(d) The Alarm User shall have the right to present written and oral evidence regarding the matter of disconnection. If it is determined that the Alarm System does not meet the requirements of Section 17-58; that there are outstanding balances due the Village as a result of the connection and use of the Alarm System; or that in fact ten or more false alarms have occurred, and the Alarm User has failed to take action to substantially reduce the likelihood of false alarms, the Police Chief or Fire Chief shall issue written findings to that effect and an order authorizing disconnection of the user's Alarm System.

(e) Should the Fire or Security Alarm Coordinator determine that the nature of the Alarm User's business or the complexity of the Alarm System causes continued false alarms, which are not the result of any substantial negligence or disregard on the part of the Alarm User, the Fire or Security Alarm Coordinator may permit the Alarm User to retain the Alarm System connection to the Village System despite the occurrence of ten or more false alarms. However, the Alarm User shall take such actions as the Fire or Security Alarm Coordinator deems necessary to reduce the occurrence of false alarms. (Ord. No. 2183, §1; Ord. No. 2681, § 1)

(Ord. 4513, Amended, 06/03/2003; 4152, Amended, 09/07/1999; 3471, Amended, 06/08/1992; 3422, Amended, 01/06/1992)

### **Section 17.70. Reserved**

(Ord. 4513, Amended, 06/03/2003; 4152, Amended, 09/07/1999; 3422, Enacted, 01/06/1992)

### **Section 17.71. Additional fees and charges.**

(1) Fees for the following shall be charged as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule":

- (a) Initial Connection to the Village System.
- (b) Annual surveillance for all Alarm Systems connected to the Village System.
- (c) Alarm System plan review.

(2) In addition to any fines or penalties which may be assessed pursuant to Section 1-15 of this Code, persons violating provisions of this Article shall be subject to additional charges as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule":

- (a) Failure to post a notice pursuant to Section 17-61.

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- (b) Failure to provide the written results of the Alarm System test pursuant to Section 17-62(b).
- (c) An Alarm User who violates 17-62(a) of this Article.
- (d) An Alarm User who violates any provision of 17-62 (d) or (e) of this Article.
- (e) An Alarm User who violates any provision of Section 17-63 of this Article.
- (f) An Alarm User who violates Sections 17-66 and 17-67 of this Article.

(g) When an Alarm User is directed, in writing, by the Alarm Coordinator to correct a system deficiency which has caused false alarms, the alarm user shall make such correction to the system within fifteen (15) days. Failure to correct the problem after a reasonable period of time for compliance shall result in a penalty being assessed on any and all subsequent false alarms caused by such non-compliance with the Alarm Coordinator's direction.

(h) If the Downers Grove Police Department, Fire Department, or other employee or official, responds to three or more false alarms, the Alarm User shall be subject to the following additional charges per each false alarm as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(3) Late fees and other methods of collection of delinquent accounts that apply shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

(a) An Alarm User who fails to pay any of the charges or fees within thirty (30) days of receipt of the bill shall be subject to a late charge. However, in the case of failure to timely pay the annual surveillance fee the following shall be applicable:

(i) alarm board fees received February 1 to March 1 shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

(ii) alarm board fees received after March 1 shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

(b) Whenever any fees or charges under this article remain unpaid for sixty (60) days after the date they become due and payable, the Village Treasurer shall cause to be filed with the recorder of DuPage County, a statement of lien claim covering the amount claimed by the Village as delinquent. This statement shall contain a description of such real estate sufficient for identification thereof; the amount of money due; and the date when such amount became delinquent. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said recorder's office.

(c) If the Village Treasurer has notice that the Alarm User is not the legal owner of the premises, notice shall be mailed to the legal owner of the premises at his/her last known address, whenever charges or fees remain unpaid for a period of sixty (60) days after they become due and payable. Failure of the Village Treasurer to mail such notice or to record such lien claim, or the failure of the legal owner to receive such notice, shall not affect the right of the Village to foreclose the lien for unpaid charges or fees provided for in this section.

(d) The Village Treasurer is authorized to notify the Village Attorney to institute such proceedings as shall be necessary to enforce the liens of the Village filed in accordance with this section.

(e) The remedy by enforcement of such a lien shall not be exclusive of any other legal remedy to collect the amounts delinquent.

(f) The Village Attorney is entitled to bring suit to enforce collection of any and all fees outstanding, to foreclose the lien as herein provided, and there shall be added to the amount due, the costs of said suit, together with legal interest and reasonable attorney's fees to be fixed by the court.

(Ord. 5368, Amended, 02/11/2014; Ord. 5156, Amended, 10/12/2010; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4513, Amended, 06/03/2003; 4369, Amended, 02/19/2002; 4054, Amended, 08/03/1998; 3804, Amended, 12/04/1995; 3584, Amended, 08/23/1993; 3471, Amended, 06/08/1992; 3422, Enacted, 01/06/1992)

### **Section 17.72. Reserved.**

(Ord. 4513, Amended, 06/03/2003; 3422, Enacted, 01/06/1992)

**Section 17.73. Liability of Village limited.**

(a) The Village assumes no liability for any defects in the operation of an Alarm System because of the failure or neglect of any person associated with the installation, operation or maintenance of the Alarm System, or for the transmission of Alarm Signals or the relaying of such signals and messages.

(b) The Village shall not be liable for any claimed failure of service or any consequential damages claimed to result from such failure, or the installation, surveillance or operation of the Village's System or any component part of its total automatic alarm system, whether or not due to the negligent, wilful or reckless acts or omissions of the Village or its employees or agents.

(c) The Alarm User, by connection to the Village System, agrees that the Alarm User shall defend, indemnify, hold harmless and save the Village of Downers Grove, its officers and employees, from any claim or liability whatsoever, arising out of the application for connection, the Alarm User's connection to the Village System, the operation of the Village System, or the response or non-response of Village employees to the Alarm User's property. Specifically, and without limitation to the foregoing, the Alarm User shall defend, indemnify and hold harmless the Village, its officers and employees, from any claim with respect to the property of the Alarm User (for example, without limitation, if the property of the Alarm User is the situs of the beginning of a fire), which claim arose or the incident on which such claim is based occurred during any period of time during which the Alarm User's alarm transmitting equipment was connected to the Village's System.

(3584, Amended, 08/23/1993; 3422, Enacted, 01/06/1992)

**Section 17.74. Severability clause.**

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

(3422, Enacted, 01/06/1992)