



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-051
DATE OF PASSAGE August 11, 2020

An Ordinance amending Section 36-58 of the Code of Ordinances, City of Aurora, pertaining to the adjudication of alarm system violations.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is in the best interest for the City to amend Section 36-58 of the Code of Ordinances, City of Aurora ("City Code") to conform to recent changes in the City's Administrative hearing process adopted pursuant O20-032; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Section 36-58 of the City Code shall be and hereby is amended as set forth in said "Exhibit A."

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases, or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.

ORDINANCE NO. 020-051

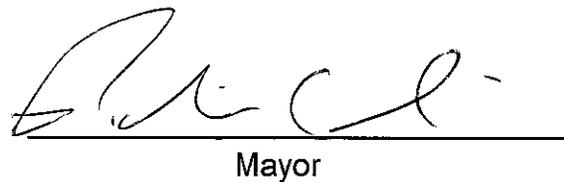
PASSED AND APPROVED ON August 11, 2020

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:


City Clerk


Mayor

1 Sec. 36-58. - Penalties.

2 (a) Fees required by the provisions of this article shall be determined, from time to time, by separate
3 ordinance or resolution of the city council.

4 (b) False alarms:

5 1. For the first false alarm responses in a calendar year, no fee shall be charged, unless the city
6 shall show willful and wanton misconduct on the part of the alarm user or his/her employees or
7 agents.

8 2. For a second false alarm response within a calendar year, a fee of seventy-five dollars (\$75.00)
9 shall be charged for each response.

10 3. For a third and fourth false alarm response within a calendar year, a fee of one hundred fifty
11 dollars (\$150.00) shall be charged for each response.

12 4. For a fifth false alarm response and for each and every succeeding false alarm within a
13 calendar year, a fee of three hundred dollars (\$300.00) shall be charged for each response.

14 5. For any false alarm emanating from a police alarm user who has not received a permit or
15 certificate of acceptance for the operation of a police alarm system in the City of Aurora, a fine
16 of four hundred dollars (\$400.00) shall be assessed for each and every false alarm.

17 6. In addition to the fines set forth above, any police alarm user who refuses or fails to pay within
18 forty-five (45) days of the date of any such false alarm fine assessment, said police alarm user
19 shall be deemed to have an additional violation of this article, punishable by an additional fine of
20 not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each day
21 that said fines remain unpaid, and said police alarm user shall further pay all legal fees and
22 costs of the City of Aurora in connection with such false alarm(s).

23 7. The City of Aurora may file a lien against the protected premises for any outstanding fine which
24 is reduced to judgment.

1 8. Any person issued an invoice under this section shall have the right to seek a hearing in front of
2 an administrative hearing officer in the manner set forth in chapter 3 of this code,~~the hearing~~
3 ~~officer subject to the provisions stated herein below.~~

4 ~~a. For purposes of this section, the hearing officer shall be the individual who holds administrative~~
5 ~~hearings involving violations of the city's property maintenance code under article VII of chapter~~
6 ~~12 of the City's Code of Ordinances.~~

7 ~~b. Any person seeking a hearing by the hearing officer shall file a written petition for hearing within~~
8 ~~twenty (20) days after receipt of the applicable notice. The petition must be received by the~~
9 ~~treasurer or in the treasurer's office prior to the expiration of the twenty-day period, or on the~~
10 ~~first date the treasurer's office is open for business after such date if closed on such date.~~
11 ~~Mailing such petition on such date shall be insufficient. If the petition is not filed within this time~~
12 ~~period, then the invoice shall become final and not subject to further review, and the city may~~
13 ~~proceed with collection of the debt.~~

14 ~~c. The petition shall state the reason or reasons why the invoice is incorrect or invalid, as the case~~
15 ~~may be, and state the relief sought from the hearing officer. Upon receipt of the petition from the~~
16 ~~treasurer, the hearing officer shall promptly set a time and date for a hearing on the petition and~~
17 ~~shall notify the petitioner of the same not less than seven (7) days prior to the date set for~~
18 ~~hearing. A hearing date may be continued by the hearing officer for any good cause.~~

19 ~~d. At such hearing, the hearing officer shall give the petitioner an opportunity to be personally~~
20 ~~heard and present whatever information or witnesses as he considers pertinent and relevant to~~
21 ~~the issue. Upon conclusion of such hearing, and after consideration of any information~~
22 ~~presented by the petitioner and such other information as may be available to the hearing~~
23 ~~officer, a decision shall be made by the hearing officer either canceling, modifying or affirming~~
24 ~~the applicable invoice, and notice of such decision shall be given in writing to the petitioner and~~
25 ~~the treasurer.~~

1 ~~e. The decision of the hearing officer reached at the conclusion of such hearing shall be final, and~~
2 ~~the treasurer may enforce such decision in the manner provided for under this section or such~~
3 ~~other manner as may be available by law.~~

4 (c) In tabulating the prior number of false alarms, a thirty (30) day grace period for new alarm systems
5 or for major modifications and/or additions to existing alarm systems may be granted upon request of
6 the alarm equipment supplier to the chief of police.

7 (Code 1969, § 36-16(k); Ord. No. O87-5668, § 1, 5-5-87; Ord. No. O93-05, § 7, 1-5-93; Ord.
8 No. O97-86, § 1, 10-14-97; Ord. No. O01-57, § 1, 6-12-01; Ord. No. O17-009, § 2, 2-28-17)