



City of Omaha
Mike Fahey, Mayor

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CITY OF OMAHA
OMAHA, NEBRASKA

Finance Department

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Carol A. Ebdon
Director

Allen R. Herink
City Comptroller

Honorable President

and Members of the City Council,

The attached Ordinance amends Sections 25-24 and 25-29 of the Omaha Municipal Code dealing with intrusion alarm systems regulations, registration and fees on false alarms.

The proposed ordinance will increase the charges for businesses who register alarm systems from \$35.00 to \$50.00. Fees for the second alarm during a calendar year will increase from \$50.00 to \$100.00. The fees for the fourth, and all subsequent alarms, will increase from \$200.00 to \$250.00 during a calendar year.

These changes were assumed in the 2007 budget and will be effective January 1.

Respectfully submitted,

Referred to City Council for Consideration:

Carol A. Ebdon 11/8/06
Date
Carol A. Ebdon
Finance Director

Don Porter 11-9-06
Date
Mayor's Office

ORDINANCE NO. 32574

1 AN ORDINANCE to amend Sections 25-24 and 25-29 of the Omaha Municipal Code dealing
2 with intrusion alarms and application fees and false alarm fees; to increase annual
3 commercial or industrial alarm user fees from \$35.00 to \$50.00; to provide for increasing
4 the second false alarm fee during the registration term from \$50.00 to \$100.00; increasing
5 the fourth and subsequent such false alarm fee from \$200.00 to \$250.00; to clarify certain
6 terms; to repeal Sections 25-24 and 25-29 of the Omaha Municipal Code as heretofore
7 existing; and providing for the effective date hereof.

8 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
9 OF OMAHA:

10 Section 1. That Section 25-24 of the Omaha Municipal Code be amended to read as
11 follows:

12 **Sec. 25-24. Application for registration; fee.**

13
14 Each application for an alarm system registration or renewal shall be made
15 by the official alarm registration contractor. The application shall be on a form
16 prescribed by the coordinator and shall contain, at a minimum, the following
17 information:

- 18
19 (1) The name, address and telephone number of the principal of the protected
20 premises and of the alarm company, and if known, its alarm answering service.
21
22 (2) The type of premises (home, office, variety store, etc.) and any business
23 name by which the premises are known.
24
25 (3) The address of the protected premises, including if it is in a residential
26 (including individual apartment houses or residences), commercial or industrial
27 complex (office building, shopping center, etc.), and any name by which the
28 complex is commonly known
29
30 (4) The names, current addresses and current telephone numbers, including
31 home phone numbers, of three natural persons, or an alarm answering service.
32
33 (5) The remittance address including names, addresses, city, state and zip code.
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(6) Where the initial registration is made, by the official city alarm registration contractor, then the foregoing minimum information, as prescribed by the coordinator, shall be given to the official city alarm registration contractor by the alarm company to expedite such initial registration. The annual application fee for residential alarm users shall be \$25.00, and the application fee for commercial or industrial alarm users shall be ~~\$35.00~~ \$50.00.

Section 2. That Section 25-29 of the Omaha Municipal Code be amended to read as follows:

Sec. 25-29. False alarm fees.

(1) As a condition of any alarm system registration issued under the provisions of this article, the alarm user shall pay to the city, within 30 days of invoice, for any false alarm generated by the alarm user's alarm system, a false alarm fee in accordance with the following schedule:

| | |
|--|---------------------------------|
| The first false alarm during the registration term | \$ 0.00 |
| The second false alarm during the registration term | 50.00 <u>100.00</u> |
| The third false alarm during the registration term | 100.00 |
| The fourth and subsequent false alarm during the registration term | 200.00 <u>250.00</u> |
| Late fee for each false alarm invoice which is delinquent | 25.00 |

For a second false alarm during a registration term, the coordinator shall permit the alarm user to attend an alarm user awareness class, as established and approved by the alarm review board, once during any registration term; upon presentation of a certificate showing that the alarm user has successfully completed the alarm user's awareness class and payment of the false alarm fee, the false alarm shall not count as a false alarm for purposes of determining subsequent false alarms under this section 25-29.

The Omaha Police Department ~~will~~ may not answer any subsequent alarm of the alarm user if the false alarm fee is not received by the city within 30 days of the original invoice by the city or the final decision of the administrative appeal process, whichever is later.

(2) An alarm user who has been assessed a false alarm fee may appeal the assessment of the false alarm fee to the alarm review board. The alarm user shall remit an appeal fee of \$10.00 (the "appeal fee") along with the appeal. If the alarm user's appeal is upheld, the appeal fee will be returned to alarm user. The filing of an appeal with the alarm review board stays the assessment of the false alarm fee until the alarm review board makes a final decision.

(a) The alarm user shall file a written appeal to the alarm review board by setting forth the reasons for the appeal within ten days after receipt of the alarm fee notice. In making its decision, the alarm review board can take into account items

1 it believes to be relevant, including severe acts of nature, but may uphold the
2 appeal only if there was no false alarm or if the false alarm was not contributed to
3 by the act(s) or omission(s) of the alarm user and/or its family, pets, guests,
4 employee(s) and/or invitees.

5
6 (b) If the alarm review board denies the alarm user's appeal, then the alarm
7 review board shall send written notice of the action and a statement of the right to
8 an appeal to the alarm user and the alarm company. If the alarm review board
9 upholds the appeal, the alarm review board shall send a written notice of the
10 action to the alarm user, alarm company and the coordinator, and shall send to the
11 alarm user a check in the amount of the false alarm fee if it was paid. The decision
12 of the alarm review board is final as to administrative remedies of the city.

13
14 (3) If the alarm user is not satisfied with the decision of the alarm review board,
15 the alarm user may seek judicial remedies permitted by law. Filing of an appeal
16 shall stay the action by the alarm review board suspending a registration, until the
17 judicial remedies have been exhausted or otherwise terminated. If no appeal is
18 made within the prescribed period, then the action of the alarm review board is
19 final.

20
21 (4) The coordinator may suspend law enforcement response to the premises of
22 an alarm user by revoking the alarm system registration if it is determined that:

23
24 (a) The alarm user has five or more false alarms in a 12-month period excluding
25 duress, holdup, panic or fire alarms;

26
27 (b) There is a statement of a material fact known to be false in the application for
28 an alarm system registration; or

29
30 (c) The alarm user has failed to make timely payment of false alarm fees.

31
32 Unless there is separate indication that there is a crime in progress, the Omaha
33 Police Department will refuse law enforcement response to an alarm dispatch
34 request at any alarm site for which the alarm system registration is revoked. If the
35 alarm system registration is reinstated pursuant to (5) below, the coordinator may
36 again suspend law enforcement response to the alarm site by again revoking the
37 alarm system registration if it is determined that two false alarms have occurred
38 with 30 days after the reinstatement date.

39
40 (5) A person whose alarm system registration has been revoked may, at the
41 discretion of the coordinator, have the alarm system registration reinstated by the
42 coordinator if the person:

43
44 (a) Submits a new application and pays a reinstatement fee in the amount of the
45 registration fee in effect on the date of filing such new application;

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47 (b) Pays, or otherwise resolves, all outstanding false alarm fees and other fees;

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(c) Submits a certificate from an alarm company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm company.

(6) The alarm company, or its designated alarm answering service, shall be issued a no verification fee of \$100.00 for each failure to verify alarm system signals as described in section 25-21(3)(b).

(7) The alarm company, or its designated alarm answering service, shall be assessed a fee of \$250.00 if the Omaha Police Department, responding to the false alarm, determine that an on-site employee of the alarm company, or its designated alarm answering service, directly caused the false alarm. In this situation, the false alarm shall not count against the alarm user.

(8) The alarm company, or its designated alarm answering service, shall be assessed a fee of \$100.00 if the alarm company, or its designated alarm answering service, after receiving notice under section 25-21(2)(a) that an alarm user is not registered, reports an alarm signal and fails to inform the Douglas County 911 Center that such alarm signal is from a non-registered alarm user.

Section 3. That Sections 25-24 and 25-29 of the Omaha Municipal Code as heretofore existing, are hereby repealed.

Section 4. That this Ordinance shall be in full force and take effect January 1.

INTRODUCED BY COUNCILMEMBER

David G. Weller

APPROVED BY:

Mike Jahay 12/14/06
MAYOR OF THE CITY OF OMAHA DATE

PASSED DEC 12 2006 7-0

ATTEST:

Christy Brown 12/14/06
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 11/9/06
CITY ATTORNEY DATE