Honorable President

and Members of the City Council,

The attached Ordinance contains a comprehensive amendment to Sections 25-20 et. seq. of the Omaha Municipal Code dealing with intrusion alarm system regulations and registration.

Since this Ordinance is a comprehensive rewrite, the amendments made to the various sections are made in the whole because an attempt to track the amendments in the usual manner proved to be too confusing.

This proposed ordinance is the result of numerous meetings involving City representatives and those of the local alarm industry.

The Police Department and the Mayor’s Office believe that the Ordinance is in the best interest of the City and respectfully request its passage.

Respectfully submitted,

[Signature]
Robert J. Hamer
Deputy City Attorney

Approved as to Funding:

[Signature]
Stanley P. Timm
Finance Director

Referred to City Council for Consideration:

[Signature]
Mayor’s Office

Date

Date

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ORDINANCE NO. 35997


BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. Section 25-20 of the Omaha Municipal Code is hereby amended in the whole to read as follows:


As used in this section, unless the context otherwise requires:

1 (1) Alarm Company shall mean a business providing among its services alarm sales, installation, service, monitoring, or billing Alarm Users or the service of receiving on a continuous basis, through trained employees, emergency signals from Alarm Systems, and thereafter immediately relaying the message by live voice to the Douglas County 911 Center or such other place as directed by the City.

2 (2) Alarm Review Board shall mean a 5 member committee comprised of persons appointed or selected as follows: 2 citizens of the City appointed by the Mayor of the City; and 3 members of local Alarm Companies appointed by the Alarm Companies licensed under this Ordinance; provided that, however, no Alarm Company shall have more than 1 person on the Alarm Review Board at any one time. The Alarm Company members of the Alarm Review Board shall be appointed as follows: (a) Alarm Companies with less than 750 Alarm Users in the City shall appoint 1 member; (b) Alarm Companies with 750 but less than 5,000 Alarm Users in the City shall appoint 1 member; and (c) Alarm Companies with more than 5,000 Alarm Users in the City shall appoint 1 member. In the event that no Alarm Company within a specific category volunteers to fill an appointment as a member, then the largest alarm association in the State of Nebraska shall appoint an officer of such association who is affiliated with an Alarm Company as an appointee to fill such position. In the event that more than 1 person from any specific Alarm Company category volunteers to fill such position, then, in such event, the Coordinator
shall select 1 person from such volunteers to fill the position, and such selection shall be final. Members of the Alarm Review Board shall serve for 2 year terms.

(3) _Alarm System_ shall mean any device used to detect or prevent intrusion, criminal activity or other such emergency situations which, when activated, causes notification to be made directly or indirectly to the Omaha Police Department, or any device or system designed primarily for the purpose of giving an audible or visual signal of an attempted intrusion, criminal activity or other such emergency.

For purposes of this section, an Alarm System shall not include:

(a) An alarm installed on a motor vehicle.

(b) An alarm installed upon premises occupied by the city or any public agency as defined in R.R.S. 1943, & 23-2203.

(c) Any device or system designed solely to detect or give notice of fire or smoke.

(4) _Alarm User_ means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility who purchases, leases, contracts for or otherwise obtains an Alarm System and thereafter contracts with or hires an Alarm Company to monitor and/or service the alarm device, or who owns or operates an Alarm System, which is not monitored, maintained or serviced under contract with an Alarm Company.

(5) _Annunciator_ shall mean that part of an Alarm System which communicates the fact that the system has been triggered.

(6) _Arming Station_ shall mean a device that allows control of an Alarm System.

(7) _Audible Annunciator_ shall mean an annunciator, which gives an alarm by means of a bell, siren, buzzer or similar sound-producing device mounted at some location which, when activated, is clearly audible at a distance of 50 feet or more outside of any building in which it is mounted. Any non-monitored system with one or more audible announcements shall constitute a Local Alarm System.

(8) _Chief_ shall mean the Chief of Police, or any member under his/her jurisdiction designated by him/her to exercise any power or duty conferred under this chapter.

(9) _City_ shall mean the City of Omaha, Nebraska.

(10) _Coordinator_ shall mean the individual designated by the Chief and the City Finance Director to issue registrations and enforce the provisions of this Ordinance.
(11) **Duress Alarm** shall mean a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

(12) **Enhanced Verification** shall mean 2 Verifications within a 90 second period from the time the Alarm Company or its alarm answering service receives an alarm signal. Enhanced Verification shall be required commencing on January 1, 2003.

(13) **False Alarm** shall mean an alarm signal eliciting an urgent response by police when a situation requiring an urgent response did not exist at or about the time; that is, no unauthorized intrusion or attempted intrusion. The burden of proving that such alarm was not a False Alarm shall be on the Alarm User.

(14) **Fire Alarm** shall mean an alarm signal intended to signal a fire, smoke or intense heat.

(15) **Holdup Alarm** shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(16) **Local Alarm System** shall mean an Alarm System which when activated causes an audible and/or visual signaling device to be activated and which is intended to be seen and/or heard by others inside and/or outside of the protected premises.

(17) **Monitoring** shall mean the process by which an Alarm Company or its designated alarm answering service receives signals from an Alarm System and relays an alarm dispatch request to the Douglas County 911 Center for the purpose of summoning law enforcement to the alarm site.

(18) **Panic Alarm** shall mean an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(19) **Principal** shall mean the person, firm or corporation whose premises are protected by an Alarm System. In the event that a building having more than 1 tenant is protected by a single Alarm System, the term “Principal” means the Alarm System owner.

(20) **Registration Term** shall mean a 12-month period beginning on the date of issuance of the Alarm System registration and ending 12 months thereafter.”

(21) **Verify or Verification** shall mean an attempt by the Alarm Company or its designated alarm answering service to contact the Alarm User by telephonic or other electronic means, whether or not actual contact with an Alarm User is made, to determine whether an alarm signal is valid before requesting the Omaha Police Department dispatch, in an attempt to avoid an unnecessary alarm dispatch request.
Section 2. Section 25-21 of the Omaha Municipal Code is hereby amended in the whole to read as follows:

Sec. 25-21. Required information when reporting alarm and Verification Duties.

(1) Any Alarm Company or its designated alarm answering service reporting an alarm to the Douglas County 911 Center shall give the following information:

(a) The Principal or business name, the address of the protected premises, and the type of premises, if any, by which the premises are known.

(b) The name and telephone number of the Principal or agent having ready access to the protected premises; and

(c) The type of criminal activity indicated, e.g., burglary in progress, robbery, etc.

(2) The Alarm Company or its designated alarm answering service or a person reporting annunciation for a Local Alarm System may report to the Douglas County 911 Center any non-registered alarms. It shall then report the fact that it is non-registered and the Omaha Police Department shall determine whether to respond to any non-registered reported alarms; provided that, if the Alarm Company, or its designated alarm answering service, happens to receive positive confirmation from the Alarm User or a third party that Omaha Police Department response is necessary, the Alarm Company shall report such information to such 911 Center.

(b) It will be the responsibility of the Alarm Company to provide the names and locations of Alarm Users with current, valid Alarm System registrations to their designated alarm answering service. The Douglas County 911 Center shall provide written notice to each Alarm Company on any non-registered Alarm User request for Omaha Police Department response violation.

(3) The Alarm Company or its designated alarm answering service on a report relating to annunciation for a Local Alarm System shall not make an alarm dispatch request of the Omaha Police Department in response to a burglar alarm signal, excluding Panic, Duress, Holdup and Fire signals, during the first 7 days following an Alarm System installation. The Coordinator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption. In addition, the Alarm Company or alarm answering service shall:

(a) Report alarm signals by using telephone numbers designated by the Coordinator;

(b) Verify every alarm signal, except a Duress, Holdup, Panic or Fire Alarm activation before requesting a law enforcement response to an Alarm System signal;
(c) Communicate alarm dispatch request to the municipality in a manner and form determined by the Coordinator;

(d) Communicate cancellations to the municipality in a manner and form determined by the Coordinator;

(e) Provide that all Alarm Users of Alarm Systems equipped with a Duress, Holdup, Panic or Fire Alarms are given adequate training as to the proper use of the Duress, Holdup, Panic or Fire Alarm;

(f) Communicate any available information (e.g., back basement door, 2nd floor, northeast window, etc.) about the location on an alarm signal related to the alarm dispatch request;

(g) Communicate type of alarm activation (silent or audible, interior or perimeter);

(h) Provide an Alarm User registration number when requesting law enforcement dispatch;

(i) After an alarm dispatch request, promptly advise the Douglas County 911 Center if the Alarm Company or its designated alarm answering service knows that the Alarm User or its agent is on the way to the Alarm Site;

(j) Attempt to contact the Alarm User or its agent within 24 hours via mail, fax, telephone or other electronic means after an alarm dispatch request is made; and

(k) Upon the effective date of this Ordinance, Alarm Company and its designated alarm answering service, if applicable, must maintain for a period of at least 2 years from the date of the alarm dispatch request, records, relating to alarm dispatch requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System activated, the time of alarm dispatch request and evidence of an attempt to Verify. The Coordinator may request copies of such records for individually named Alarm User. If the request is made within 60 days of an alarm dispatch request, the Alarm Company or alarm answering service shall furnish requested records within 3 business days of receiving the request. If the records are requested between 60 days and 2 years after an alarm dispatch request, the Alarm Company or its designated alarm answering service shall furnish the requested records within 30 days of receiving the request.

Section 3. Section 25-22 of the Omaha Municipal Code is hereby amended in the whole to read as follows:
Sec. 25-22. System requirements.

1. No Alarm System shall be installed, used or maintained in violation of any of the requirements of this section.

2. The Alarm User shall be responsible for training and retraining all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the Alarm System is accidentally triggered.

3. The Alarm User shall, at all times, be responsible for the proper maintenance and repair of the Alarm System and for the repair or replacement of any component, method of installment, design feature or like condition which may give rise to a False Alarm.

4. Each Alarm System shall be so programmed that each Audible Annunciator will automatically silence within 5 minutes after being activated, and will not sound again unless a new act or circumstance triggers a sensor.

5. No test of an Alarm System incorporating an Audible Annunciator shall be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.

6. The application for an Alarm System registration shall list the name and phone number of three natural persons, or an alarm answering service, having access to the premises and who may be notified to assist the Omaha Police Department in the event the alarm is activated. The Principal shall immediately notify the Coordinator of any changes in this information.

Section 4. Section 25-23 of the Omaha Municipal Code is hereby amended in the whole to read as follows:

Sec. 25-23. Registration required.

1. From and after the effective date of this Ordinance, it shall be unlawful for any person within the jurisdiction of the City to use or operate any Alarm System without a current valid Alarm System registration therefor. Any person found to be in violation of this section 25-23 shall be required to pay a fee of $100 in addition to any required Application Fees. Notwithstanding the foregoing, with respect to any property, which has been, or may be in the future, annexed by the City, persons have a period of 90 days from the effective date of such annexation to comply with the requirements of this Ordinance.

2. Any person within the jurisdiction of the City installing a new Alarm System after the effective date of this section shall have 30 days from the date of installation to obtain an Alarm System registration therefor as required in this section.”
Section 5. Section 25-24 of the Omaha Municipal Code is hereby amended in the whole to read as follows:

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

Each application for an Alarm System registration or renewal shall be made by the Alarm Company on a form prescribed by the Coordinator and shall contain, at a minimum, the following information:

(1) The name, address and telephone number of the Principal of the protected premises and of the Alarm Company, and if known, its alarm answering service.

(2) The type of premises (home, office, variety store, etc.) and any business name by which the premises are known.

(3) The address of the protected premises, including if it is in a residential (including individual apartment houses or residences), commercial or industrial complex (office building, shopping center, etc.), and any name by which the complex is commonly known.

(4) The names, current addresses and current telephone numbers, including home phone numbers, of three natural persons, or an alarm answering service.

The Alarm User must annually submit to the Alarm Company the Application Fee and Alarm System registration application in connection with the installation or registration of their security system. Within 30 days after receipt of an Application Fee, the Alarm Company will remit the same to the City. 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. For collecting the Application Fee, an Alarm Company may charge the Alarm User a reasonable administration fee.

Section 6. Section 25-25 of the Omaha Municipal Code is hereby amended in the whole to read as follows:

Sec. 25-25. Issuance of registration.

Upon receipt of the Alarm System registration application and Application Fee, the Coordinator shall, if it appears that the proposed Alarm System will comply with the provisions of this section, issue to the applicant Alarm User an Alarm System registration bearing an identifying number, and setting forth the expiration date. The City shall not, by the issuance of any Alarm System registration, be obligated to respond or accord any priority to an alarm from such system. The Coordinator shall not be obligated to accept any Alarm System registration application, or any renewal thereof, if the Alarm User has failed to pay any False Alarm Fees charged to such Alarm User as described in section 25-29.
Section 7. Section 25-26 of the Omaha Municipal Code is hereby amended in the whole
to read as follows:

Sec. 25-26. Term of registration; transfer; termination; renewal.

(1) Alarm System registrations shall expire 12 calendar months from and after the date of
their issuance; Alarm System registrations may be renewed for consecutive additional
registration terms in the same manner as original Alarm System registrations were obtained.

(2) An Alarm System registration shall automatically terminate upon any change of the
Principal or protected premises. No Alarm System registration may be transferred to another
Principal or protected premises. No refunds will be given on termination of any Alarm System
registration for any reason.

(3) Renewal Alarm System registrations shall be dated on the date of issue. The renewal
Alarm System registration will not be issued until the fee is paid, and a late charge of $10.00 per
month, or any part thereof, up to a maximum of $50.00 will be assessed on all Alarm System
registration holders who do not pay the renewal fee prior to expiration of their existing Alarm
System registrations. The renewal application shall contain the Principal’s signed statement that
there have been no changes in the Principal or protected premises.

Section 8. Section 25-29 of the Omaha Municipal Code is hereby amended in the whole
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
Ordinance, 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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first False Alarm during the Registration Term</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>The second False Alarm during the Registration Term</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>The third False Alarm during the Registration Term</td>
<td>$100.00</td>
</tr>
<tr>
<td>The fourth and subsequent False Alarm during the Registration Term</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

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 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 10 days after receipt of the Alarm Fee notice. In making its decision, the Alarm Review Board can take into account items it believes to be relevant, including severe acts of nature, but may uphold the appeal only if there was no False Alarm or if the False Alarm was not contributed to by the act(s) or omission(s) of the Alarm User and/or its family, pets, guests, employee(s) and/or invitees.

(b) If the Alarm Review Board denies the Alarm User’s appeal, then the Alarm Review Board shall send written notice of the action and a statement of the right to an appeal to the Alarm User and the Alarm Company. If the Alarm Review Board upholds the appeal, the Alarm Review Board shall send a written notice of the action to the Alarm User, Alarm Company and the Coordinator, and shall send to the Alarm User a check in the amount of the False Alarm Fee if it was paid. The decision of the Alarm Review Board is final as to administrative remedies of the City.

(3) If the Alarm User is not satisfied with the decision of the Alarm Review Board, the Alarm User may seek judicial remedies permitted by law. Filing of an appeal shall stay the action by the Alarm Review Board suspending a registration, until the judicial remedies have been exhausted or otherwise terminated. If no appeal is made within the prescribed period, then the action of the Alarm Review Board is final.

(4) The Coordinator may suspend law enforcement response to the premises of an Alarm User by revoking the Alarm System registration if it is determined that:

(a) The Alarm User has 5 or more False Alarms in a 12 month period excluding Duress, Holdup, Panic or Fire Alarms;

(b) There is a statement of a material fact known to be false in the application for an Alarm System registration; or

(c) The Alarm User has failed to make timely payment of False Alarm Fees.
Unless there is separate indication that there is a crime in progress, the Omaha Police Department will refuse law enforcement response to an alarm dispatch request at any Alarm Site for which the Alarm System registration is revoked. If the Alarm System registration is reinstated pursuant to (5) below, the Coordinator may again suspend law enforcement response to the Alarm Site by again revoking the Alarm System registration if it is determined that 2 False Alarms have occurred with 30 days after the reinstatement date.

(5) A person whose Alarm System registration has been revoked may, at the discretion of the Coordinator, have the Alarm System registration reinstated by the Coordinator if the person:

(a) Submits a new application and pays a reinstatement fee in an amount equal to 50% of the registration fee in effect on the date of filing such new application;

(b) Pays, or otherwise resolves, all outstanding False Alarm Fees and other fees;

(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 $250.00 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 $25.00 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 9. Section 25-30 of the Omaha Municipal Code is hereby amended in the whole to read as follows:

Sec. 25-30. Notices.

(1) Notice or billing from the City to any Alarm User shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, prepaid, addressed to the Alarm User and Alarm Company at their respective addresses shown in the City's registration records. The City shall send a copy of any notice to the Alarm Review Board. A certificate signed by the person who mailed the notice shall be prima facie evidence of the facts stated therein with respect to such notice. Notice from the City to any Alarm Company
shall be deemed to have been given or rendered 3 business days after the date such notice is
deposited in the U.S. mail, first class postage, prepaid, addressed to the Alarm Company at its
address shown in the City’s registration records.

(2) Notice to the City or payment under this Ordinance shall be effective when received at
the appropriate City office; provided that, any Alarm User registration fees required to be paid by
the Alarm User to an Alarm Company shall be effective retroactively 5 business days prior to the
date the same is received by the City.

Section 10. Section 25-31 is hereby added to Omaha Municipal Code as follows:


(1) Any person engaging in an alarm business, except for those businesses who only sell or
install Alarm Systems that are not intended to be monitored by a third party other than the
respective Alarm User and Alarm Systems with one or more audible annunciations, in the City
must apply annually to the Coordinator or the designee specified on the application form for a
registration to operate as an Alarm Company or alarm answering service. Such application must
be signed by either (a) the owner of the business for a sole proprietorship, (b) 1 general partner
for a partnership, or (c) 1 manager or member for a limited liability company, or (d) a corporate
officer for a corporation, and must be approved by the Coordinator or designee.

The registration application must include, but is not limited to:

(a) The name, address, fax, and telephone number of the Alarm Company or alarm
answering service, its business entity type (sole proprietorship, partnership, limited liability
company or corporation), and employer identification number (EIN).

(b) The name, address, and telephone number of the person or persons responsible for the
operation of the Alarm Company or alarm answering service in the City.

(c) Complete list of associated (contracted) alarm businesses, including name, address,
telephone number and alarm business registration number, that may alter, install, lease maintain,
monitor, repair, replace, sell at retail, serviced, or respond to an Alarm System in the City.

(d) An alarm business that is incorporated or organized in a state other than Nebraska must
include on the alarm business license application form the name and address of the resident agent
located in Nebraska.

(2) Registration applications must be accompanied by an annual, non-refundable processing
fee of $250.00, which will be due and payable each year on the anniversary of the issuance of the
alarm business license. If the alarm business license has been revoked or suspended, or has
expired and been subsequently renewed, a reinstatement fee of $250.00 plus other administrative
fees must accompany a reinstatement application.
(a) An applicant must not conduct business in the City until the alarm business registration is approved.

(b) An applicant must give written notice of any changes to the information contained in the application to the Coordinator or designee within 10 days of the change.

(3) Should an alarm business registration be suspended, revoked or refused, the Alarm Company or alarm answering service must notify, by first class mail, within 5 days, each of its Alarm Users that the Alarm Company or alarm answering service is unable to request Omaha Police Department dispatch to the Alarm User's system for the duration of the suspension, revocation or refusal.

(4) A registered alarm business must not enter into a contract regarding its business in the City with an alarm business that does not have a valid alarm business registration.

(5) Any licensee or applicant who requests a hearing to show cause why an alarm business registration should not be revoked or suspended or the license application should be granted or renewed, must include an appeal filing fee of $50.00.


Section 12. This Ordinance shall be in full force to take effect on January 1, 2003, provided however specifically, that the new fees and other provisions for alarm user registration under sections 25-23, 25-24, 25-25 and 25-26 shall apply on September 1, 2002, stated more specifically below.

All alarm users in existence on September 1, 2002 will be required to register for the last three months of 2002 and for all of calendar year 2003. On or about September 1, 2002, invoices will be distributed to such persons and entities. All persons who had registered as alarm users under the prior ordinance in calendar year 2002 will owe the City nothing for their registration for the last three months of 2002, but shall be required to pay, within thirty (30) days of such invoice, all of the registration fees for 2003. All other alarm users will be required to pay a
ordinance no. 35997
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1 prorated fee for the last three months of 2002 as well as the entire fee for calendar year 2003
2 within thirty (30) days of receiving such invoice.

introduced by councilmember

approved by:

passed jul 16, 2002 as amended 7-0

attest:

city clerk of the city of omaha date

approved as to form:

city attorney date