



City of Omaha  
Mike Fahey, Mayor

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OMAHA, NEBRASKA

**Finance Department**

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**Stanley P. Timm**  
Director

**Allen R. Herink**  
Acting City Comptroller

Honorable President

and Members of the City Council,

The attached Ordinance contains an amendment to Section 25-24, 25-26, 25-29, 25-30 and 25-31 of the Omaha Municipal Code, dealing with the registration, forms, fees, and methods for intrusion alarms.

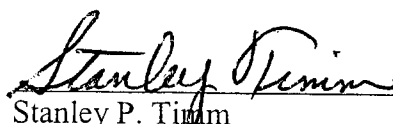
This Ordinance provides that the application for intrusion alarm registration and the payment of fees shall be made to an official City alarm registration contractor, and changes some fees.

This proposed amendment is a result of one year experience under the new intrusion alarm ordinance which was effective September 2002.

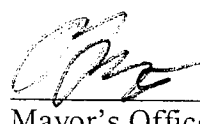
The Finance Department and the Mayor's Office believe that the amendment is in the best interest of the City, the alarm companies, the monitoring companies and the alarm users and respectfully request its passage.

Respectfully submitted,

Referred to City Council for Consideration:

  
Stanley P. Timm  
Finance Director

5/6/04  
Date

  
Mayor's Office

5-6-04  
Date

ORDINANCE NO. 36648

1 AN ORDINANCE to amend Sections 25-24, 25-26, 25-29, 25-30 and 25-31 of the Omaha  
2 Municipal Code, dealing with the registration, forms, fees, and methods for intrusion  
3 alarms; to change certain fees and other provisions; to provide that the application for  
4 intrusion alarm registration and payment of fees therefor shall be made to an official City  
5 alarm registration contractor; to provide for repealing Sections 25-24, 25-26, 25-29,  
6 25-30 and 25-31 of the Omaha Municipal Code as heretofore existing; and providing for  
7 the effective date hereof.

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

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

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

12  
13 Each application for an Alarm System registration or renewal shall be  
14 made by ~~the Alarm Company~~ the Official Alarm Registration Contractor. The  
15 application shall be on a form prescribed by the Coordinator and shall contain, at  
16 a minimum, the following information:

17  
18 (1) The name, address and telephone number of the Principal of the protected  
19 premises and of the Alarm Company, and if known, its alarm answering service.

20  
21 (2) The type of premises (home, office, variety store, etc.) and any business  
22 name by which the premises are known.

23  
24 (3) The address of the protected premises, including if it is in a residential  
25 (including individual apartment houses or residences), commercial or industrial  
26 complex (office building, shopping center, etc.), and any name by which the  
27 complex is commonly known.

28  
29 (4) The names, current addresses and current telephone numbers, including  
30 home phone numbers, of three natural persons, or an alarm answering service.

31  
32 (5) The remittance address including names, addresses, city, state and zip  
33 code.

34  
35 (6) Where the initial registration is made, by the Official City Alarm  
36 Registration Contractor, then the foregoing minimum information, as prescribed

1 by the Coordinator, shall be given to the Official City Alarm Registration  
2 Contractor by the Alarm Company to expedite such initial registration. The  
3 annual Application Fee for residential Alarm Users shall be \$25.00, and the  
4 Application Fee for commercial or industrial Alarm Users shall be \$35.00.  
5

6 Section 2. That Section 25-26 of the Omaha Municipal Code be amended to read as  
7 follows:

8 "Sec. 25-26. Term of registration; transfer; termination; renewal.  
9

10 (1) Alarm System registrations shall expire 12 calendar months from and after the  
11 date of their issuance; Alarm System registrations may be renewed for consecutive  
12 additional registration terms in the same manner as original Alarm System registrations  
13 were obtained.  
14

15 (2) An Alarm System registration shall automatically terminate upon any change of  
16 the Principal or protected premises. No Alarm System registration may be transferred to  
17 another Principal or protected premises. No refunds will be given on termination of any  
18 Alarm System registration for any reason.  
19

20 (3) Renewal Alarm System registrations shall be dated on the date of issue. The  
21 renewal Alarm System registration will not be issued until the fee is paid, and a late  
22 charge of ~~\$10.00~~ \$25.00 per month, or any part thereof, up to a maximum of \$50.00 will  
23 be assessed on all Alarm System registration holders who do not pay the renewal fee  
24 prior to expiration of their existing Alarm System registrations. The renewal application  
25 shall contain the Principal's signed statement that there have been no changes in the  
26 Principal or protected premises.  
27

28 Section 3. That Section 25-29 of the Omaha Municipal Code be amended to read as  
29 follows:

30 "Sec. 25-29 False Alarm fees.  
31

32 (1) As a condition of any Alarm System registration issued under the provisions of  
33 this Ordinance, the Alarm User shall pay to the City, within 30 days of invoice, for any  
34 False Alarm generated by the Alarm User's alarm system, a False Alarm Fee in  
35 accordance with the following schedule:  
36

37 The first False Alarm during the Registration Term	\$ 0.00
38 The second False Alarm during the Registration Term	\$ 50.00
39 The third False Alarm during the Registration Term	\$100.00
40 The fourth and subsequent False Alarm during the Registration Term	\$200.00
41 <u>Late fee for each False Alarm Invoice which is delinquent</u>	<u>\$ 25.00</u>

42

43 For a second False Alarm during a Registration Term, the Coordinator shall  
44 permit the Alarm User to attend an Alarm User awareness class, as established and

1 approved by the Alarm Review Board, once during any Registration Term; upon  
2 presentation of a certificate showing that the Alarm User has successfully completed the  
3 Alarm User's awareness class and payment of the False Alarm Fee, the False Alarm shall  
4 not count as a False Alarm for purposes of determining subsequent False Alarms under  
5 this section 25-29.

6  
7 The Omaha Police Department will not answer any subsequent alarm of the  
8 Alarm User if the False Alarm Fee is not received by the City within 30 days of the  
9 original invoice by the City or the final decision of the administrative appeal process,  
10 whichever is later.

11  
12 (2) An Alarm User who has been assessed a False Alarm Fee may appeal the  
13 assessment of the False Alarm Fee to the Alarm Review Board. The Alarm User shall  
14 remit an appeal fee of \$10.00 (the "Appeal Fee") along with the appeal. If the Alarm  
15 User's appeal is upheld, the Appeal Fee will be returned to Alarm User. The filing of an  
16 appeal with the Alarm Review Board stays the assessment of the False Alarm Fee until  
17 the Alarm Review Board makes a final decision.

18  
19 (a) The Alarm User shall file a written appeal to the Alarm Review Board by setting  
20 forth the reasons for the appeal within 10 days after receipt of the Alarm Fee notice. In  
21 making its decision, the Alarm Review Board can take into account items it believes to be  
22 relevant, including severe acts of nature, but may uphold the appeal only if there was no  
23 False Alarm or if the False Alarm was not contributed to by the act(s) or omission(s) of  
24 the Alarm User and/or its family, pets, guests, employee(s) and/or invitees.

25  
26 (b) If the Alarm Review Board denies the Alarm User's appeal, then the Alarm  
27 Review Board shall send written notice of the action and a statement of the right to an  
28 appeal to the Alarm User and the Alarm Company. If the Alarm Review Board upholds  
29 the appeal, the Alarm Review Board shall send a written notice of the action to the Alarm  
30 User, Alarm Company and the Coordinator, and shall send to the Alarm User a check in  
31 the amount of the False Alarm Fee if it was paid. The decision of the Alarm Review  
32 Board is final as to administrative remedies of the City.

33  
34 (3) If the Alarm User is not satisfied with the decision of the Alarm Review Board,  
35 the Alarm User may seek judicial remedies permitted by law. Filing of an appeal shall  
36 stay the action by the Alarm Review Board suspending a registration, until the judicial  
37 remedies have been exhausted or otherwise terminated. If no appeal is made within the  
38 prescribed period, then the action of the Alarm Review Board is final.

39  
40 (4) The Coordinator may suspend law enforcement response to the premises of an  
41 Alarm User by revoking the Alarm System registration if it is determined that:

42  
43 (a) The Alarm User has 5 or more False Alarms in a 12 month period excluding  
44 Duress, Holdup, Panic or Fire Alarms;

45  
46 (b) There is a statement of a material fact known to be false in the application for an  
47 Alarm System registration; or

1 (c) The Alarm User has failed to make timely payment of False Alarm Fees.  
2

3 Unless there is separate indication that there is a crime in progress, the Omaha  
4 Police Department will refuse law enforcement response to an alarm dispatch request at  
5 any Alarm Site for which the Alarm System registration is revoked. If the Alarm System  
6 registration is reinstated pursuant to (5) below, the Coordinator may again suspend law  
7 enforcement response to the Alarm Site by again revoking the Alarm System registration  
8 if it is determined that 2 False Alarms have occurred with 30 days after the reinstatement  
9 date.

10  
11 (5) A person whose Alarm System registration has been revoked may, at the  
12 discretion of the Coordinator, have the Alarm System registration reinstated by the  
13 Coordinator if the person:  
14

15 (a) Submits a new application and pays a reinstatement fee in ~~an~~ the amount ~~equal to~~  
16 ~~50%~~ of the registration fee in effect on the date of filing such new application;  
17

18 (b) Pays, or otherwise resolves, all outstanding False Alarm Fees and other fees;  
19

20 (c) Submits a certificate from an Alarm Company, stating that the Alarm System has  
21 been inspected and repaired (if necessary) by the Alarm Company.  
22

23 (6) The Alarm Company, or its designated alarm answering service, shall be issued a  
24 No Verification Fee of ~~\$250.00~~ 100.00 for each failure to Verify Alarm System signals as  
25 described in section 25-21(3)(b).  
26

27 (7) The Alarm Company, or its designated alarm answering service, shall be assessed  
28 a fee of \$250.00 if the Omaha Police Department, responding to the False Alarm,  
29 determine that an on-site employee of the Alarm Company, or its designated alarm  
30 answering service, directly caused the False Alarm. In this situation, the False Alarm  
31 shall not count against the Alarm User.  
32

33 (8) The Alarm Company, or its designated alarm answering service, shall be assessed  
34 a fee of ~~\$25.00~~ \$100.00 if the Alarm Company, or its designated alarm answering  
35 service, after receiving notice under Section 25-21(2)(a) that an Alarm User is not  
36 registered, reports an alarm signal and fails to inform the Douglas County 911 Center that  
37 such alarm signal is from a non-registered Alarm User.  
38

39 Section 4. That Section 25-30 of the Omaha Municipal Code be amended to read as

40 follows:

41 "Sec. 25-30. Notices.  
42

43 (1) Notice or billing from the City or the Official City Alarm Registration Contractor  
44 to any Alarm User shall be deemed to have been given or rendered on the date such  
45 notice or billing is deposited in the U.S. mail, first class postage, prepaid, addressed to the

1 Alarm User and Alarm Company at their respective addresses shown in the City's  
2 registration records. ~~The City shall send a copy of any notice to the Alarm Review~~  
3 ~~Board.~~ A certificate signed by the person who mailed the notice shall be *prima facie*  
4 evidence of the facts stated therein with respect to such notice. Notice from the City to  
5 any Alarm Company shall be deemed to have been given or rendered 3 business days  
6 after the date such notice is deposited in the U.S. mail, first class postage, prepaid,  
7 addressed to the Alarm Company at its address shown in the City's registration records.  
8

9 (2) Notice to the City or payment under this Ordinance shall be effective when  
10 received at the appropriate City office Lock Box; provided that, any Alarm User  
11 registration fees required to be paid by the Alarm User to an Alarm Company shall be  
12 effective retroactively 5 business days prior to the date the same is received by the City.  
13

14 Section 5. That Section 25-31 of the Omaha Municipal Code be amended to read as  
15 follows:

16 "Sec. 25-31 Alarm Business Registration.

17  
18 (1) Any person engaging in an alarm business, except for those businesses who only  
19 sell or install Alarm Systems that are not intended to be monitored by a third party other  
20 than the respective Alarm User and Alarm Systems with one or more audible  
21 annunciations, in the City must apply annually to the Coordinator or the designee  
22 specified on the application form for a registration to operate as an Alarm Company or  
23 alarm answering service. Such application must be signed by either (a) the owner of the  
24 business for a sole proprietorship, (b) 1 general partner for a partnership, or (c) 1 manager  
25 or member for a limited liability company, or (d) a corporate officer for a corporation,  
26 and must be approved by the Coordinator or designee.  
27

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

29  
30 (a) The name, address, fax, and telephone number of the Alarm Company or alarm  
31 answering service, its business entity type (sole proprietorship, partnership, limited  
32 liability company or corporation), and employer identification number (EIN).  
33

34 (b) The name, address, and telephone number of the person or persons responsible for  
35 the operation of the Alarm Company or alarm answering service in the City.  
36

37 (c) Complete list of associated (contracted) alarm businesses, including name,  
38 address, telephone number and alarm business registration number, that may alter, install,  
39 lease maintain, monitor, repair, replace, sell at retail, serviced, or respond to an Alarm  
40 System in the City.  
41

42 (d) An alarm business that is incorporated or organized in a state other than Nebraska  
43 must include on the alarm business license application form the name and address of the  
44 resident agent located in Nebraska.  
45

46 (e) The remittance address including zip code.

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(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 6. That Sections 25-24, 25-26, 25-29, 25-30 and 25-31 of the Omaha Municipal Code, as heretofore existing, are hereby repealed.

Section 7. That this Ordinance shall be in full force and take effect fifteen (15) days from the date of its passage.

INTRODUCED BY COUNCILMEMBER

James D. Kral Jr.

APPROVED BY:

Martin Jabez 6/10/04  
MAYOR OF THE CITY OF OMAHA DATE

PASSED JUN - 8 2004 7-0

ATTEST:

Buster Brown 6/10/04  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 4-15-04  
CITY ATTORNEY DATE

630  
Finance

ORDINANCE NO. 36648

**AN ORDINANCE** to amend Omaha Municipal Code Sections 25-24, 25-26, 25-29, 25-30 and 25-31 dealing with registration, forms, fees and methods for intrusion alarms; and to provide an effective date.

61 ✓

**PRESENTED TO COUNCIL**

1st Reading MAY 18 2004 - Hearing  
5/25/04

Hearing MAY 25 2004 - City to  
6/8/04 pursuant to City Council  
Rule 7.4.

Final Reading JUN 8 2004

Passed 7-0

**PUBLICATIONS**

**PUBLICATION OF HEARING**

Date 5-27-04

**PUBLICATION OF ORDINANCE**

Date \_\_\_\_\_

**BUSTER BROWN**  
City Clerk