Honorable President

and Members of the City Council,


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,

Stanley P. Timm
Finance Director

Mayor’s Office

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ORDINANCE NO. 36418

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

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

Section 1. That Section 25-24 of the Omaha Municipal Code be amended 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, the Official Alarm Registration Contractor. The application shall be 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.

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

(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.

Section 2. That Section 25-26 of the Omaha Municipal Code be amended 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 3. 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 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>False Alarm</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>$200.00</td>
</tr>
<tr>
<td>Late fee for each False Alarm Invoice which is delinquent</td>
<td>$ 25.00</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 $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 $25.00 $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 4. That Section 25-30 of the Omaha Municipal Code be amended to read as follows:


(1) Notice or billing from the City or the Official City Alarm Registration Contractor 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 Lock Box; 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 5. That Section 25-31 of the Omaha Municipal Code be amended to read as follows:

“Sec. 25-31 Alarm Business Registration.

(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.

(e) The remittance address including zip code.
(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 7. That this Ordinance shall be in full force and take effect fifteen (15) days from the date of its passage.

INTRODUCED BY COUNCILMEMBER

APPROVED AS TO FORM:

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ORDINANCE NO. 34648

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.

PRESENTED TO COUNCIL

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

Hearing MAY 25 2004 - Over to

Final Reading JUN 8 2004
Passed 1-0

PUBLICATIONS

PUBLICATION OF HEARING
Date 5-18-04

PUBLICATION OF ORDINANCE
Date

BUSTER BROWN
City Clerk