



City of Omaha
Jim Suttle, Mayor

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OMAHA, NEBRASKA

Fire Department
1516 Jackson Street
Omaha, Nebraska 68102-3110
(402) 444-5700
FAX (402) 444-6378
Michael F. McDonnell
Fire Chief

Honorable President

and Members of the City Council,

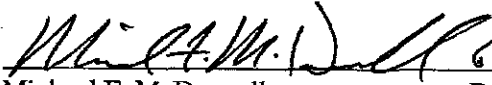
Attached please find an Ordinance which amends portions of Chapter 25 of the Omaha Municipal Code addressing alarm registration so that the requirement will now apply to fire alarms. The Ordinance is written so that the additional requirements of registration for fire alarms shall not take effect for forty-five (45) days to allow the covered entities to register them. In addition, the Ordinance is written so that the fire alarm registration requirements do not apply to single family residences and duplexes, but do apply to any other building.

The Fire Department has observed that the number of false alarms to which it responds has increased. The response to the fire alarms results in units being called out of service to respond, leaving other parts of the city requiring response from greater distances. The result is that the Fire Department uses valuable time responding to false alarms. The hope is the imposition of this fire alarm registration and fees for false alarms will ensure better monitoring of this system.

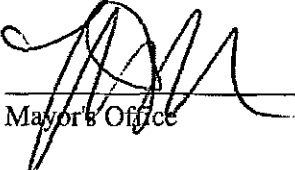
Your favorable consideration of this amendment is requested.

Respectfully submitted,

Referred to City Council for Consideration:



Michael F. McDonnell
Fire Chief

Date


Mayor's Office

Date

Respectfully submitted,


Carol A. Ebdon
Finance Director

Date

ORDINANCE NO. 38468

1 AN ORDINANCE to amend Sections 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27,
2 25-29, 25-30 and 25-31 of the Omaha Municipal Code, dealing with the registration,
3 forms, fees, and methods for alarms so that it applies to fire alarms as described; to
4 provide that the application for alarm registration and payment of fees therefor shall be
5 made to an official City alarm registration contractor; to provide for repealing Sections
6 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-29, 25-30 and 25-31 of the
7 Omaha Municipal Code as heretofore existing; and providing for the effective date
8 hereof.

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

10 Section 1. That Chapter 25, Article 2 of the Municipal Code currently entitled "Article
11 II. Intrusion Alarm Registration and Regulations" shall be renamed, "Article II. Alarm
12 Registration and Regulations."

13 Section 2. That Section 25-20 of the Omaha Municipal Code be amended to read as
14 follows:

15 "Sec. 25-20. Definitions.

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

17

18 (1) Alarm company shall mean a business providing among its services alarm sales,
19 installation, service, monitoring, or billing alarm users (or fire alarm users) or the
20 service of receiving on a continuous basis, through trained employees, emergency
21 signals from alarm systems and fire alarm systems, and thereafter immediately
22 relaying the message by live voice to the Douglas County 911 Center or such other
23 place as directed by the city.

24

25 (2) Alarm review board shall mean a five member committee comprised of persons
26 appointed or selected as follows: Two citizens of the city appointed by the mayor of
27 the city; and three members of local alarm companies appointed by the alarm
28 companies licensed under this ordinance; provided that, however, no alarm company
29 shall have more than one person on the alarm review board at any one time. The

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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 one member; (b) Alarm companies with 750 but less than 5,000 alarm users in the city shall appoint one member; and (c) Alarm companies with more than 5,000 alarm users in the city shall appoint one 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 one person from any specific alarm company category volunteers to fill such position, then, in such event, the coordinator shall select one person from such volunteers to fill the position, and such selection shall be final. Members of the alarm review board shall serve for two 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 an alarm installed on a motor vehicle.

(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 annunciations shall constitute a local alarm system.

(8) Chief shall mean the chief of police or fire chief, 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.

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- (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) Duplex shall mean a site with two dwelling units, each occupied by one family, within a single building, except a mobile home unit.
- (12) 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.
- (13) Emergency Response shall mean a response by law enforcement or the fire department to any type of request for service.
- (14) Enhanced verification shall mean two 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.
- (15) False alarm shall mean an alarm signal eliciting an urgent response by police or fire when a situation requiring an urgent response did not exist at or about the time; that is, no unauthorized intrusion, attempted intrusion, or fire. The burden of proving that such alarm was not a false alarm shall be on the alarm user.
- (16) Fire alarm shall mean an alarm signal intended to signal a fire, smoke or intense heat.
- (17) Fire Alarm system shall mean any device used to detect or prevent fires which, when activated, causes notification to be made directly or indirectly to the Omaha Fire Department, or any device or system designed primarily for the purpose of giving an audible or visual signal of a fire.
- (18) Fire 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 a fire 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, except that, for purposes of 25-20 to 25-31, it shall not include those buildings that are single family residences or duplexes.
- (19) Holdup alarm shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

- 1 (20) Local alarm system shall mean an alarm system which when activated causes an
2 audible and/or visual signaling device to be activated and which is intended to be
3 seen and/or heard by others inside and/or outside of the protected premises.
4
- 5 (21) Monitoring shall mean the process by which an alarm company or its designated
6 alarm answering service receives signals from an alarm system and relays an alarm
7 dispatch request to the Douglas County 911 Center for the purpose of summoning
8 law enforcement to the alarm site.
9
- 10 (22) Panic alarm shall mean an audible alarm system signal generated by the manual
11 activation of a device intended to signal a life threatening or emergency situation
12 requiring emergency response.
13
- 14 (23) Principal shall mean the person, firm or corporation whose premises are protected by
15 an alarm system. In the event that a building having more than one tenant is
16 protected by a single alarm system, the term "principal" means the alarm system
17 owner.
18
- 19 (24) Registration term shall mean a 12-month period beginning on the date of issuance of
20 the alarm system registration and ending 12 months thereafter.
21
- 22 (25) Single family residence shall mean a site with one dwelling unit, occupied by one
23 family, excluding a mobile home unit.
24
- 25 (26) Verify or verification shall mean an attempt by the alarm company or its designated
26 alarm answering service to contact the alarm user by telephonic or other electronic
27 means, whether or not actual contact with an alarm user is made, to determine
28 whether an alarm signal is valid before requesting the Omaha Police Department
29 dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the
30 purposes of this ordinance, telephone verification shall require, at a minimum, that a
31 second call be made to a different number, if the first attempt fails to reach an Alarm
32 user who can properly identify themselves to determine whether an alarm signal is
33 valid before requesting an officer dispatch."
34

35 Section 3. That Section 25-21 of the Omaha Municipal Code be amended to read as
36 follows:

- 37 "Sec. 25-21. Required information when reporting alarm and verification duties.
38
- 39 (1) Any alarm company or its designated alarm answering service reporting an alarm to
40 the Douglas County 911 Center shall give the following information:
41
- 42 (a) The principal or business name, the address of the protected premises, and the
43 type of premises, if any, by which the premises are known.

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

(c)The type of emergency response indicated.

(2) (a)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. For alarm systems, 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 for criminal activity; 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 and fire alarm users with current, valid alarm system registrations to their designated alarm answering service. The Alarm Administrator may provide written notice, through letter, email, or similar means, to each alarm company on any non-registered Alarm User request for the Omaha Police Department or the Omaha Fire Department response violation.

(3) The alarm company or its designated alarm answering service on a report related 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 seven 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 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 and fire 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 on zone and location (e.g., back basement door, 2nd floor, northeast window, etc.) about the location on an alarm signal related to the alarm dispatch request;

- 1 (g) Communicate type of alarm activation (silent or audible, interior or perimeter,
- 2 smoke, heat, manual pull, or water flow);
- 3 (h) Provide an alarm user or fire alarm user registration number when requesting
- 4 emergency responder dispatch;
- 5 (i) After an alarm dispatch request, promptly advise the Douglas County 911 Center
- 6 if the alarm company or its designated alarm answering service knows that the alarm
- 7 user, fire alarm user or its agent is on the way to the alarm site;
- 8 (j) Attempt to contact the alarm user, fire alarm user or its agent within 24 hours via
- 9 mail, fax, telephone or other electronic means after an alarm dispatch request is
- 10 made: and
- 11 (k) Upon the effective date of this section, alarm company and its designated alarm
- 12 answering service, if applicable, must maintain for a period of at least two years
- 13 from the date of the alarm dispatch request, records, relating to alarm dispatch
- 14 requests. Records must include the name, address and telephone number of the alarm
- 15 user or fire alarm user, the alarm system or fire alarm system activated, the time of
- 16 alarm dispatch request and evidence of an attempt to verify. The coordinator may
- 17 request copies of such records for individually named alarm user or fire alarm user.
- 18 If the request is made within 60 days of an alarm dispatch request, the alarm
- 19 company or alarm answering service shall furnish requested records within three
- 20 business days of receiving the request. If the records are requested between 60 days
- 21 and two years after an alarm dispatch request, the alarm company or its designated
- 22 alarm answering service shall furnish the requested records within 30 days of
- 23 receiving the request.”

25 Section 4. That Section 25-22 of the Omaha Municipal Code be amended to read as
26 follows:

27 “Sec. 25-22. System requirements.

- 28
- 29 (1) No alarm system or fire alarm system shall be installed, used or maintained in
- 30 violation of any of the requirements of this section.
- 31 (2) The alarm user or fire alarm user shall be responsible for training and retraining all
- 32 employees, family members and other persons who may make regular use of the
- 33 protected premises and who may, in the normal course of their activities, be in a position
- 34 to accidentally trigger an alarm. Such training shall include procedures and practices to
- 35 avoid accidental alarms, and steps to follow in the event the alarm system or fire alarm
- 36 system is accidentally triggered.
- 37 (3) The alarm user or fire alarm user shall, at all times, be responsible for the proper
- 38 maintenance and repair of the alarm system/fire alarm system and for the repair or
- 39 replacement of any component, method of installment, design feature or like condition
- 40 which may give rise to a false alarm.
- 41 (4) Each alarm system shall be so programmed that each audible annunciator will
- 42 automatically silence within five minutes after being activated, and will not sound again

1 unless a new act or circumstance triggers a sensor. Each fire alarm system shall be so
2 programmed that each audible annunciator will automatically silence within fifteen
3 minutes after being activated, and will not sound again unless a new act or circumstance
4 triggers a sensor.

5 (5) No test of an alarm system/fire alarm system incorporating an audible annunciator
6 shall be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the
7 following day.

8 (6) The application for an alarm system/fire alarm system registration shall list the name
9 and phone number of three natural persons, or an alarm answering service, having access
10 to the premises and who may be notified to assist the Omaha Police Department or
11 Omaha Fire Department in the event the alarm is activated. The principal shall
12 immediately notify the coordinator of any changes in this information.”

13
14 Section 5. That Section 25-23 of the Omaha Municipal Code be amended to read as
15 follows:

16 “Sec. 25-23. Registration required.

17
18 (1) From and after the effective date of this ordinance, it shall be unlawful for any person
19 within the jurisdiction of the city to use or operate any alarm system or fire alarm system
20 without a current valid alarm system registration therefor. Any person found to be in
21 violation of this section 25-23 may be required to pay a fee of \$100.00 in addition to any
22 required application fees. Notwithstanding the foregoing, with respect to any property,
23 which has been, or may be in the future, annexed by the city, persons have a period of 90
24 days from the effective date of such annexation to comply with the requirements of this
25 ordinance.

26 (2) Any person within the jurisdiction of the city installing a new alarm system or fire
27 alarm system after the effective date of this section shall have 30 days from the date of
28 installation to obtain an alarm system registration therefor as required in this section.”
29

30 Section 6. That Section 25-24 of the Omaha Municipal Code be amended to read as
31 follows:

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

33
34 Each application for an alarm system or fire alarm system registration or
35 renewal shall be made by the official alarm registration contractor. The
36 application shall be on a form prescribed by the coordinator and shall contain, at a
37 minimum, the following information:

38
39 (1) The name, address and telephone number of the principal of the protected
40 premises and of the alarm company, and if known, its alarm answering service.

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(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 to the extent registration is required by the definition of alarm user and fire alarm user, 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 and fire alarm users shall be \$50.00.

(7) None of the fees or fines contained within this division of the Omaha Municipal Code shall apply to alarm systems or fire alarm systems installed upon premises occupied by the City or any public agency as defined in R.R.S. 1943 §23-2203."

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

"Sec. 25-25. Issuance of registration.

Upon receipt of the alarm system or fire alarm system registration application and application fee, the coordinator shall, if it appears that the proposed alarm system or fire alarm system will comply with the provisions of this section, issue to the applicant alarm user or fire alarm user an alarm system or fire alarm system registration bearing an identifying number, and setting forth the expiration date. The city shall not, by the issuance of any alarm system or fire 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 or fire alarm system registration application, or any renewal thereof, if the alarm user or fire alarm user has failed to pay any false alarm fees charged to such alarm user or fire alarm user as described in section 25-29."

1 Section 8. That Section 25-26 of the Omaha Municipal Code be amended to read as
2 follows:

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

4
5 (1) All alarm system registrations (including fire alarm system registrations) shall
6 expire 12 calendar months from and after the date of their issuance; all registrations may
7 be renewed for consecutive additional registration terms in the same manner as original
8 registrations were obtained.

9
10 (2) An alarm system or fire alarm system registration shall automatically terminate
11 upon any change of the principal or protected premises. No alarm system or fire alarm
12 system registration may be transferred to another principal or protected premises. No
13 refunds will be given on termination of any alarm system or fire alarm system registration
14 for any reason.

15
16 (3) Renewal alarm system or fire alarm system registrations shall be dated on the date
17 of issue. The renewal registration will not be issued until the fee is paid, and a late
18 charge of \$25.00 will be assessed on all registration holders who do not pay the renewal
19 fee prior to expiration of their existing registrations. The renewal application shall
20 contain the principal's signed statement that there have been no changes in the principal
21 or protected premises."

22
23 Section 9. That Section 25-27 of the Omaha Municipal Code be amended to read as
24 follows:

25 "Sec. 25-27. Verification of registration information.

26
27 Prior to issuing an alarm system or fire alarm system registration, and at any time
28 hereafter during the term thereof, the coordinator may conduct such investigation as
29 determined necessary to verify that the information furnished by the application or
30 permittee is correct, and that the system is in conformance with the provisions of this
31 article. All information obtained by such inspection shall be maintained confidentially by
32 the coordinator."

33
34 Section 10. That Section 25-29 of the Omaha Municipal Code be amended to read as
35 follows:

36
37 "Sec. 25-29 False Alarm fees.

38
39 (1) (a) As a condition of any alarm system registration issued under the
40 provisions of this ordinance, the alarm user shall pay to the City, within 30 days of

1 invoice, for any false alarm generated by the Alarm-user's alarm system, a false alarm fee
2 in accordance with the following schedule:

3

4 <u>The first false alarm during the registration term</u>	<u>\$ 0.00</u>
5 <u>The second false alarm during the registration term</u>	<u>\$100.00</u>
6 <u>The third false alarm during the registration term</u>	<u>\$100.00</u>
7 <u>The fourth and subsequent false alarm during the registration term</u>	<u>\$250.00</u>
8 <u>Late fee for each false alarm Invoice which is delinquent</u>	<u>\$ 25.00</u>

9

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

13

14 (b) As a condition of any fire alarm system registration issued under the
15 provisions of this ordinance, the fire alarm user shall pay to the City, within 30 days of
16 invoice, for any false alarm generated by the Fire Alarm-user's alarm system, a false
17 alarm fee in accordance with the following schedule:

18

19 <u>The first false alarm during the registration term</u>	<u>\$ 0.00</u>
20 <u>The second false alarm during the registration term</u>	<u>\$200.00</u>
21 <u>The third false alarm during the registration term</u>	<u>\$200.00</u>
22 <u>The fourth and subsequent false alarm during the registration term</u>	<u>\$500.00</u>
23 <u>Late fee for each false alarm Invoice which is delinquent</u>	<u>\$ 25.00</u>

24

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

32

33 (a) The alarm user or fire alarm user shall file a written appeal to the alarm review
34 board by setting forth the reasons for the appeal within 10 days after receipt of the alarm
35 fee notice. In making its decision, the alarm review board can take into account items it
36 believes to be relevant, including severe acts of nature, but may uphold the appeal only if
37 there was no false alarm or if the false alarm was not contributed to by the act(s) or
38 omission(s) of the user and/or its family, pets, guests, employee(s) and/or invitees.

39

40 (b) If the alarm review board denies the alarm user or fire alarm user's appeal, then
41 the alarm review board shall send written notice of the action and a statement of the right
42 to an appeal to the alarm user or fire alarm user and the alarm company. If the alarm
43 review board upholds the appeal, the alarm review board shall send a written notice of the
44 action to the alarm user or fire alarm user, alarm company and the coordinator, and shall
45 send to the alarm user or fire alarm user a check in the amount of the false alarm fee if it

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was paid. The decision of the alarm review board is final as to administrative remedies of the City.

(3) If the alarm user or fire alarm user is not satisfied with the decision of the alarm review board, the alarm user or fire 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 may 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 responses to the alarm site by again revoking the alarm system registration if it is determined that 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 system registration reinstated by the coordinator if the person:

(a) Submits a new application and pays a reinstatement fee in the amount 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 or fire 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).

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(7) The alarm company, or its designated alarm answering service, shall be assessed a fee of \$250.00 if the Omaha Police Department or Omaha Fire 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 or fire 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 or fire 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 or fire alarm user."

Section 11. That Section 25-30 of the Omaha Municipal Code be amended to read as follows:

"Sec. 25-30. Notices.

(1) Notice or billing from the City or the Official City Alarm Registration Contractor to any alarm user or fire 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 or fire alarm user and alarm company at their respective addresses shown in the City's registration records. 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 City Lock Box; provided that, any alarm user/fire alarm user registration fees required to be paid by the user to an alarm company shall be effective retroactively 5 business days prior to the date the same is received by the City."

Section 12. 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 or fire alarm user and alarm systems or fire 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

1 partnership, or (c) 1 manager or member for a limited liability company, or (d) a
2 corporate officer for a corporation, and must be approved by the coordinator or designee.

3
4 The registration application must include, but is not limited to:

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

8
9 (b) The name, address, and telephone number of the person or persons responsible for
10 the operation of the alarm company or alarm answering service in the City.

11
12 (c) Complete list of associated (contracted) alarm businesses, including name,
13 address, telephone number and alarm business registration number, that may alter, install,
14 lease maintain, monitor, repair, replace, sell at retail, serviced, or respond to an alarm
15 system in the City.

16
17 (d) An alarm business that is incorporated or organized in a state other than Nebraska
18 must include on the alarm business license application form the name and address of the
19 resident agent located in Nebraska.

20
21 (e) The remittance address including zip code.

22
23 (2) Registration applications must be accompanied by an annual, non-refundable
24 processing fee of \$250.00, which will be due and payable each year on the anniversary of
25 the issuance of the alarm business license. If the alarm business license has been revoked
26 or suspended, or has expired and been subsequently renewed, a reinstatement fee of
27 \$250.00 must accompany a reinstatement application.

28
29 (a) An applicant must not conduct business in the City until the alarm business
30 registration is approved.

31
32 (b) An applicant must give written notice of any changes to the information contained
33 in the application to the Coordinator or designee within 10 days of the change.

34
35 (3) Should an alarm business registration be suspended, revoked or refused, the alarm
36 company or alarm answering service must notify, by first class mail, within 5 days, each
37 of its alarm users that the alarm company or alarm answering service is unable to request
38 Omaha Police Department dispatch to the alarm user system for the duration of the
39 suspension, revocation or refusal.

40
41 (4) A registered alarm business must not enter into a contract regarding its business in
42 the City with an alarm business that does not have a valid alarm business registration.
43

1 (5) Any licensee or applicant who requests a hearing to show cause why an alarm
2 business registration should not be revoked or suspended or the license application should
3 be granted or renewed, must include an appeal filing fee of \$50.00."
4

5 Section 13. That Sections 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-29,
6 25-30 and 25-31 of the Omaha Municipal Code, as heretofore existing, are hereby repealed.

7 Section 14. That the changes made in this Ordinance shall take full force and take effect
8 forty-five (45) days from the date of its passage.

INTRODUCED BY COUNCILMEMBER

Nancy Berglund

APPROVED BY:

Jim Suttle 7/23/09
MAYOR OF THE CITY OF OMAHA DATE

PASSED JUL 21 2009 6-0

ATTEST:

Dorothy Brown 7/23/09
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

B. L. ... 6/25/09
ASSISTANT CITY ATTORNEY DATE

712

Finance

ORDINANCE NO. 38-168

AN ORDINANCE to amend Sections 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-29, 25-30 and 25-31 of the Omaha Municipal Code, dealing with the registration, forms, fees, and methods for alarms so that it applies to fire alarms as described; to provide that the application for alarm registration and payment of fees therefor shall be made to an official City alarm registration contractor; to provide for repealing Sections 25-20, 25-21, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-29, 25-30 and 25-31 of the Omaha Municipal Code as heretofore existing; and providing for the effective date hereof.

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71 ✓

PUBLICATIONS

PUBLICATION OF HEARING

Date 7-3-09

PUBLICATION OF ORDINANCE

Date _____

PRESENTED TO COUNCIL

1st Reading JUN 3 0 2009 - Hearing

214109 pursuant to City Council Resolution 7-1-09

Hearing JUL 14 2009 - a/c to 7-1-09

Final Reading JUL 21 2009 -

Passed 6-0

BUSTER BROWN
City Clerk