

ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE amending Chapter 5.56 of the Lincoln Municipal Code relating  
2 to Emergency Alarm Systems by amending Section 5.56.010 to add and revise definitions; amending  
3 Section 5.56.020 to make words and phrases consistent with the definitions; adding a new Section  
4 5.56.025 to specify procedures relating to the permitting of alarm businesses, to specify the length  
5 of time a permit remains valid, to specify the fee for an alarm business permit, to specify the time  
6 period allowed for renewal of alarm business permits, and to provide a fee for failure to obtain a  
7 permit; amending Section 5.56.030 to require permits for all alarm users, to specify the length of  
8 time a permit remains valid, to specify the time period allowed for renewal of alarm user permits,  
9 and to provide for a permit fee; amending Section 5.56.040 to require an alarm business to  
10 immediately notify the alarm user of an alarm, to provide a procedure for notification of the  
11 Emergency Communications/911 Center of an emergency alarm, and to delete requirements that  
12 notification be made by the Chief of Police; amending Section 5.56.050 to establish a fee schedule  
13 for false alarms to be assessed to the alarm user during the alarm user permit term and other fees;  
14 adding a new Section 5.56.055 to provide an appeal process; adding a new Section 5.56.065 relating  
15 to the process for notices and service of the same; amending Section 5.56.080 to change the penalty  
16 language to include a \$50-\$500 fine for violation of Section 5.56.020; adding a new Section  
17 5.56.090 to establish a severability section for Chapter 5.56; and repealing Sections 5.56.010,  
18 5.56.020, 5.56.030, 5.56.040, 5.56.050 and 5.56.080 of the Lincoln Municipal Code as hitherto  
19 existing.

20           WHEREAS, the City Council finds that intrusion alarm response requires expenditure  
21 of law enforcement resources on a regular basis; and

1           WHEREAS, the City Council finds that local law enforcement regularly responds  
2 to intrusion alarms for which no evidence exists that an actual intrusion had been attempted or made;  
3 and

4           WHEREAS, the City Council finds that such responses result in a drain on City  
5 resources; and

6           WHEREAS, the City Council finds that the reasonable cost of repeated response to  
7 the same location on unverified intrusion alarms should be assessed to the alarm user at that  
8 location; and

9           WHEREAS, the City Council finds that the fees assessed in this chapter reasonably  
10 relate to the delivery of response service for false alarms and other associated administrative costs;  
11 and

12           WHEREAS, the City Council finds that registration of alarm businesses and alarm  
13 users is in the best interest of the City and the protection of the public safety and welfare of its  
14 inhabitants.

15           BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

16           Section 1. That Section 5.56.010 of the Lincoln Municipal Code be amended to read  
17 as follows:

18           **5.56.010     Definitions.**

19           The following definitions shall apply in the interpretation and enforcement of this chapter.

20           **Alarm business** shall mean any business operated by a person which engages in the activity  
21 of altering, installing, leasing, maintaining, repairing, replacing, servicing, testing, monitoring, or  
22 responding to an emergency alarm system, or which causes any of these activities to take place  
23 within the city jurisdiction.

1           Alarm Review Board shall mean a five-member board comprised of persons appointed or  
2 selected as follows: one retired or active-duty police officer designated by the Chief of Police, one  
3 person from a neighborhood association appointed by the Mayor, two representatives from separate  
4 alarm businesses appointed by the Mayor, and one representative from the local business community  
5 appointed by the Mayor, provided that said member is not employed by any business performing  
6 any activity listed in Section 5.56.025(b)(3). The appointed members of the Alarm Review Board  
7 shall serve for two-year terms. The presence of three or more members shall constitute a quorum of  
8 the Alarm Review Board

9           **Alarm system** shall mean ~~emergency alarm system as hereinafter defined as an assembly~~  
10 ~~of equipment, devices and component, or any one self-contained device, arranged to automatically~~  
11 ~~signal the present occurrence of a robbery or other unlawful intrusion by audible alarm or direct~~  
12 ~~connections to central station, answering service, or direct dialer to which the Lincoln Police Depart-~~  
13 ~~ment is expected to respond~~ any device used to detect or prevent intrusion, criminal activity or other  
14 such emergency situations which, when activated, causes notification to be made directly or  
15 indirectly to the Lincoln Police Department, or any device or system designed primarily for the  
16 purpose of giving an audible or visual signal of an attempted intrusion, criminal activity or other  
17 such emergency.

18           For purposes of this chapter, an alarm system shall not include:

- 19           (a)   An alarm installed on a motor vehicle.
- 20           (b)   An alarm installed upon premises occupied by the City or any public agency  
21               as defined in R.R.S. 1943, § 23-2203.
- 22           (c)   Any device or system designed solely to detect or give notice of fire or  
23               smoke.

1           **Alarm user** shall mean any person, firm, ~~or partnership, association, corporation, company~~  
2 or organization of any kind in control of any building, structure or facility who purchases, leases,  
3 contracts for or otherwise obtains an alarm system and thereafter contracts with or hires an alarm  
4 business to monitor and/or service the alarm device, or who owns or operates an alarm system,  
5 which is not monitored, maintained or serviced under contract with an alarm business. ~~on whose~~  
6 ~~premises an alarm system is maintained within the city and within three miles of the corporate limits~~  
7 ~~of the city, except for alarm systems on motor vehicles. If, however, an alarm system on a motor~~  
8 ~~vehicle is connected with an alarm system at a premises, the person using such system is an alarm~~  
9 ~~user.~~

10           **Annunciator** shall mean that part of an alarm system which communicates the fact that the  
11 system has been triggered.

12           **Answering service** shall mean and refer to a telephone answering service providing among  
13 its services the service of receiving on a continuous basis, through trained employees, emergency  
14 signals from alarm systems; and thereafter immediately relaying the message by live voice to an  
15 emergency communications center, maintained by local government thereby inducing emergency  
16 response.

17           **Audible annunciator** shall mean an annunciator which gives an alarm by means of a bell,  
18 siren, buzzer or similar sound-producing device mounted at some location which, when activated,  
19 is clearly audible at a distance of 50 feet or more outside of any building in which it is mounted. Any  
20 non-monitored system with one or more audible annunciations shall constitute a local alarm system.

21           **Automatic dialing device** shall mean and refer to an alarm system which automatically  
22 sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message

1 or coded signal indicating the existence of the emergency situation that the alarm system is designed  
2 to detect.

3 **Burglar alarm system** shall mean and refer to an alarm system signaling an entry or  
4 attempted entry into the area protected by the system.

5 **Central station system** shall mean an office to which remote alarm and supervisory  
6 signaling devices are connected, where operators supervise the circuits, and where runners are  
7 dispatched to investigate signals, and which has been certified as complying with "UL and NFPA"  
8 standards for central station facilities, equipment, and operation.

9 **Chief of Police** shall mean the chief of the Lincoln Police Department or a duly appointed  
10 authorized representative.

11 **Emergency Communications/911 Center** shall mean the combined emergency communica-  
12 tions center maintained by the City of Lincoln and Lancaster County in the County-City Building  
13 or any other place or location from which elements of the Police Department or Fire and Rescue  
14 Department are dispatched.

15 **False alarm** shall mean ~~the activation of an alarm system, except those caused by acts of~~  
16 ~~God, including but not limited to extraordinary electrical storms, tornadoes, or floods, or actual~~  
17 ~~emergency to which the Lincoln Police Department gave an emergency response~~ an alarm signal  
18 eliciting an urgent response by police when a situation requiring an urgent response did not exist at  
19 or about the time; that is, no unauthorized intrusion or attempted intrusion. The burden of proving  
20 that such alarm was not a false alarm shall be on the alarm user.

21 **Fire alarm** shall mean an alarm signal intended to signal a fire, smoke or intense heat.

22 **Holdup alarm system** shall mean and refer to an alarm system signaling a robbery or  
23 attempted robbery.

1           **Location** shall mean the street address of the premises in which an alarm system is installed.

2           **Monitoring** shall mean the process by which an alarm business or its designated alarm  
3 answering service receives signals from an alarm system and relays an alarm dispatch request to the  
4 Emergency Communications/911 Center for the purpose of summoning law enforcement to the  
5 alarm site.

6           **NFPA** shall mean and stand for the National Fire Protection Association.

7           **Panic alarm** shall mean an audible alarm system signal generated by the manual activation  
8 of a device intended to signal a life threatening or emergency situation requiring law enforcement  
9 response.

10          **Permit term** shall mean a period from the date of issuance, beginning on January 1 of each  
11 even-numbered year and ending on January 1 of the next even-numbered year. A permit may be  
12 renewed between January 1 and January 31 of said even-numbered year.

13          **Primary trunkline** shall mean a telephone line leading directly into the communications  
14 center maintained by local government that is for the purpose of handling emergency calls on a  
15 person-to-person basis, and which is identified as such by a specific number included among the  
16 emergency numbers listed in the telephone directory issued by the telephone company and covering  
17 the service area within the Police and Fire and Rescue Department's jurisdiction.

18          **Severely handicapped individual** shall mean a handicapped individual who has a severe  
19 physical or mental disability which seriously limits mobility or communication and who has one or  
20 more physical or mental disabilities resulting from amputation, arthritis, blindness, cerebral palsy,  
21 cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, multiple sclerosis, muscular  
22 dystrophy, musculo-skeletal disorders, neurological disorders (including stroke), paraplegia,  
23 quadriplegia, other spinal cord conditions, or any other condition which causes substantial functional  
24 limitation.

1           UL shall mean and stand for Underwriters' Laboratories.

2           Verify or verification shall mean an attempt by the alarm business or its designated alarm  
3 answering service to contact the alarm user by telephonic or other electronic means, whether or not  
4 actual contact with an alarm user is made, to determine whether an alarm signal is valid before  
5 requesting the Lincoln Police Department dispatch, in an attempt to avoid an unnecessary alarm  
6 dispatch request.

7           Section 2. That Section 5.56.020 of the Lincoln Municipal Code be amended to read  
8 as follows:

9           **5.56.020       Registration Permit Required.**

10           It shall be unlawful for ~~the owner or lessee or any alarm system~~ any alarm business to  
11 perform any alarm business activity and for any alarm user to utilize such an alarm system without  
12 first registering such system with the Chief of Police obtaining a permit or when said permit has  
13 been suspended, revoked, refused or expired as hereinafter provided.

14           Section 3. That Chapter 5.56 of the Lincoln Municipal Code be amended by adding  
15 a new section numbered 5.56.025 to read as follows:

16           **5.56.025       Permit; Alarm Business.**

17           (a)       Any person engaging in an alarm business in the City, except for those businesses  
18 who only sell or install alarm systems that are not intended to be monitored by a third party other  
19 than the respective alarm user, and alarm systems with one or more audible annunciations must  
20 apply to the Chief of Police, or the designee specified on the application form, for a permit or permit  
21 renewal to operate as an alarm business or alarm answering service. Such application must be signed  
22 by either (1) the owner of the business for a sole proprietorship; (2) one general partner for a  
23 partnership; (3) one manager or member for a limited liability company; or (4) a corporate officer  
24 for a corporation, and must be approved by the Chief of Police or designee.

25           (b)       The permit application must include, but is not limited to:

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

4           (2)    The name, address, and telephone number of the person or persons  
5 responsible for the operation of the alarm business or alarm answering service in the city.

6           (3)    A complete list of associated (contracted) alarm businesses, including name,  
7 address, telephone number and alarm business permit number, that may alter, install, lease maintain,  
8 monitor, repair, replace, sell at retail, service, or respond to an alarm system in the city.

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

12           (5)    The remittance address including zip code.

13         (c)    (1)    Within 60 days from the effective date of this ordinance (09-151), any alarm  
14 business shall obtain a permit as provided in this section, and thereafter it shall be unlawful for any  
15 alarm business to conduct any operations within the jurisdiction of the city without a current valid  
16 alarm business permit.

17           (2)    Permit applications under this section must be accompanied by a non-  
18 refundable processing fee of \$100.00. Each alarm business issued a permit pursuant to this section  
19 shall file a renewal application on a form specified by the Chief of Police and a nonrefundable  
20 renewal fee of \$100.00 with the Chief of Police between January 1 and January 31 of each even-  
21 numbered year. If the renewal application and renewal fee are not received by January 31 of the  
22 even-numbered year, the alarm business permit shall be deemed expired. The Chief of Police or his  
23 designated representative shall send a notice of renewal to each alarm business permittee not more  
24 than 45 days, nor less than 30 days, prior to January 1 of each even-numbered year.



1           (3)    If the alarm business permit has been revoked or suspended, or has expired  
2 and been subsequently renewed, a reinstatement fee of \$100.00 must accompany a reinstatement  
3 application. Reinstatement of a permit shall not extend the expiration date of the permit.

4           (4)    An applicant shall not conduct business in the city until the alarm business  
5 permit or alarm business permit renewal is approved.

6           (5)    An applicant shall give written notice of any changes to the information  
7 contained in the application to the Chief of Police or designee within ten days of the change.

8           (d)    If an alarm business permit is suspended, revoked or refused, the alarm business or  
9 alarm answering service shall notify, by first class mail, within five days, each of its alarm users that  
10 the alarm business or alarm answering service is unable to request Lincoln Police Department  
11 dispatch to the alarm user's system for the duration of the suspension, revocation or refusal.

12           (e)    A permitted alarm business shall not enter into a contract regarding its business in  
13 the city with an alarm business that does not have a valid alarm business permit.

14           Section 4. That Section 5.56.030 of the Lincoln Municipal Code be amended to read  
15 as follows:

16 **5.56.030    Registration Permit; Alarm User.**

17           (a)    ~~The owner or lessee of any alarm system~~ Any alarm user shall register apply to the  
18 Chief of Police for a permit for said system with the Chief of Police, unless said alarm system  
19 protects a private residence, in which case no registration shall be required.

20           (b)    The registration alarm user permit application shall show:

21           (α 1)   The name, and address, and telephone number of the owner or lessee of the  
22 alarm system alarm user;

23           (β 2)   The name, address, and telephone number of the any authorized representa-  
24 tives;

25           (ε 3)    The location at which the alarm system is installed;

1           (~~d~~ 4) The alarm business servicing the alarm system.

2           (c) Permit applications under this section must be accompanied by a non-refundable  
3 processing fee of \$100.00.

4           (1) Permit applications under this section shall be accompanied by a  
5 nonrefundable processing fee of \$100.00. Each alarm user issued a permit pursuant to this section  
6 shall file a renewal application on a form specified by the Chief of Police and a nonrefundable  
7 renewal fee of \$100.00 with the Chief of Police between January 1 and January 31 of each even-  
8 numbered year. If the renewal application and renewal fee are not received by January 31 of the  
9 even-numbered year, the alarm business permit shall be deemed expired. The Chief of Police or his  
10 designated representative shall send a notice of renewal to each alarm user permittee not more than  
11 45 days, nor less than 30 days, prior to January 1 of each even-numbered year.

12           (2) If an alarm user permit has been revoked or suspended, a reinstatement fee  
13 of \$100.00 must accompany a reinstatement application. Reinstatement of an alarm user permit  
14 shall not extend the expiration date of the permit.

15           (d) Upon receipt of said ~~registration permit~~, the Chief of Police shall keep said  
16 ~~registration permit application~~ on file. The Chief of Police shall designate upon such ~~registration~~  
17 ~~permit application~~ the date and time of any false alarms received at that location, and the officers  
18 who responded. Said ~~registration permit application~~ shall be open for the inspection of the alarm  
19 user or authorized representative of the alarm user on regular business days, between the hours of  
20 8:00 a.m. and 4:00 p.m. at the office of the Chief of Police.

21           (e) Nothing in this section shall relieve ~~the owner or lessee of~~ any user of an alarm  
22 system protecting a private residence from other duties or obligations imposed by this chapter.

23           (f) Within 60 days from the effective date of this ordinance (09-151), any alarm user  
24 shall obtain an alarm system user permit, and thereafter it shall be unlawful for any person within

1 the jurisdiction of the City to use or operate any alarm system without a current valid alarm system  
2 permit therefor.

3 (1) Any alarm user on any property annexed by the City shall have a period of  
4 60 days from the effective date of such annexation to comply with the requirements of this  
5 ordinance.

6 (2) Any person within the jurisdiction of the City installing a new alarm system  
7 after the effective date of this section shall have 60 days from the date of installation to obtain an  
8 alarm system user permit therefor as required in this section.

9 Section 5. That Section 5.56.040 of the Lincoln Municipal Code be amended to read  
10 as follows:

11 **5.56.040 Alarm User Response.**

12 ~~Upon receiving an emergency alarm signal, the Chief of Police shall immediately notify the~~  
13 ~~alarm user or an authorized representative of the alarm user. Upon being notified of an activated~~  
14 ~~alarm, the alarm user or an authorized representative of the alarm user shall immediately respond~~  
15 ~~to the premises in person without delay.~~

16 (a) Any alarm business or its designated alarm answering service reporting an alarm to  
17 the Emergency Communications/911 Center shall give the following information:

18 (1) The principal or business name, the address of the protected premises, and  
19 the type of premises, if any, by which the premises are known.

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

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

24 (b) (1) The alarm business or its designated alarm answering service or a person  
25 reporting annunciation for a local alarm system may report to the Emergency Communications/ 911

1 Center any non-permitted alarms, provided that any such report shall also include information that  
2 the alarm originated from a non-permitted alarm system.

3 (2) It will be the responsibility of the alarm business to provide the names and  
4 locations of alarm users with current, valid alarm system permits to their designated alarm answering  
5 service. The Emergency Communications/911 Center shall provide written notice to the alarm  
6 business that the Lincoln Police Department response originated from a non-permitted alarm user.

7 (c) The alarm business or its designated alarm answering service on a report relating to  
8 annunciation for a local alarm system may make an alarm dispatch request of the Lincoln Police  
9 Department in response to an alarm signal during the first seven days following an alarm system  
10 installation, provided the request also includes information that the alarm system from which the  
11 signal originated was made within the first seven days following installation. Any alarm signals  
12 reported during that period shall not be considered a false alarm against the alarm user. The  
13 reporting alarm business shall follow all procedures required by this chapter and shall be subject to  
14 any assessed fees authorized in this chapter. In addition, the alarm business or alarm answering  
15 service shall:

16 (1) Report alarm signals by using telephone numbers designated by the Chief of  
17 Police;

18 (2) Verify every alarm signal, except a duress, holdup, panic or fire alarm  
19 activation before requesting a law enforcement response to an alarm system signal;

20 (3) Communicate alarm dispatch request to the municipality in a manner and  
21 form determined by the Chief of Police;

22 (4) Communicate cancellations to the City in a manner and form determined by  
23 the Chief of Police;

24 (5) Provide that all alarm users of alarm systems equipped with a duress, holdup,  
25 panic or fire alarms are given adequate training as to the proper use of the duress, holdup, panic or  
26 fire alarm;

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

3           (7)    Communicate type of alarm activation (silent or audible, interior or  
4 perimeter);

5           (8)    Provide an alarm user permit number when requesting law enforcement  
6 dispatch;

7           (9)    After an alarm dispatch request, promptly advise the Emergency Communi-  
8 cations/911 Center if the alarm business or its designated alarm answering service knows that the  
9 alarm user or its agent is on the way to the alarm site;

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

12          (11)   Upon the effective date of this section, any alarm business and its designated  
13 alarm answering service, if applicable, must maintain for a period of at least two years from the date  
14 of the alarm dispatch request, records, relating to alarm dispatch requests. Records must include the  
15 name, address and telephone number of the alarm user, the alarm system activated, the time of alarm  
16 dispatch request and evidence of an attempt to verify. The Chief of Police may request copies of  
17 such records for any individually named alarm user. If the request is made within 60 days of an  
18 alarm dispatch request, the alarm business or alarm answering service shall furnish requested  
19 records within three business days of receiving the request. If the records are requested between 60  
20 days and two years after an alarm dispatch request, the alarm business or its designated alarm  
21 answering service shall furnish the requested records within 30 days of receiving the request.

22                 Section 6. That Section 5.56.050 of the Lincoln Municipal Code be amended to read  
23 as follows:

24 **5.56.050     Fees; False Alarms; Other.**

25                 It shall be unlawful for the owner or lessee of any alarm system to accumulate more than four  
26 ~~false alarms, per location, in any twelve-month period.~~

1           (a)     As a condition of any alarm system permit issued under the provisions of this chapter,  
2 the alarm user shall pay to the City, within 90 days of invoice, for any false alarm generated by the  
3 alarm user’s alarm system, a false alarm fee to partially reimburse the City for costs incurred in  
4 responding to said false alarm, in accordance with the following schedule:

|   |  |                          |
|---|--|--------------------------|
| 5 | <u>One through six false alarms during the permit term</u>       | <u>\$0.00</u>            |
| 6 | <u>Seven through 15 false alarms during the permit term</u>      | <u>\$100.00</u>          |
| 7 | <u>Each false alarm exceeding 15 during the permit term</u>      | <u>\$250.00</u>          |
| 8 | <u>Late fee for each false alarm invoice which is delinquent</u> | <u>50% of the false</u>  |
| 9 |  | <u>alarm invoice fee</u> |

10           (b)     The alarm business, or its designated alarm answering service, shall be issued a no  
11 verification fee of \$100.00 for each failure to verify alarm system signals as described in subsection  
12 5.56.040(c)(2) .

13           (c)     The alarm business, or its designated alarm answering service, shall be assessed a  
14 fee of \$250.00 if the Lincoln Police Department, responding to the false alarm, determines that an  
15 on-site employee of the alarm business, or its designated alarm answering service, directly caused  
16 the false alarm. In this situation, the false alarm shall not count against the alarm user.

17           (d)     The alarm business, or its designated alarm answering service, shall be assessed a fee  
18 of \$100.00 if the alarm business, or its designated alarm answering service, after receiving notice  
19 under subsection 5.60.040(b)(2) that an alarm user does not have a valid alarm user permit, reports  
20 an alarm signal and fails to inform the Emergency Communications/911 Center that such alarm  
21 signal is from a non-permitted alarm user.

22                     Section 7. That Chapter 5.56 of the Lincoln Municipal Code be amended by adding  
23 a new section numbered 5.56.055 to read as follows:

24 **5.56.055     Appeals; Procedure**

25           (a)     Any alarm business or alarm user who, under this chapter, has had a permit  
26 application denied; a permit revoked or suspended; or who has been assessed a fee, other than the

1 nonrefundable permit application fee, permit renewal fee, or permit reinstatement fee, may appeal  
2 such denial, revocation, suspension, or fee to the Alarm Review Board.

3 (b) The alarm business or alarm user shall file a written appeal to the Alarm Review  
4 Board by setting forth the reasons for the appeal within ten days after receipt of the notice of denial,  
5 revocation, suspension, or specified fee. In making its decision, the Alarm Review Board can take  
6 into account items it believes to be relevant, including severe acts of nature

7 (c) All appeals shall be accompanied by an appeal filing fee of \$25.00.

8 (d) Upon receipt of the written appeal and appeal fee, the Alarm Review Board shall  
9 schedule a hearing within fourteen days.

10 (e) The alarm business or alarm user filing the appeal may personally appear and shall  
11 present written statements or documentary evidence relevant to the determination.

12 (f) The Alarm Review Board may grant the appeal or deny the appeal. An appeal may  
13 be granted if there are three or more affirmative votes by a quorum of the Board. If there are less  
14 than three affirmative votes by a quorum of the Board, the appeal shall be denied.

15 (g) The Alarm Review Board may only grant an appeal of a false alarm fee if there was  
16 no false alarm or if the false alarm was not caused or contributed to by any act(s) or omission(s) of  
17 the alarm user and/or its family, pet(s), guest(s), employee(s), and/or any other invitee.

18 (h) The Alarm Review Board shall send written notice of the determination to the alarm  
19 business or alarm user and to the Chief of Police. If the appeal of an assessed fee was granted, the  
20 Alarm Review Board shall direct that the City refund the fee amount actually paid. The decision  
21 of the Alarm Review Board is final as to the administrative remedies of the City.

22 (i) If the alarm business or alarm user is not satisfied with the decision of the Alarm  
23 Review Board, the alarm user may seek judicial remedies permitted by law. Filing of an appeal shall  
24 stay the denial by the Alarm Review Board until the judicial remedies have been exhausted or

1 otherwise terminated. If no appeal is made within the prescribed period, then the action of the  
2 Alarm Review Board shall be final.

3 (j) A person whose alarm system permit has been revoked may, at the discretion of the  
4 Chief of Police, have the alarm system permit reinstated by the Chief of Police if the person:

5 (1) Submits a new application and pays a reinstatement fee in the amount of the  
6 permit fee in effect on the date of filing such new application;

7 (2) Pays, or otherwise resolves, all outstanding false alarm fees and other fees;

8 (3) Submits a certificate from an alarm business, stating that the alarm system  
9 has been inspected and repaired (if necessary) by the alarm business.

10 Section 8. That Chapter 5.56 of the Lincoln Municipal Code be amended by adding  
11 a new section numbered 5.56.065 to read as follows:

12 **5.56.065 Notices.**

13 (a) Notice or billing from the City or the official City alarm permit contractor to any  
14 alarm user shall be deemed to have been given or rendered on the date such notice or billing is  
15 deposited in the U.S. mail, first class postage, prepaid, addressed to the alarm user and alarm  
16 business at their respective addresses shown in the City's permit application records. A notarized  
17 certificate signed by the person who mailed the notice shall be prima facie evidence of the facts  
18 stated therein with respect to such notice. Notice from the City to any alarm user or alarm business  
19 shall be deemed to have been given or rendered three business days after the date such notice is  
20 deposited in the U.S. mail, first class postage, prepaid, addressed to the alarm business at its address  
21 shown in the City's permit application records.

22 (b) Notice to the City or payment under this chapter shall be effective when received at  
23 the location designated by the City in the notice.

24 Section 9. That Section 5.56.080 of the Lincoln Municipal Code be amended to read  
25 as follows:



1 **5.56.080 Penalties.**

2 Any person, firm, or corporation upon whom a duty is placed by Sections 5.56.020, 5.56.030,  
3 5.56.040, 5.56.060, or 5.56.070 of this chapter who shall fail, neglect, or refuse to perform such duty  
4 or who shall violate any of the provisions of those sections; In addition to any assessments imposed,  
5 any alarm business or alarm user who shall violate Section 5.56.020 of this chapter shall be deemed  
6 guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$100.00  
7 \$500.00, nor less than \$50.00.

8 ~~Any person, firm, or corporation who shall violate the provisions of Section 5.56.050 shall~~  
9 ~~be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount of~~  
10 ~~twenty-five dollars.~~

11 ~~Each day that a violation of this chapter continues shall constitute a separate and distinct~~  
12 ~~offense and shall be punishable as such.~~

13 Section 10. That Chapter 5.56 of the Lincoln Municipal Code be amended by adding  
14 a new section numbered 5.56.090 to read as follows:

15 **5.56.090 Severability.**

16 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held  
17 to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision  
18 shall not affect the validity of the remaining portions of this ordinance. The City Council hereby  
19 declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and  
20 phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences,  
21 clauses, or phrases hereof be declared invalid or unconstitutional.

22 Section 11. That Sections 5.56.010, 5.56.020, 5.56.030, 5.56.040, 5.56.050 and  
23 5.56.080 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

1                   Section 12. That this ordinance shall take effect and be in force from and after its  
2 passage and publication in one issue of a daily or weekly newspaper of general circulation in the  
3 City according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

|   |
|---|
| Approved this ___ day of _____, 2009:<br><br>_____<br>Mayor |
|---|